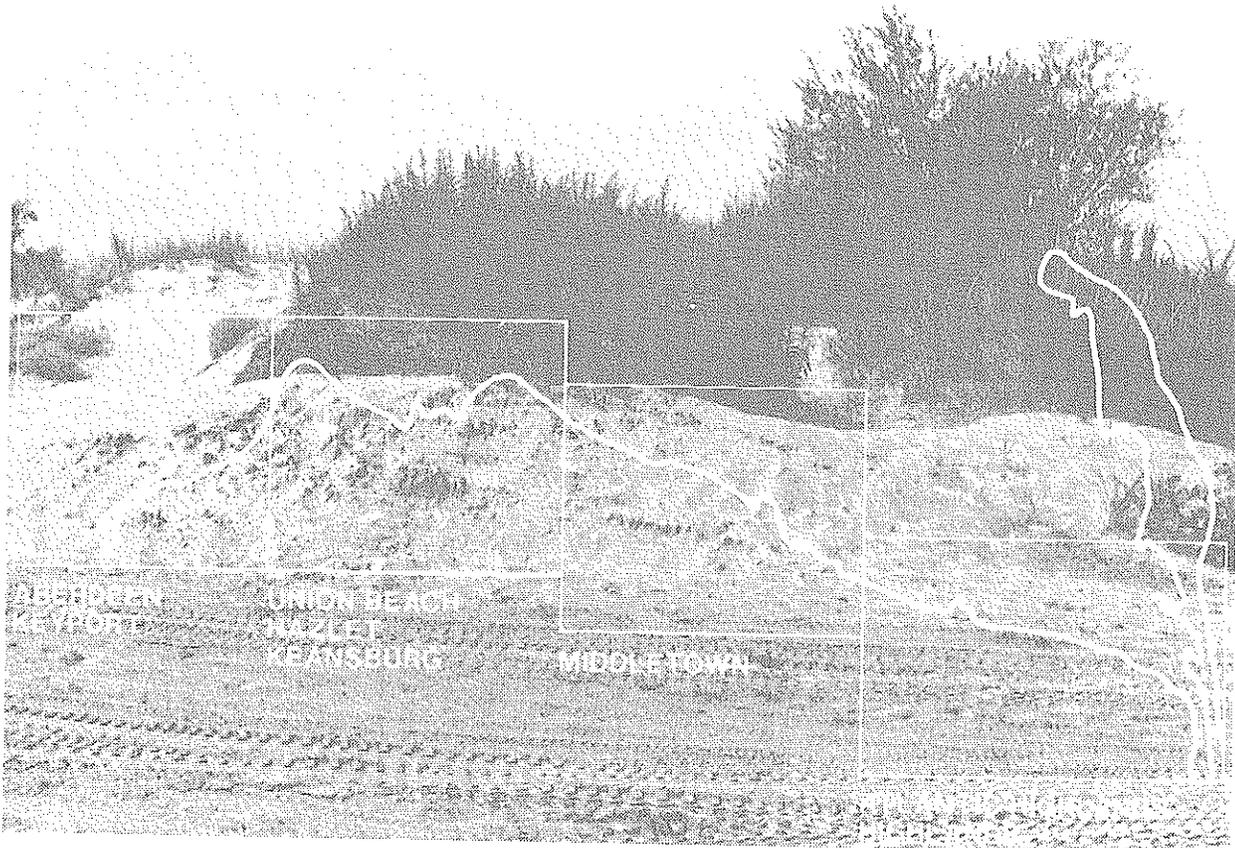


# BAYSHORE WATERFRONT ACCESS PLAN



PREPARED BY  
MONMOUTH COUNTY PLANNING BOARD  
WITH  
THE TRUST FOR PUBLIC LAND

December 1987

# **BAYSHORE WATERFRONT ACCESS PLAN**

**AN ELEMENT OF THE MONMOUTH COUNTY GROWTH MANAGEMENT GUIDE**



**December 1987**

**Ralph A. Siciliano 1943-1987**  
Chairman of the Board

**Robert W. Clark, P. P.**  
Director of County Planning

**MONMOUTH COUNTY PLANNING BOARD**  
Hall of Records Annex  
Post Office Box 1255  
Freehold, New Jersey 07728-1255

Mr. Rettagliata offered the following resolution and moved its adoption:

RESOLUTION ADOPTING THE BAYSHORE WATERFRONT ACCESS PLAN AS AN ELEMENT OF THE MONMOUTH COUNTY GROWTH MANAGEMENT GUIDE

WHEREAS, the Monmouth County Planning Board adopted the Monmouth County Growth Management Guide in October 1982 as the official County master plan pursuant to the New Jersey County and Regional Planning Enabling Act of 1968 (NJSA 40: 27-et seq.); and

WHEREAS, the Monmouth County Planning Board, with assistance from the Northeast Regional Office of the Trust for Public Land, has prepared the Bayshore Waterfront Access Plan in order to provide a framework for the preservation, enhancement, and expansion of access to and along Monmouth County's Bayshore Waterfront, an area which has been the focus of considerable redevelopment interest; and

WHEREAS, an informal public hearing on the initial draft of the Plan was held on 24 March 1987 in Union Beach; and

WHEREAS, in accordance with NJSA 40:27-1 et seq., a public hearing was held on 16 November 1987 on the proposed adoption of the Plan as an element of the Monmouth County Growth Management Guide following the publication of an official notice in two newspapers of general circulation, the Asbury Park Press and The Register, and the transmittal of the Plan and notice 20 days prior to the hearing to the municipal clerk and planning board secretary of each municipality in the County and to the county planning boards of adjoining counties; and

WHEREAS, after a careful consideration of the public comments received at the hearing, the Monmouth County Planning Board has agreed to certain modifications in the Plan;

NOW THEREFORE, BE IT RESOLVED that the Monmouth County Planning Board, in accordance with NJSA 40:27-1 et seq., hereby adopts the Bayshore Waterfront Access Plan, as amended, as an element of the Monmouth County Growth Management Guide;

THEREFORE, BE IT FURTHER RESOLVED that an attested copy of the Bayshore Waterfront Access Plan be sent to the Monmouth County Board of Chosen Freeholders, Monmouth County Board of Recreation Commissioners, the governing body and planning board of each municipality in the County and to the county planning boards of neighboring counties.

Seconded by Mr. Baxter and passed upon the following vote:

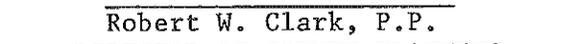
In the affirmative: Messrs, Baxter Kiernan, Rettagliata, Bradshaw, Narozanick, and Warters.

In the negative: None.

Absent: Messrs, Caponegro, Corodemus, Giannechini, Larrison, Powers, Spinogatti, and VanBenschoten.

I do hereby certify that the foregoing is a true copy of a Resolution adopted by the Monmouth County Planning Board at a meeting on 21 December 1987.

  
Kathryn E. Wilson  
SECRETARY OF THE BOARD

  
Robert W. Clark, P.P.  
DIRECTOR OF COUNTY PLANNING  
Professional Planners License #1561

## **ACKNOWLEDGEMENTS**

The Monmouth County Planning Board would like to thank the staff of The Trust for Public Land for all the fine work they did in developing the draft Bayshore Waterfront Access Plan and for the assistance they continue to give. In particular, the efforts of Peter Stein, Vice-President; Ela Krause, Project Manager; Elizabeth Byers and David Tiemann, Field Representatives; and Laura Stark, Planning Intern; have been invaluable.

Thanks also to the New Jersey Department of Environmental Protection, Division of Coastal Resources for funding the study, and to Dan Van Abs, Ruth Ehinger and John Keenan of the Division for the very valuable assistance they have given.

All photographs were taken by Paul DeNucci of the Monmouth County Department of Public Information/Tourism.

In addition, thanks are extended to all the public officials, organizations and private citizens that have commented on the draft versions of this Plan.

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preparation.

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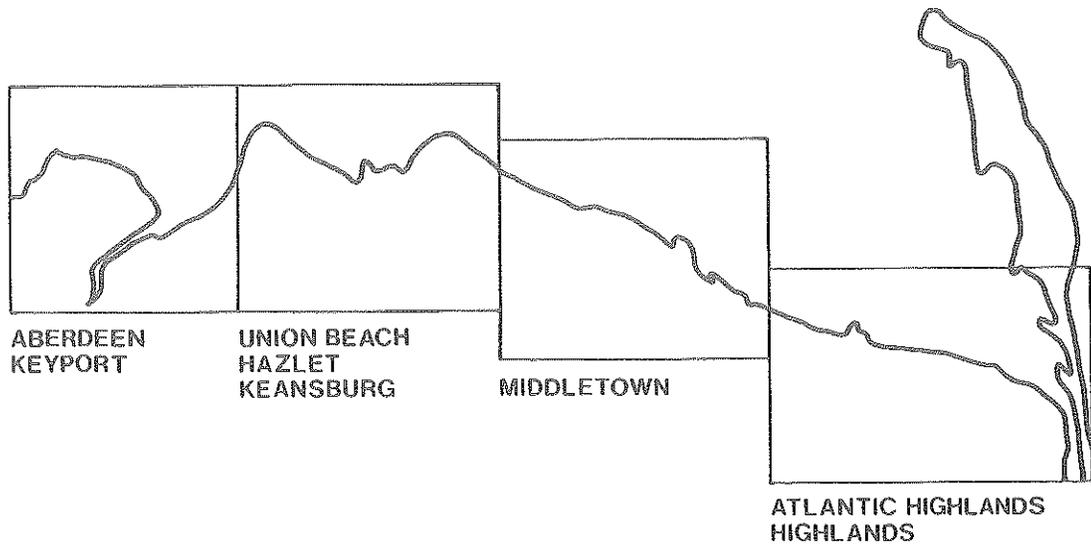
## PREFACE

The Bayshore Waterfront Access Plan is the product of a four-month study which was commissioned by the Monmouth County Planning Board and funded through a Local Coastal Planning Grant from the New Jersey Department of Environmental Protection. The Trust for Public Land, a nationwide non-profit land conservation organization, was the consultant for the study. This concept plan, which has been adopted as part of the Monmouth County Growth Management Guide, provides a framework for the preservation, enhancement and expansion of public access to Monmouth County's Bayshore waterfront between Middlesex County and Sandy Hook.

The background studies conducted for the Bayshore Waterfront Access Plan include extensive inventories of existing public access conditions along the Bayshore, ownership and land use patterns, natural resources, boating facilities, public transportation routes, and current planning and zoning proposals. Most importantly, interviews with public officials, environmental organizations, citizens and developers have contributed to the identification of the public access needs and goals addressed in this Plan.

The Plan is a vision of the future, to be implemented incrementally through a combination of regulatory controls, developer negotiations, public park acquisitions, infrastructure development, and, most of all, through the active cooperation and initiative of citizens and agencies concerned with public access preservation as an integral part of the overall economic development contemplated for the area.

# Plan Overview



## PLAN OVERVIEW

### Need for the Plan

In his 1987 State of the State address, Governor Kean noted that "after lying dormant for decades, Monmouth County's Bayshore is coming to life with new businesses and housing." Townhouse and condominium developments are being built throughout the area, and several large-scale, multi-use projects have been proposed recently. This emerging redevelopment of the Bayshore has highlighted the need for a comprehensive approach to the preservation and development of open space and opportunities for public access to the waterfront. The challenge, as stated in Bayshore: Rediscovering its Future (1985), commonly known as the Bayshore Development Plan, is to "get in front of the change and direct it, so that Bayshore's quality of life is enhanced, not radically altered."

As real estate prices along the Bayshore rise to an all-time high, an influx of higher-income year-round residents from other areas of the New York Metropolitan Region is beginning to change the demographic pattern of the traditionally low- and moderate-income Bayshore neighborhoods. Without planning and intervention now, these development trends could preclude public access opportunities along the waterfront.

The growing demand for regional open space and public recreation in Monmouth County has been clearly identified in the Statewide Comprehensive Outdoor Recreation Plan (1977), the New Jersey Outdoor Recreation Plan (1984), the Monmouth County Open Space Guide (1984) and the Marina Study (Monmouth County Parks System, 1984). Bayshore communities have the potential to play a particularly important role in satisfying existing and future regional recreation demands.

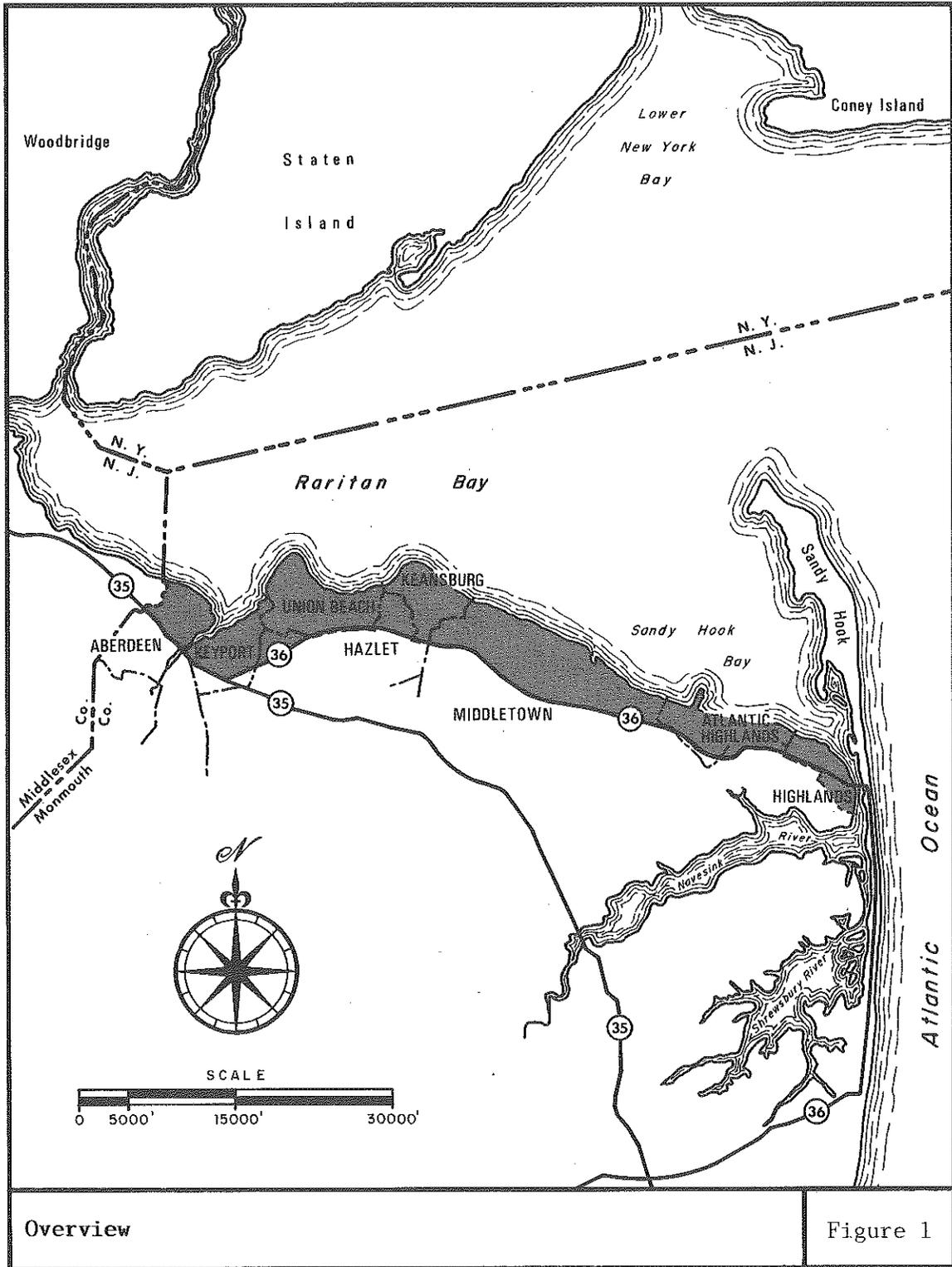
### Study Area

The study area for the Bayshore Waterfront Access Plan is Monmouth County's Bayshore waterfront. This area extends from the Monmouth/Middlesex County border easterly to the Highlands Bridge. Today, seven separate municipalities comprise the target area: Aberdeen, Keyport, Union Beach, Keansburg, Middletown, Atlantic Highlands, and Highlands; Hazlet's Natco Lake is also targeted. (See Figure 1.)

Historically, the Bayshore played a role as a market and distribution center for the agricultural goods produced on the fertile soils of the County's interior. Later the Bayshore's local commercial resources were developed. These included shellfish, clay (used in brick and tile manufacturing) and the waterfront as a tourist attraction.

The existing housing stock within the study area consists predominantly of single-family housing, although concentrations of multi-family units exist in Keyport, Highlands and Atlantic Highlands. Many of the Bayshore's year-round dwelling units were originally summer cottages. Keyport/Matawan has been designated in the Monmouth County Growth Management Guide as the only urban center on the Bayshore. This

# BAYSHORE STUDY AREA



Overview

Figure 1

designation is based on its potential for providing mixed-use activities for County-wide needs. The largest employers in the area are the International Flavor and Fragrances Company, located in Union Beach, and Naval Weapons Station Earle in Middletown.

In 1985, there were 166,583 people living in the Bayshore region (MCPB, 1985). In 1980, median household incomes in the region ranged from \$14,157 in Keyport to \$26,631 in Middletown, compared to the County-wide median household income of \$21,061 and Statewide median household income of \$19,801 (U.S. Census Bureau, 1980).

Because of the many wetlands and flood prone areas in the Bayshore and the presence of coastal bluffs and steep slopes in Highlands, Middletown, Atlantic Highlands and Aberdeen, large areas of undeveloped land exist. A 1985 Monmouth County Planning Board field survey revealed the following vacant land percentages for the Bayshore communities: Aberdeen Township, 23.5%; Keyport Borough, 10.4%; Union Beach, 26.1%; Keansburg Borough, 7.6%; Middletown Township, 10.9%; Atlantic Highlands, 10.1%; and Highlands, 3.7%.

Since 1983, as a result of an overall County demand for housing, development has begun to take place on these vacant properties, particularly in the communities of Atlantic Highlands, Aberdeen, Keansburg, and Keyport.

#### **Plan Goals**

The Bayshore Waterfront Access Plan has three major goals:

- o Provide continuous visual and pedestrian access to and along the entire Bayshore waterfront for the general public.
- o Provide continuous bicycle access to and along the entire Bayshore waterfront for the general public.
- o Protect and enhance the scenic, natural, historic, cultural, and open space resources of the Bayshore and integrate these resources into a major waterfront park.

#### **Bayshore Waterfront Park**

The Bayshore Waterfront Park will be a linear park system that will link existing and proposed open space and preservation areas, recreational activity nodes and points of interest along the Bayshore by means of a Bayshore Trail and Bikeway. The Bayshore Trail and Bikeway and the features associated with them will provide direct contact with the water's edge to the maximum extent possible and will be identified by signs bearing the Park logo.

In addition to the Bayshore Trail and Bikeway, the Bayshore Waterfront Park's major components will be the Regional Park and Preservation Areas and the Local Waterfront Parks. The five proposed Regional Park and Preservation Areas will protect and preserve important natural features and help to meet County-wide open space and water-oriented recreation

needs, while the Local Waterfront Parks will provide opportunities for active and passive recreation for local users at frequent intervals along the shoreline.

### **Maps**

During the preparation of the Bayshore Waterfront Access Plan, the Bayshore area was divided into four target sections: Aberdeen and Keyport; Union Beach, Hazlet and Keansburg; Middletown; Atlantic Highlands and Highlands.

The Bayshore Waterfront Access Plan Concept Maps (Concept Maps), which are organized by these sections, were developed to clearly identify the Bayshore Waterfront Park components, which include the Bayshore Trail and Bikeway, regional and local parks as well as the existing and proposed recreation opportunities.

### **Vehicular Access**

As the individual components of the Bayshore Waterfront Access Plan are implemented, there will be a need to improve land and water-based public transit services and to direct and facilitate vehicle movement to appropriate areas of the Bayshore waterfront. These issues will be addressed in future studies.

### **Implementation Techniques**

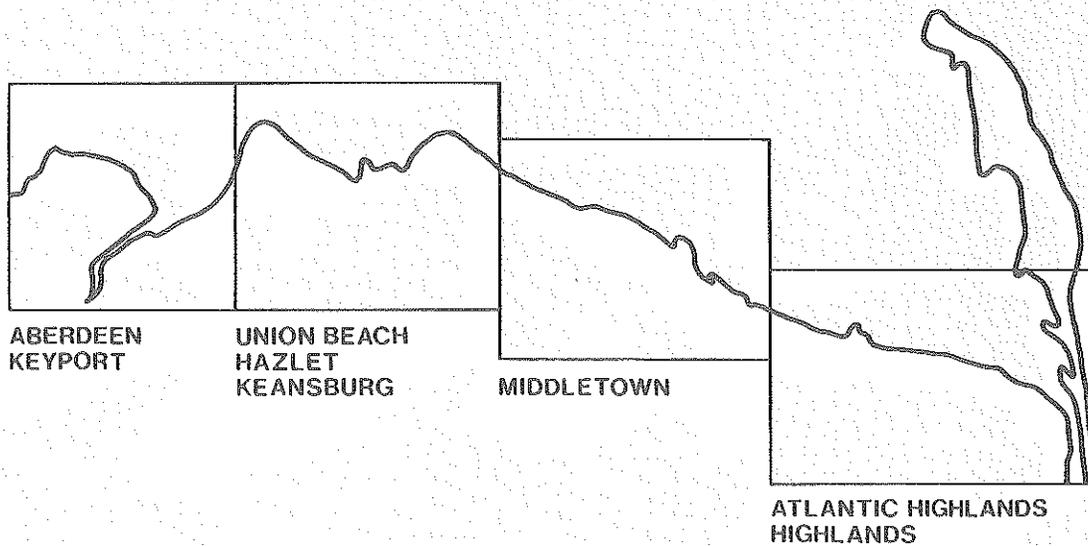
Implementation is the crucial element of any plan. The Plan discusses the legal basis for providing access to New Jersey's shoreline and describes the various implementation techniques and funding sources available to State, County, and local officials and nonprofit organizations.

### **Implementation Strategy**

To help ensure the timely implementation of the Plan, an implementation strategy is presented. This Plan also discusses the roles of major participants in the implementation process: public agencies, the private sector, nonprofit organizations, and citizens.

The Plan recommends that a full-time Bayshore Access Coordinator be hired by the County to initiate and coordinate the implementation of the Plan and to facilitate the formation of a Bayshore Waterfront Conservancy. In addition, the Plan recommends the formation of a Bayshore Waterfront Conservancy, a single-purpose regional entity which would promote the implementation of the Plan. The Conservancy would negotiate for and hold easements to property. Its members should include municipal and County agencies, representatives of environmental organizations, citizens and developers.

# Bayshore Waterfront Park



## BAYSHORE WATERFRONT PARK

The Bayshore Waterfront Park will be a regional park system that will extend along the Bayshore from the Middlesex/Monmouth County border to the Highlands Bridge. The Park will consist of five Regional Park and Preservation Areas, Local Waterfront Parks and nodes of interest, including marinas, fishing opportunities and scenic, historic and natural resources. The Park components will be connected by a Bayshore Trail and Bikeway.

The Bayshore Waterfront Park components will be identified by a comprehensive system of signs that will be strategically located to maximize the Park's usage. Refer to the Concept Maps for a complete overview of the Park.

### Bayshore Trail

The Bayshore Trail, a regional waterfront walkway, is one of the linear components of the Bayshore Waterfront Park. Together with the Bikeway, the Bayshore Trail will link neighborhoods and nodes of interest, including natural, cultural, historic, scenic and open space resources. The Bayshore Trail is consistent with the New Jersey Department of Environmental Protection's Division of Coastal Resources policy encouraging projects that link existing parks while providing for direct contact with the water's edge. (See Concept Maps.)

There should be no physical or visual obstructions between the Trail and the water. Access points to the Trail should be marked wherever appropriate at existing streets, parks and street ends. All new development and redevelopment projects should be required to maintain these existing access-ways for use by the general public. Street-end access points are the most common type of waterfront access and should be retained in public ownership. Access from them should be formalized by the construction of low wooden fences or guardrails which allow pedestrian and handicapped access through a central point. Plantings and seating can be provided to enhance the appearance and use of the street-ends. The first priority for these improvement projects should be given to major street-ends. On-street parking restrictions in these areas should be lifted whenever possible.

The proposed Trail alignment will be based on the Plan's premise that it should be cost effective and easily implemented. Efforts to reserve the physical space for the Trail should begin immediately. In places where shore protection structures (such as bulkheads, seawalls and groins) exist or are proposed, the desirability of routing the Trail along these structures should be investigated. This would conform to the policy in the New Jersey Rules on Coastal Resources and Development which specifies that "public access, including parking where appropriate, shall be provided to publicly funded shore protection structures and to waterfronts created by public projects, unless such access would create a safety hazard to the user."

The Plan recommends that the following alignment considerations be used as guidelines for the Trail's development. In all cases the Trail route will incorporate views, safety, maintenance of security, privacy for existing waterfront users and environmental protection. The following elaborates on how the Trail can be implemented along both developed and undeveloped areas of the shoreline.

- o Beaches - The Trail will become a beachwalk along publicly owned beaches that are sufficiently wide to provide linear access to the water at high tide and privately owned beaches if an access easement can be negotiated.

If the beach is insufficiently wide to provide high tide access, the Trail can be built adjacent to the beach, provided not in/on dunes, or if waterfront land uses preclude this, along an interior route. A firm, upland surface is encouraged where possible to provide access for all pedestrians, including elderly and handicapped.

- o Wetlands - Special protection measures must be taken to ensure protection of the wetland environment. An elevated boardwalk is recommended, where appropriate.
- o Vacant Waterfront Land - The Trail, either improved (paved) or unimproved (gravel path) can be constructed along the waterfront so that it does not block dunes or environmentally sensitive areas. If the land is privately owned it would be necessary to acquire it or purchase an easement.
- o Developed Land/Active Use - For waterfront land that is currently developed without a publicly accessible beach, the Trail will need to be integrated into an existing active use (e.g., commercial, industrial, residential, marina or street).

If an existing, informal access way already exists, an easement can be negotiated so that a more formal trail can be built. In cases where the landowner's privacy or security is an issue, the provision of fences and/or vegetation screens can be addressed during the negotiations.

If, as in the case of a water-dependent use such as a commercial fishery, the public safety necessitates the restriction of Trail use during the peak hours of operation, a secondary trail which follows the site's rear perimeter should be provided. Whenever possible, these trails should provide views of the operation to permit an appreciation of traditional waterfront uses and activities.

If interior streets are utilized as an alternate Trail location, the street should be of sufficient width to accommodate pedestrians safely if a sidewalk does not currently exist. Ideally, a sidewalk or a pedestrian zone separated from the roadway would be provided.

- o Development and Redevelopment Projects - Each municipality should ensure the provision of linear and perpendicular public access to the waterfront as part of a new waterfront development and redevelopment project. Developers of larger tracts should be encouraged to provide a wider easement for the Trail, for the placement of public amenities. This would supplement the Rules on Coastal Resources and Development, which encourage the provision of perpendicular and linear access for projects under the jurisdiction of the New Jersey Division of Coastal Resources. Municipalities and developers are encouraged to use the Hudson River Walkway Plan and Design Guidelines (1984) as a prototype until such time as the State and local governments develop specific guidelines for the Bayshore.

The development of detailed design standards for the Bayshore Trail should be initiated by the Bayshore Access Coordinator and should be a cooperative effort between the State, County and municipal governments. These standards should then be incorporated into municipal master plans and zoning ordinances.

For a description of each Trail segment see Table 1, which is keyed into the Concept Maps.

# DESCRIPTION of TRAIL SEGMENTS

Section #	Length (Miles)	Existing Land Use/ Conditions	Proposed Improvements	Ownership of Upland Area	Implementation Strategy	Highlights/ Activities
<b>ABERDEEN</b>						
1	1.0	Beach	None; walkway could be incorporated with existing seawall	Municipal	Inclusion in Regional Park and Preservation Area	View of New York Bay; start of Bayshore Trail and Bikeway
2	1.4	Wetlands	Elevated trail along inland edge of wetlands below slopes; wood chip or gravel surface	Municipal and private	Inclusion in Regional Park and Preservation Area	Views of Keyport Harbor and wetlands
<b>KEYPORT</b>						
3	0.5	Sidewalk along West Front Street between Matawan and Luppattatong Creeks	None	Municipal	N.A.	View of Keyport Harbor and Matawan Creek wetlands
4	0.5	Waterfront promenade	Should be widened as part of downtown revitalization and shore protection project	Municipal	Inclusion in Local Waterfront Park	Access to fishing pier and future waterfront park, including marina
5	0.07	Boat ramp and park; asphalt and grass surface; beach	None	Municipal	N.A.	View of New York Bay
6	0.15	Beach	None	Private	Negotiate access easements	View of New York Bay
7	0.5	Sidewalks along Atlantic, First, Prospect and East Front Streets; neighborhood park land	None	Municipal	N.A.	Trail passes through First Street Historic District; adjacent uses include two marinas
8	0.15	Beach	Beach clean-up	Private	See #6	View of New York Harbor
9	0.5	Beach	Beach clean-up; bridge over Chingarora Creek	Private	Inclusion in Regional Park and Preservation Area; negotiate access easement	Exceptional views of New York Harbor and Conasconk Point from top of landfill
<b>UNION BEACH</b>						
10	1.3	Wetlands	Beach trail; elevated trail at the inland edge of wetlands	Private	Inclusion in Regional Park and Preservation Area	Swimming and passive recreation
11	0.15	Beach	None	Private	See #6	View of New York Bay; potential boat ramp
12	0.3	Beach and municipal park	None	Municipal	N.A.	View of New York Bay; passive recreation; swimming
13	0.15	Sidewalk along Front Street between Pine Street and Brook Avenue	None	Municipal	N.A.	Access to commercial facilities such as restaurants
13a	0.13	Vacant land and beach	Elevated waterfront walkway as part of proposed restaurant development	Private	Developer negotiations and regulatory controls	View of New York Bay
14	0.8	Beach and wetlands	Shoreline trail and bridge over East Creek	Private	Corporate sponsorship (1F&F)	Wetlands observation
15	0.65	Railroad Right-of-Way; gravel surface	Repair bridge over Waackaack Creek	Private	Public acquisition of R.O.W. from JFF	Access to Natco Lake; passive recreation; fishing
15a	0.75	Vacant land and wetlands; dirt road to powerhouse	Possible trail on dike adjacent to dirt road	Private	Corporate sponsorship; (1FF) negotiate access to Keansburg Beach from powerhouse	View of New York Bay and wetlands from top of dike
<b>KEANSBURG</b>						
16	0.6	Sidewalk along Park Avenue, First Street, Laurel Avenue, and Riverside Avenue	None	Municipal	N.A.	Walk through existing neighborhood
17	2.25	Dirt road along Riverside Avenue R.O.W.; beach	Trail	Private, municipal and State	Inclusion in Regional Park and Preservation Area; negotiate access easement	View of New York Harbor from top of dunes; access to amusement park and ferry to Manhattan and proposed marina at Riverside Avenue; swimming
<b>MIDDLETOWN</b>						
18	0.75	Beach	None	State and municipal	Inclusion in Regional Park and Preservation Area	View of New York Bay; swimming

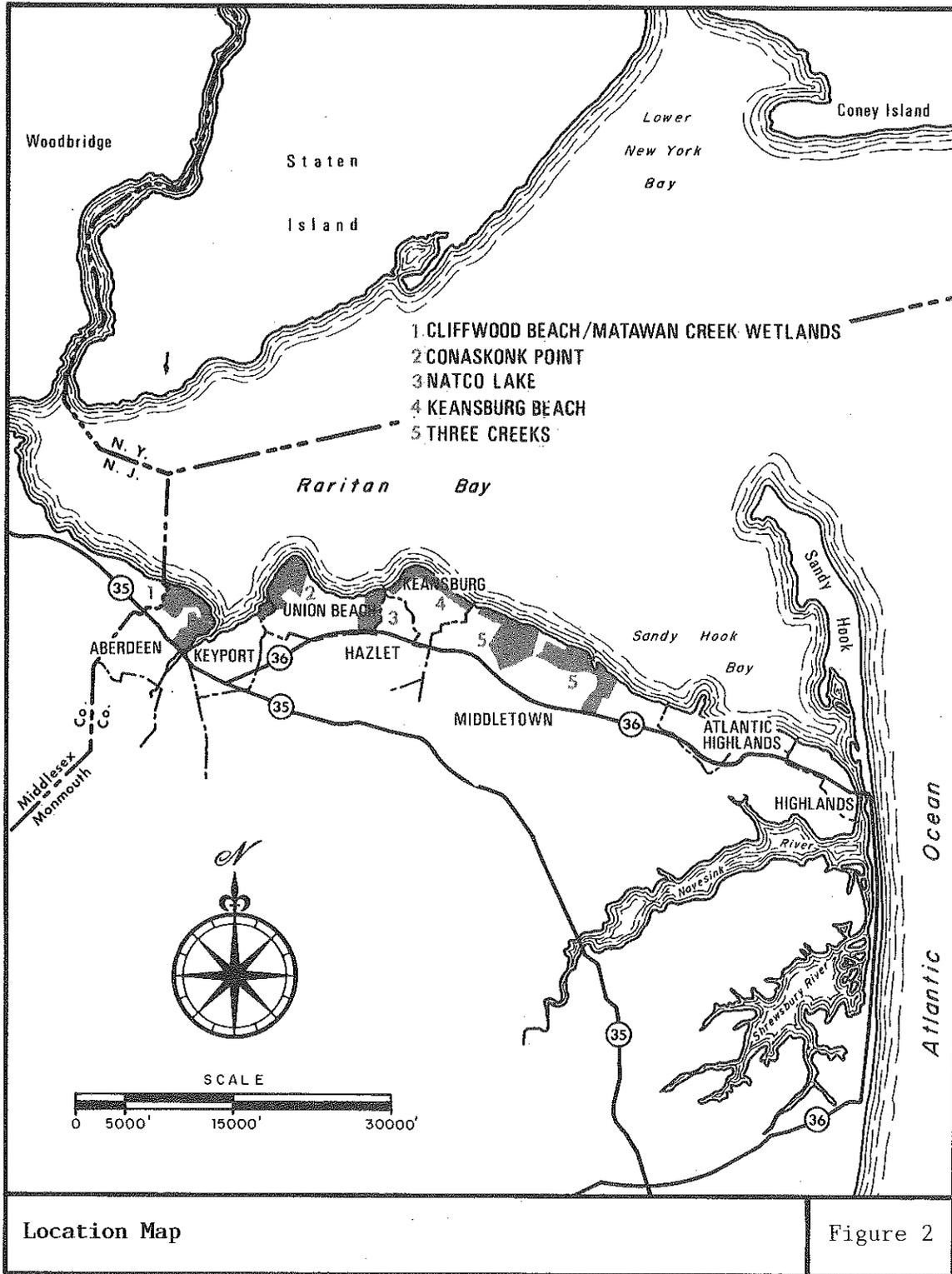
Table 1

# DESCRIPTION of TRAIL SEGMENTS

Section #	Length (Miles)	Existing Land Use/ Conditions	Proposed Improvements	Ownership of Upland Area	Implementation Strategy	Highlights/ Activities
<b>MIDDLETOWN (Continued)</b>						
18a	0.54	Wetlands	Footbridge	Public	Inclusion in Regional Park and Preservation Area	View of New York Bay; wetlands
19	1.1	Beach	None	Municipal and private	Inclusion in Regional Park and Preservation Area; negotiate access easements	Contiguous to Paws Creek wetlands; view of New York Bay
20	0.5	Filled land and beach	Trail development as part of redevelopment project	Private	Developer negotiations	View of New York Bay and proposed ferry operation
21	0.2	Road	Sidewalk	Public	Signage	View of Belford fishing boats and activities
22	0.38	Path	Trail construction	Private	Inclusion in Regional Park and Preservation Area; developer negotiations	View of fishing activities of Shoal Harbor and Historic District
23	0.42	Beach	None	Private	Inclusion in Regional Park and Preservation Area; negotiate access easements	Shoreline walk
24	1.2	Wetlands	Elevated trail along western border of wetlands	Private	Inclusion in Regional Park and Preservation Area; negotiate access easements	View of Ware Creek wetlands
25	0.65	Rail Right-of-Way	Minor trail upkeep	Private	Public acquisition of Railroad Right-of-Way	Hiking and biking
26	0.36	Road	Sidewalks	Public	Signage	Walk through existing neighborhoods
27	0.6	Sandy filled area with beach	Trail as part of proposed marina expansion on site	Private/ public	Developer negotiations	Shorewalk
28	0.55	Road	None	Public	Signage	View of Leonardo State Marina
29	0.2	Beach	None	Private	Negotiate access easements	View of New York Harbor
30	0.2	Road and beach	None	Public	Signage	View of New York Harbor
31	0.25	Beach	None	Private	Negotiate access easements	View of New York Harbor
32	0.3	Road	None	Public	Signage	Walking and biking
<b>ATLANTIC HIGHLANDS</b>						
33	0.2	Public park	Designated path	Municipal	Incorporate into existing Local Waterfront Park	Active and passive recreation
34	0.15	Oil tank facility; walk along pierhead/ revetment	Elevated walkway	Private	Developer negotiations	View of New York Harbor
35	0.25	Bulkhead above low-tide beach	None	Private	Negotiated access easements above bulkhead	View of New York Harbor
36	0.6	Road, municipal marina	None	Public	Incorporate Trail into marina expansion	View of Atlantic Highlands Municipal Marina
37	1.6	Railroad Right-of-Way along shoreline	Construction of Trail for hiking and bicycling	Public, part under option to private developer	Public acquisition of Railroad Right-of-Way	View of Atlantic Highlands bluffs, Sandy Hook, and New York Bay
<b>HIGHLANDS</b>						
38	0.15	Road	None	Public	Signage	View of Sandy Hook Bay
39	0.5	Beach, ferry pier, restaurant	None	Private	Negotiate access easements	View of ferry operation; and Sandy Hook Bay
40	0.6	Park and roadside bulkhead used for view and fishing	Improvements along road at bulkhead for seating	Public	Inclusion in Local Waterfront Park	View of Sandy Hook Bay; fishing
41	0.15	Marina parking lot, land between fish dispensary and bulkhead	Improved Trail with stairs and fences to protect landowners	Private	Negotiate access easements	View of Sandy Hook Bay and industrial operation
42	0.18	Beach	None	Public and private	Negotiated access easements	View of Sandy Hook Bay; active and passive recreation
43	0.65	Road	None	Public	Signage	Access to restaurants and commercial activities

Table 1 (continued)

# PROPOSED REGIONAL PARK and PRESERVATION AREAS



## **Bikeway**

The second linear component of the Bayshore Waterfront Park is the Bikeway. As with the Bayshore Trail, the Bikeway will link neighborhoods and nodes of interest, including natural, cultural, historic, scenic and open space resources. In most instances the Bikeway will run along existing streets, necessitating a comprehensive signage system. At all times, it will be as close to the water's edge as possible. Where appropriate and feasible, the Bikeway should be combined with the Bayshore Trail. In areas such as the International Flavors and Fragrances and Naval Weapons Station Earle sites and the bluffs in Atlantic Highlands, the existing Right-of-Way of the old Seashore Branch of the Central Railroad of New Jersey may be utilized for the Bikeway if it is brought into public ownership.

The development of design standards for the Bikeway should be initiated by the Bayshore Access Coordinator and should be a cooperative effort of the State, County and municipal governments. These standards should than be incorporated into municipal master plans and zoning ordinances. One set of standards that could be used is found in Time-Saver Standards for Site Planning (DiChiara and Koppelman, 1984), which breaks bikeways down into three classes. Class I bikeways are completely separated from motor vehicle or pedestrian traffic. Class II bikeways are adjacent to either a walkway or roadway, while Class III bikeways share the right-of-way with either motor vehicle or pedestrian traffic.

## **Regional Park and Preservation Areas**

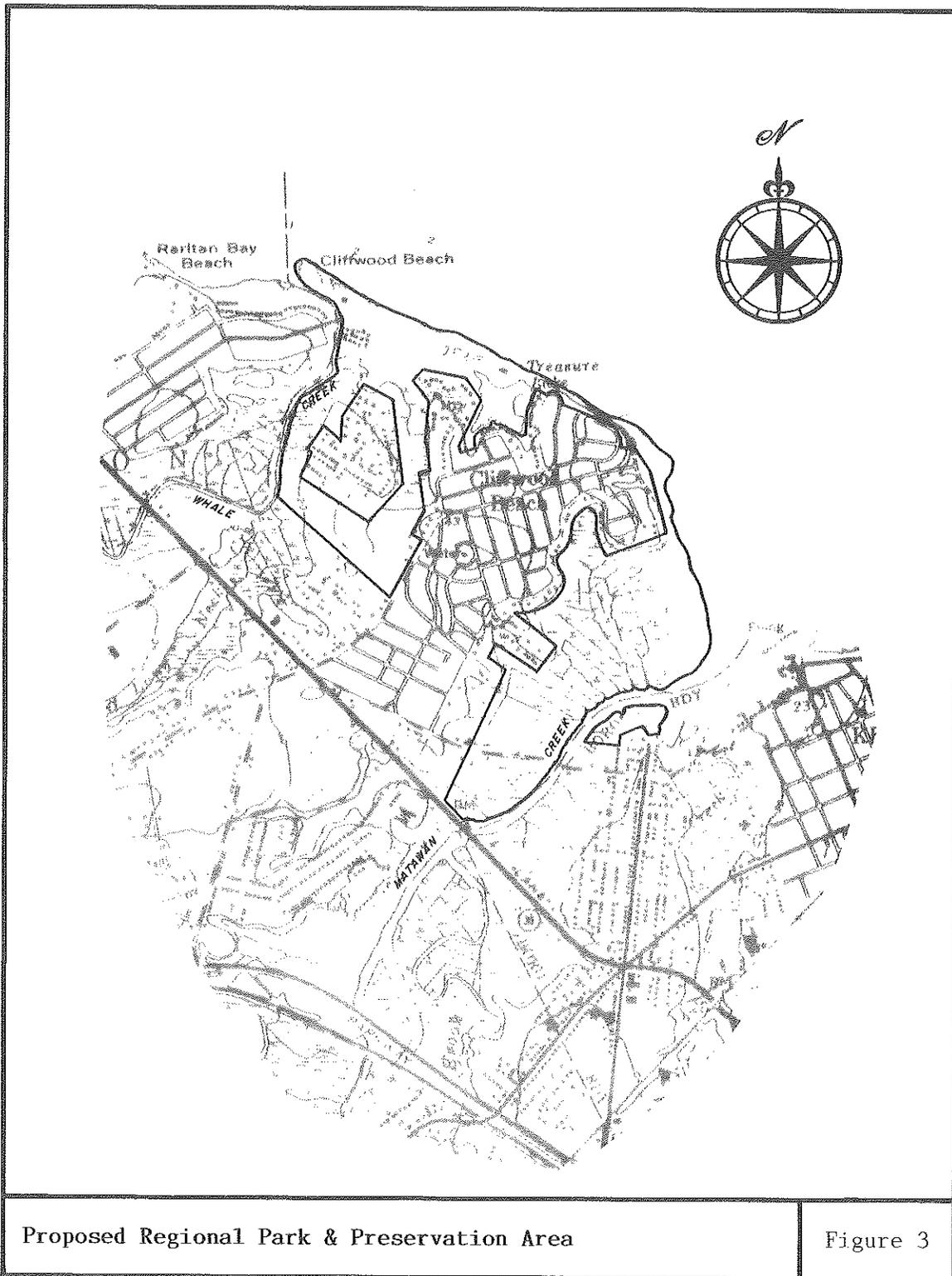
Regional parks and the preservation of environmentally sensitive areas have been identified as major needs in the Bayshore. The Regional Park and Preservation Areas will serve as one of the focal points of the Bayshore Waterfront Park. They would serve a County-wide need and provide a variety of water-related activities, while protecting environmentally sensitive areas.

According to the New Jersey Outdoor Recreation Plan (1984), which sets forth comprehensive guidelines for the development of recreational resources in the State, Monmouth County's population is expected to grow by 29% between 1980 and the year 2000, and the County-wide open space needs will increase by 18%.

At the present time there are no regional parks at the Bayshore. Recognizing this deficiency, the Monmouth County Park System has been actively pursuing the development of a park along the Bayshore.

The Bayshore Waterfront Access Plan recommends the establishment of five Regional Park and Preservation Areas along the Bayshore as part of the linear park system. The recommendations discuss location of the Park, resources of the area, size and possible implementation techniques. This information is included in Figures 2-7 and Tables 2-6 on the following pages.

# CLIFFWOOD BEACH/MATAWAN CREEK WETLANDS



# CLIFFWOOD BEACH/MATAWAN CREEK WETLANDS

Municipalities:	Aberdeen and Keyport		
Resources:	Beach, dunes, archeologically and geologically significant bluff formations, steep slopes, lake, wetlands, wildlife habitat.		
Proposed Activities:	Swimming, fishing, boating, bicycling, hiking.		
Proposed Improvements:	Additional parking, wetlands clean-up, trails, fishing piers, boatramps.		
Ownership:	Municipal and private.		
Size and Value:	<p>Aberdeen: Approximately 25 acres of privately owned vacant land assessed at over \$150,000, including Twin Towers Marina. Approximately 250 to 300 acres of municipally owned land dunes and beach, and wetlands area.</p> <p>Keyport: Approximately 6 acres of privately owned land assessed at over \$116,000.</p>		
Existing Zoning:	<p>Aberdeen: CR (Conservation/Recreation).</p> <p>Keyport: RC (Multiple dwellings).</p>		
Other Constraints:	Township unable to afford permanent maintenance; recent dredge spoil dumping affected Aberdeen wetlands.		
Implementation:	Transfer of public property from municipalities to Monmouth County Park System and acquisition of title or easements of a few private parcels adjacent to Amboy Avenue by the County Park System.		
Summary & Comments:	County management of lake, park, bluffs, beach and wetlands areas would add a diverse recreation and preservation area of regional significance to the County's inventory. Starting point for Bayshore Trail and Bikeway.		
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 75%; text-align: center;">Proposed Regional Park &amp; Preservation Area</td> <td style="width: 25%; text-align: center;">Table 2</td> </tr> </table>		Proposed Regional Park & Preservation Area	Table 2
Proposed Regional Park & Preservation Area	Table 2		

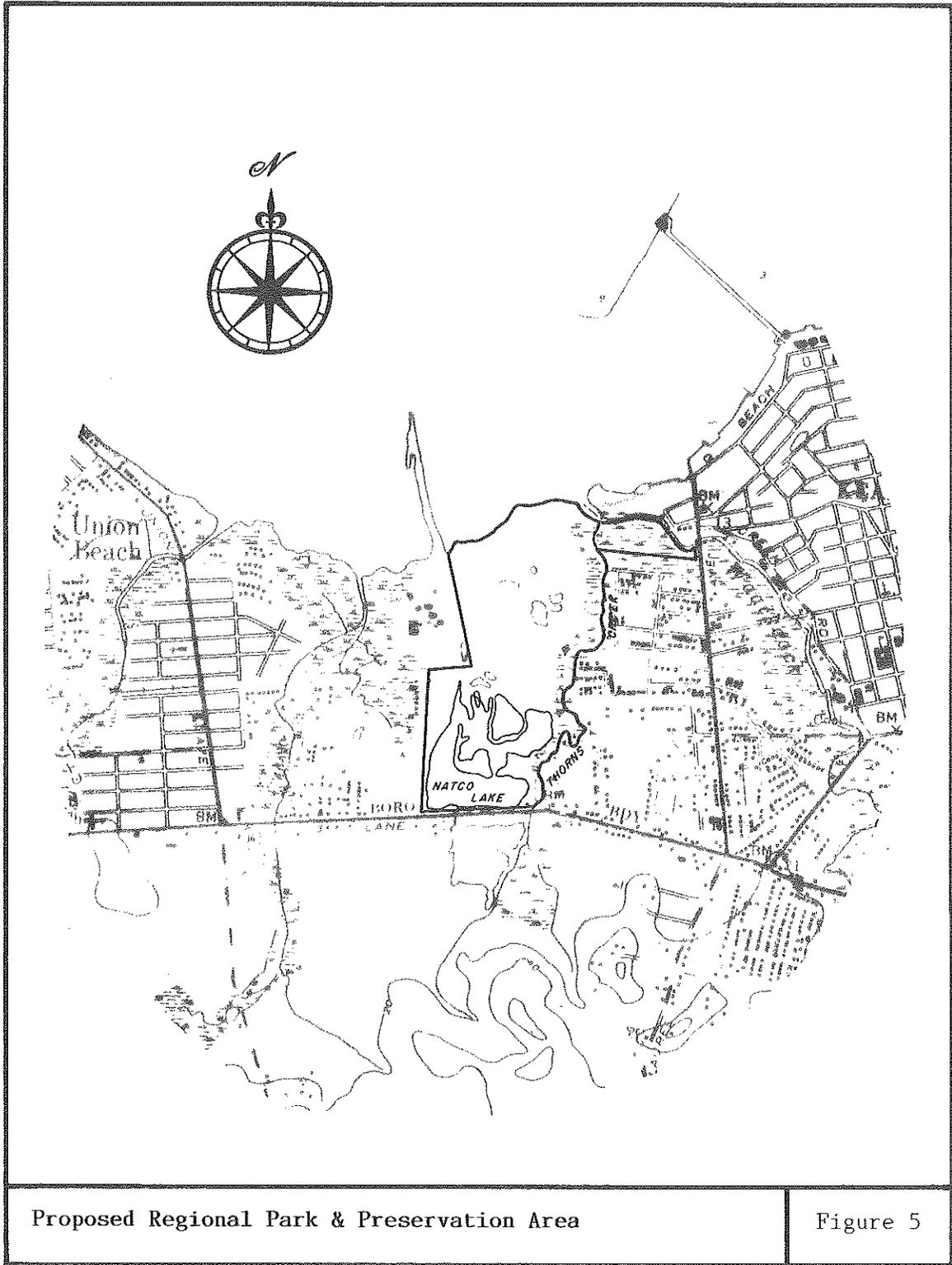
# CONASKONK POINT



# CONASKONK POINT

Municipalities:	Keyport and Union Beach		
Resources:	<p>Keyport: vacant land, beach, wetlands.</p> <p>Union Beach: wetlands, coastal flood areas, wildlife habitat for migratory birds, beach.</p>		
Proposed Activities:	Biking, nature interpretation, hiking, swimming, boating.		
Proposed Improvements:	<p>Keyport: beach cleanup, environmental center, bike parking, picnic tables, landscaping.</p> <p>Union Beach: parking next to existing municipal boatramp. It should be noted that Union Beach has adopted a Waterfront Plan.</p>		
Ownership:	Private.		
Size & Value:	<p>Keyport: 40+ acres, assessed at approximately \$200,000.</p> <p>Union Beach: 200+ acres, assessed at over \$2 million, generating approximately \$75,000 of annual tax revenues to the municipality.</p>		
Existing Zoning:	<p>Keyport: I (Industrial).</p> <p>Union Beach: M2 (Heavy industrial).</p>		
Other Constraints:	Keyport landfill requires major clean-up due to potential contamination. Green Acres funds are usually not available for landfill sites.		
Implementation:	Acquisition of private property by the Monmouth County Park System.		
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 75%; text-align: center;">Proposed Regional Park &amp; Preservation Area</td> <td style="width: 25%; text-align: center;">Table 3</td> </tr> </table>		Proposed Regional Park & Preservation Area	Table 3
Proposed Regional Park & Preservation Area	Table 3		

# NATCO LAKE



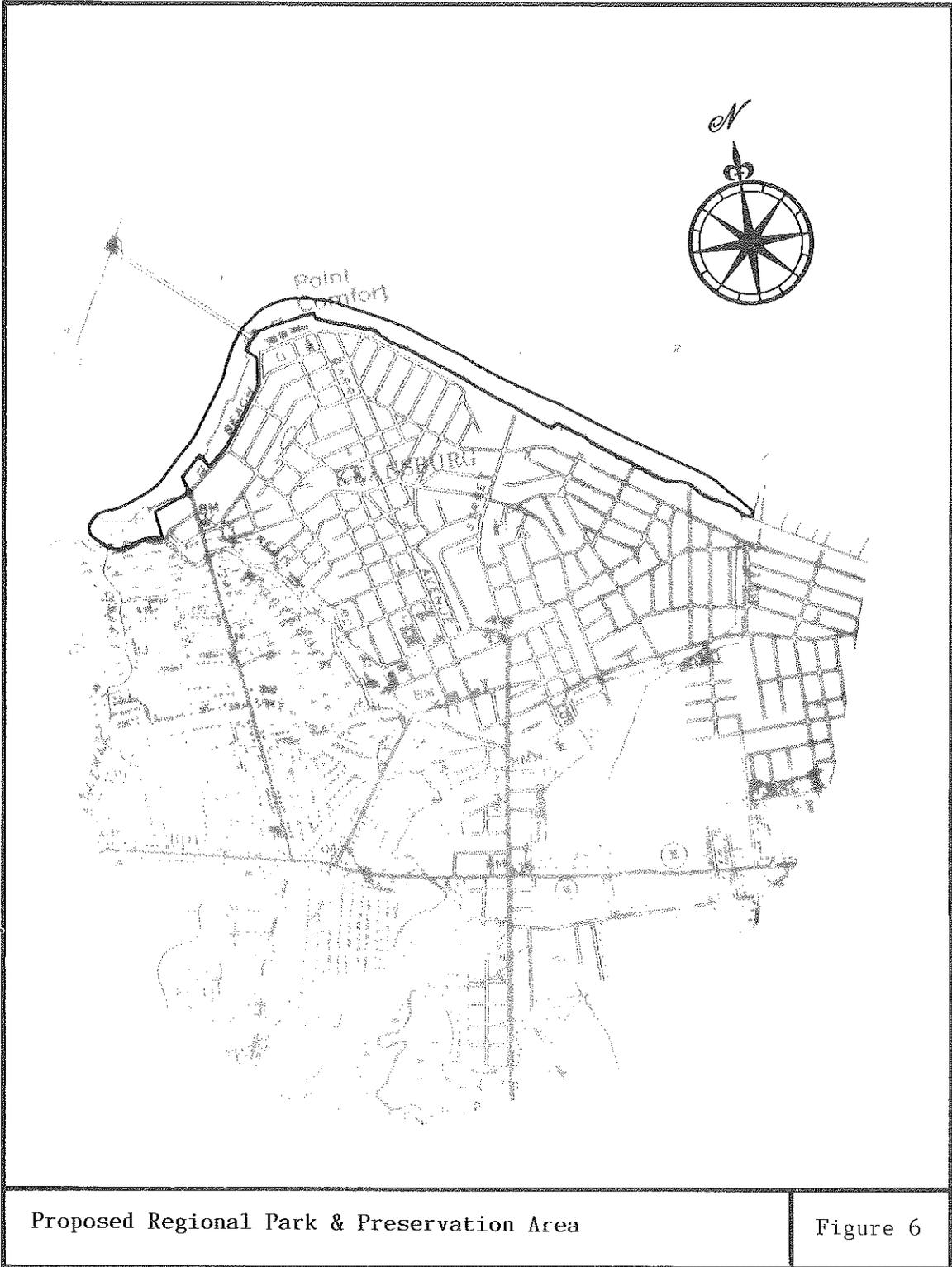
# NATCO LAKE

Municipality:	Union Beach
Resources:	Freshwater lake, woodlands, wetlands, aquifer recharge area, wildlife habitat.
Proposed Activities:	Freshwater and saltwater swimming, boating, fishing, hiking, picnicking.
Proposed Improvements:	Boating and fishing piers, local trails, and additional parking along Railroad Right-of-Way.
Ownership:	Municipal and private.
Size & Value:	Sixty acres of municipally owned lake and woodlands and 75 to 80 acres of privately owned industrial land which generates approximately \$6,000 in annual tax revenues to Union Beach.
Existing Zoning:	M-2 (Heavy Industrial).
Other Constraints:	Air in the area has often been contaminated by odors from International Flavors and Fragrances.
Implementation:	Transfer of property from municipality to Monmouth County Park System; acquisition of surrounding privately owned parcels north and south of Railroad Right-of-Way by County Park System.

Proposed Regional Park & Preservation Area

Table 4

# KEANSBURG BEACH



## KEANSBURG BEACH

Municipality:	Keansburg
Resources:	Beaches and dunes in the vicinity of amusement park, potential ferry access, abandoned marina.
Proposed Activities:	Saltwater swimming and boating, amusement park.
Proposed Improvements:	Dune stabilization; potential restoration of deteriorated boat ramp and additional trailer parking.
Ownership:	Beaches owned by State; dunes owned by municipality and private owners.
Size & Value:	Thirty acres of municipally owned dunes and 20 acres of privately owned dune areas, vacant land and amusement park.
Existing Zoning:	B-2 (Business Amusement Zone).
Implementation:	Acquisition of privately owned dunes and adjacent vacant land, by Monmouth County Park System.
Summary & Comments:	<p>Borough of Keansburg will be preparing a major revision to its Master Plan, which may identify potential development sites along the bayfront.</p> <p>An important management consideration is the problem posed by dirtbikers, who are destroying dune stability and natural shore protection.</p>

Proposed Regional Park & Preservation Area

Table 5

# THREE CREEKS



# THREE CREEKS

Municipality:	Middletown (in the area of Pew's, Compton's and Ware Creeks).
Resources:	Marina, beaches, dunes, wetlands, wildlife habitat, vacant lands, adjacent harbor, potential ferry access to Manhattan.
Potential Activities:	Nature interpretation, boating, saltwater swimming, sunbathing, educational program in cooperation with fishing industry, wetlands preservation, active recreation.
Proposed Improvements:	Replace Pew's Creek and Compton's Creek bridges; marina expansion at Pew's Creek and additional parking. Any bridge replacement and/or road realignment will require permits from the New Jersey Division of Coastal Resources and must be found consistent with the <u>Rules on Coastal Resources and Development</u> .
Ownership:	Municipal and private.
Size:	<p>The Pew's, Compton's and Ware Creek areas, as delineated on the Concept Maps, contain approximately 460 acres of wetlands, 60 acres of beach, and 10 acres of upland area. These totals are delineated as follows:</p> <ul style="list-style-type: none"> <li>o Adjacent to either side of Pew's Creek is a total of 175 acres of wetlands, of which 96 acres are in public ownership. A total of 50 acres of public and private beach is located along Port Monmouth Road on the western side of Pew's Creek.</li> <li>o Adjacent to either side of Compton's Creek is a total of 200 acres of wetlands.</li> <li>o Adjacent to either side of Ware Creek is a total of 90 acres of wetlands, which are mostly in private ownership. There are also 10 acres of beaches located below the landfill on the Port of Monmouth side. In addition, there are a total of 10 acres of private uplands along the Creek.</li> </ul>
Existing Zoning:	R-7 (Multifamily Residential) M-1 (Industrial)
Other Constraints:	Access restricted; infrastructure improvement needed for recreational development.
Implementation:	Transfer of municipally owned land to Monmouth County Park System; acquisition of privately owned land east of Pews Creek and along Port Monmouth Road.
Summary & Comments:	Utilization of existing beaches. Marina expansion and the preservation of the extensive wetlands would help create a major regional park facility offering a variety of recreational activities.

Proposed Regional Park & Preservation Area

Table 6



Early priority should be given to the acquisition of the Three Creeks Park and Preservation Area in Middletown. Not only is this area the largest of the recommended park sites, but it offers the greatest opportunities for multi-purpose development. Some of the uses which are now under consideration for the area include an expanded commercial fishery, a marine science facility, upland housing, and waterfront open space.

If carefully planned, increased visitor traffic to the Regional Park and Preservation Areas could stimulate an increase in the development and use of commercial facilities along the Bayshore. If appropriate, commercial accessory uses, such as restaurant businesses and bait and tackle shops, could be developed in or adjacent to the proposed parks and could be leased to concessionaires. The lease could generate a revenue stream that could be applied toward the long-term maintenance and management of these sites by the management entity.

Facility and design plans should be developed for each of the new regional parks along the Bayshore. These plans should address such issues as interior circulation, seating, restroom requirements and the maximization of scenic views.

#### **Local Waterfront Parks**

Local Waterfront Parks, which include municipal beaches, play an important role in satisfying the water-oriented recreation demands of the residents of the Bayshore. These parks will increase the amount of waterfront open space for the general public and provide opportunities for swimming, boating, fishing and other waterfront activities for area residents. The Local Waterfront Parks will be a major component of the Bayshore Waterfront Park and will be linked to the other components by the Bayshore Trail and Bikeway.

Each of the Bayshore communities has at least one local waterfront park/beach. There are several existing parks that are examples of excellent waterfront design, including Ideal Beach in the East Keansburg section of Middletown and the new fishing pier in Keyport.

The Plan recommends the development of Local Waterfront Parks to increase waterfront access along the Bayshore. Municipalities can and do take advantage of various outside funding sources for the acquisition and development of these parks, including Green Acres and Local Coastal Planning Grants. These parks should provide, to the maximum extent practicable, fishing, swimming and boating opportunities. Wherever feasible, significant or environmentally sensitive natural areas adjoining the principal recreational areas should be preserved. Several potential local parks are identified in Appendix C.

In addition, the Plan encourages municipalities to adopt local land use plans and development regulations that will ensure the provision of public access and the preservation of significant and environmentally sensitive natural areas.

# BOATING FACILITIES

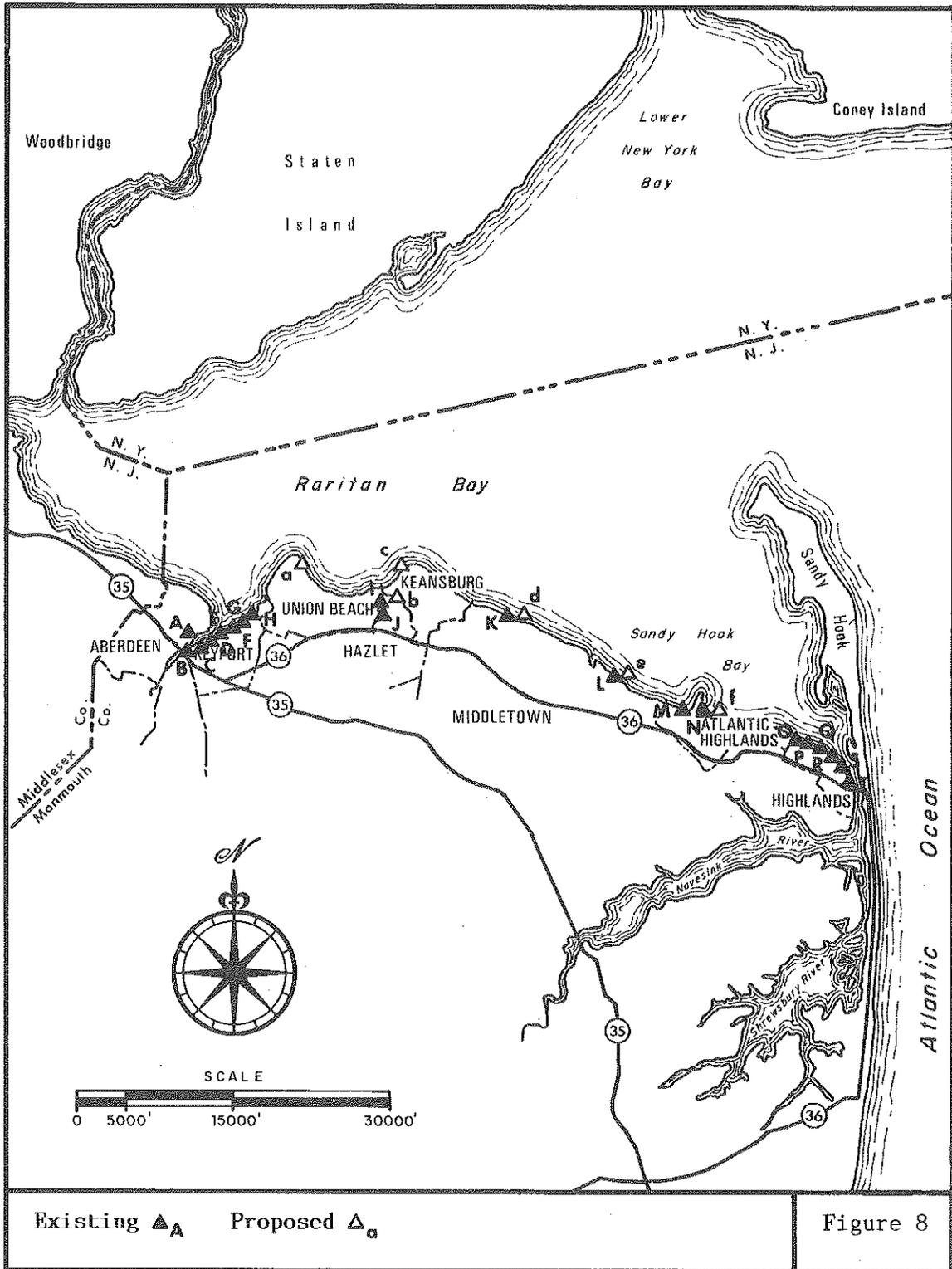


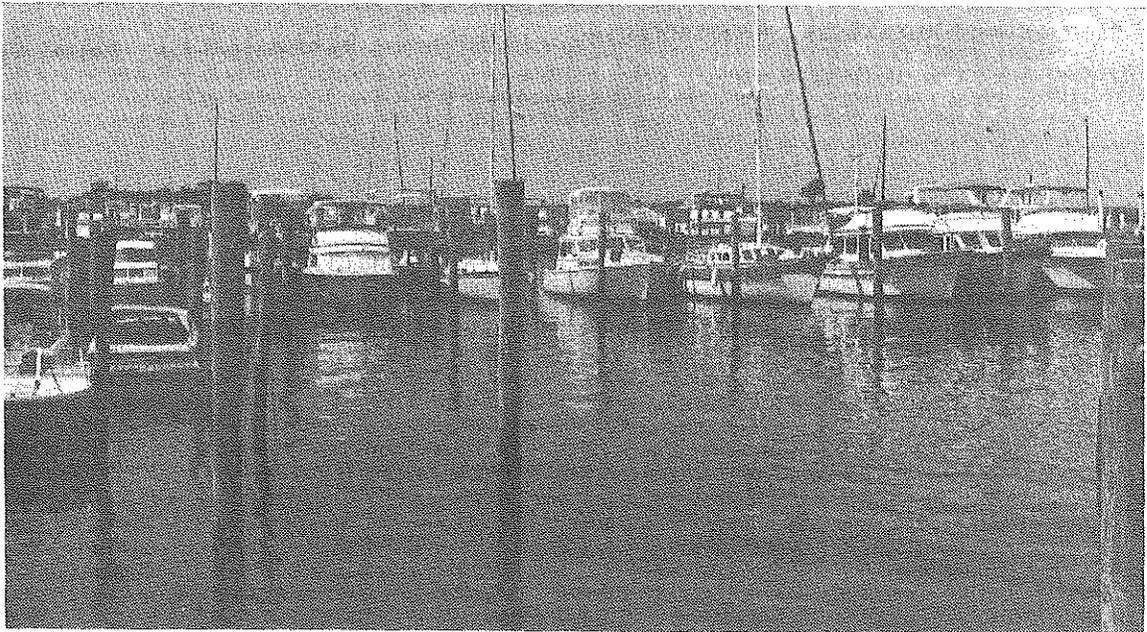
Figure 8

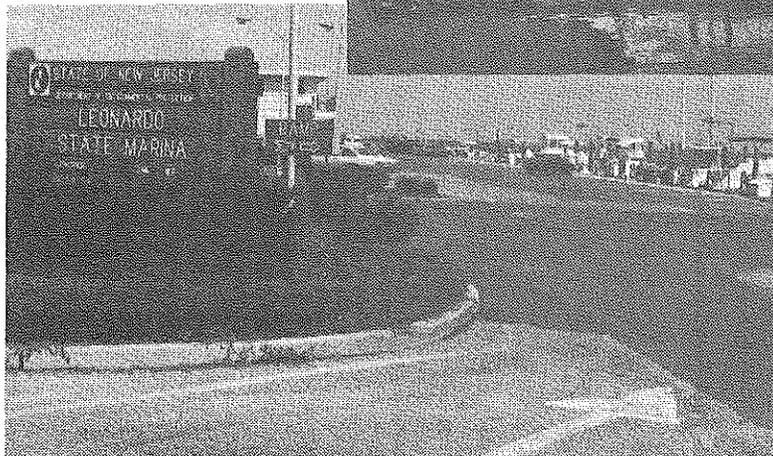
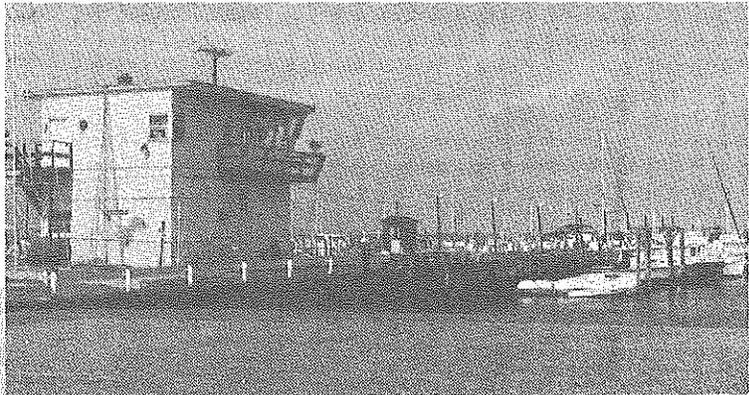
## Boating Facilities

The preservation and expansion of existing boating facilities, and the development of new ones, are primary recreation objectives along the Bayshore. The Marina Study assessed boating facilities in Monmouth County and determined that, while the demand for boat slips and boating services open to the general public is increasing, the supply is diminishing and will continue to do so. Normal attrition and conversion to private marinas are cited as two reasons for the decline.

The Bayshore's 1900 boat slips, distributed among 19 marinas, account for 36% of the County-wide total. The Marina Study concluded that an additional 1300 boat slips, 540 rental boats and 18 boat ramps are needed to meet the Bayshore's share of the County's current demand. Projections in the State Comprehensive Outdoor Recreation Plan suggest that by the year 2000 an additional 1900 slips would be needed in the Bayshore to satisfy demand. However, 1984 expansion plans of Marina owners total only 150 additional boat slips. Figure 8, Table 7 and the Concept Maps indicate the location of all existing and proposed/potential facilities.

Due to the physical and environmental constraints at the Bayshore, the expansion and redevelopment of existing facilities as well as the construction of new boat ramps is a more appropriate strategy than new marina development. The construction of dry boat storage and day-use trailer parking facilities near ramps and existing marinas is encouraged. Table 7 lists marinas for which expansion has been proposed or is possible. Specific plans for the expansion of boating facilities will be based upon detailed site planning, waterfront development proposals, and the individual municipalities' waterfront and harbor plans.





# EXISTING and PROPOSED BOATING FACILITIES

## EXISTING BOATING FACILITIES

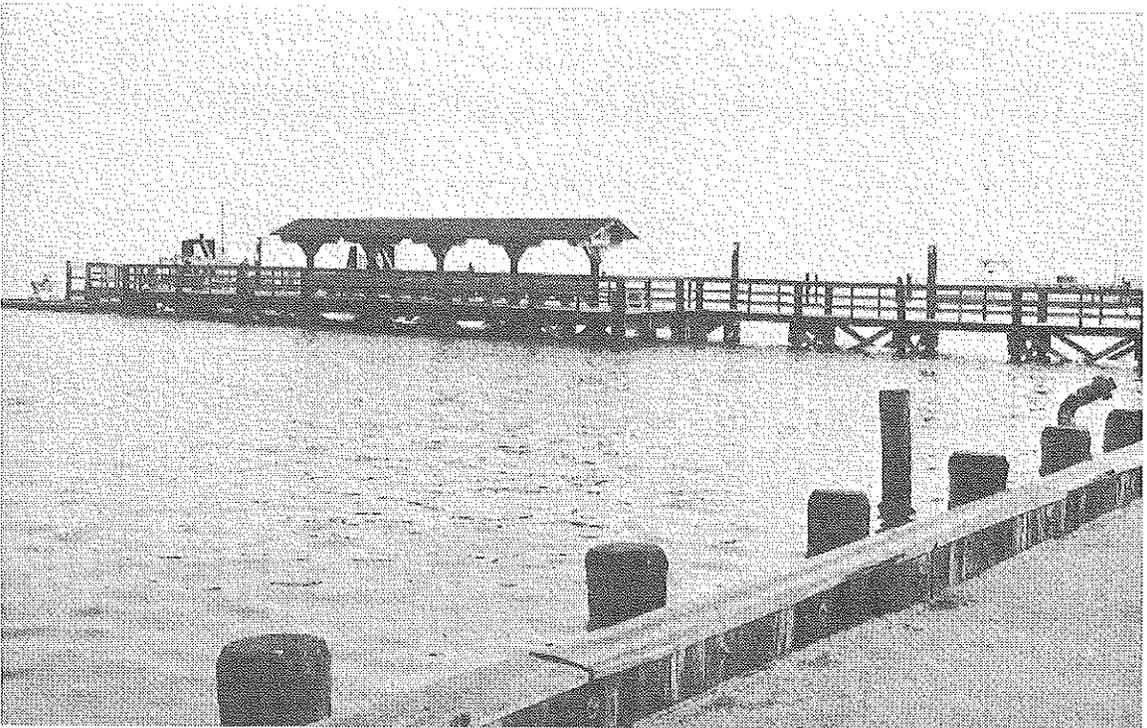
<u>Municipality</u>	<u>Key*</u>	<u>Facility Name</u>	<u>Type</u>
Aberdeen	A	Twin Towers	Marina
Keyport	B	Seaboard Marina	Marina
	C	Keyport Marina Basin	Marina
	D	Brown's Marina	Marina
	E	H. Pedersens & Son	Marina
	F	Raritan Boat Launch	Ramp
	G	Keyport Yacht Club	Marina
	H	Olsen Boat Works	Marina
	Hazlet	I	Lentze Marina
J		Crosbies Marina	Marina
Middletown	K	Gateway Marina	Marina
	L	Leonardo State Marina	Marina
Atlantic Highlands	M	Frank's Boat Works	Marina
	N	Atlantic Highlands Municipal Marina	Marina/Ramp
Highlands	O	Sandy Hook Marina	Marina
	P	Connors Motel & Marina	Marina
	Q	Snug Harbor	Marina
	R	Captains Cove	Marina
	S	Highlands Marina	Marina
	T	Bahr's Landing	Marina

## PROPOSED BOATING FACILITIES

<u>Municipality</u>	<u>Key*</u>	<u>Facility Name or Site</u>	<u>Capacity</u>
Union Beach	a	Conaskonk Point Park	Construct new boat ramp
Keansburg	b	Former Keansburg Marina	Renovate 145 slips
Keansburg	c	Ferry pier	Construct 400 new moorings and 200-300 new parking spaces
Middletown	d	Gateway Marina	Add 200 new slips, 400 dry storage spaces and a new boat ramp
Middletown	e	Leonardo State Marina	Add 200-400 slips
Atlantic Highlands	f	Atlantic Highlands Municipal Marina	Add 300 slips, 400 dry storage spaces, and an additional boat ramp

\* Keyed to Concept Maps

Table 7



## **Fishing Opportunities**

Fishing opportunities are also identified as important recreational activities along the Bayshore waterfront. Fishing along the Bayshore takes place at existing piers, bulkheads and beachfronts. The creation of a Bayshore Waterfront Park will provide additional access to the waterfront, and thereby, increase fishing opportunities.

The Bayshore Waterfront Access Plan recommends the enhancement of existing fishing opportunities and the construction of new fishing or mixed-use piers and platforms. New fishing opportunities can be created through the use of shore protection facilities (groins, jetties, seawalls and bulkheads) and the use of County bridges. The Concept Maps identify the existing and proposed fishing opportunities.

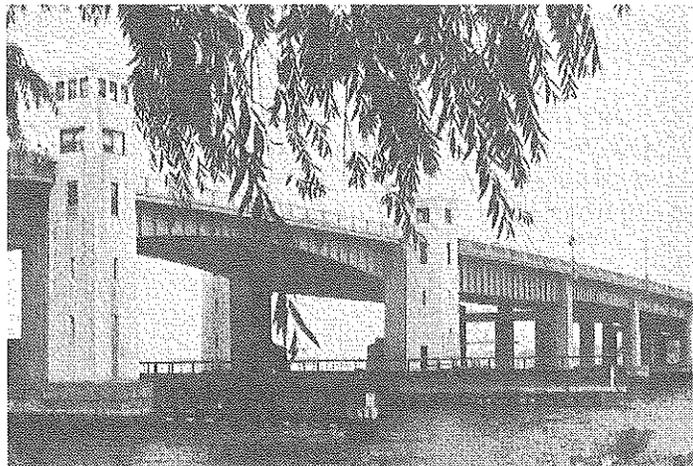
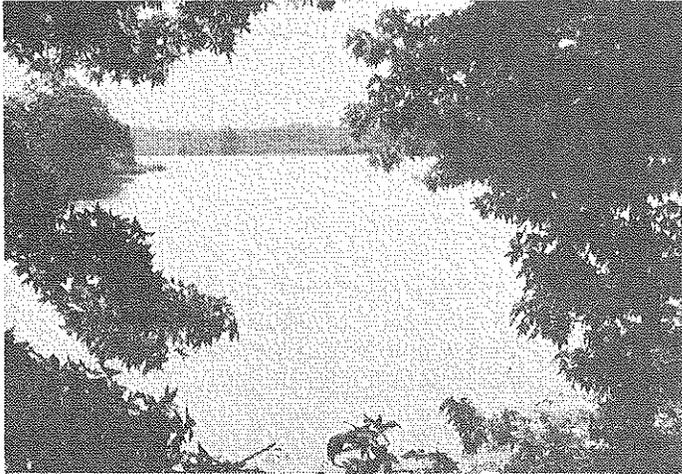
Siting considerations for new fishing opportunities should include the preferences of local anglers, existing fishery resources, and shoreline configurations. Lighting, benches, windscreens, shading, drinking fountains, handicapped access, live bait tanks, restrooms and parking are amenities which help to make a fishing area more attractive. Night fishing is a popular sport on the Bayshore, and pier facilities should be visible from the street and well-lit during the evening hours. In addition, the provision of specific places for fishing creates safer fishing conditions and defined meeting spaces.

## **Scenic Resources**

The Bayshore area offers numerous views of scenic resources, which are subjects of visual interest or beauty. Examples of the scenic resources enjoyed along the Bayshore include wetlands, beaches, wildlife, the Manhattan Skyline, and the Verrazano Narrows Bridge. A number of these viewpoints are identified in Table 8 and on the Concept Maps.

The Bayshore Trail and Bikeway will encompass many scenic viewpoints. Wherever appropriate, seating and educational signs identifying significant geographic and historic features in the viewshed should be provided.

View corridors provide continuous visual access to the waterfront from a public street. These corridors should remain open as new development or redevelopment takes place. Municipal development regulations should ensure that view corridors are not obstructed.

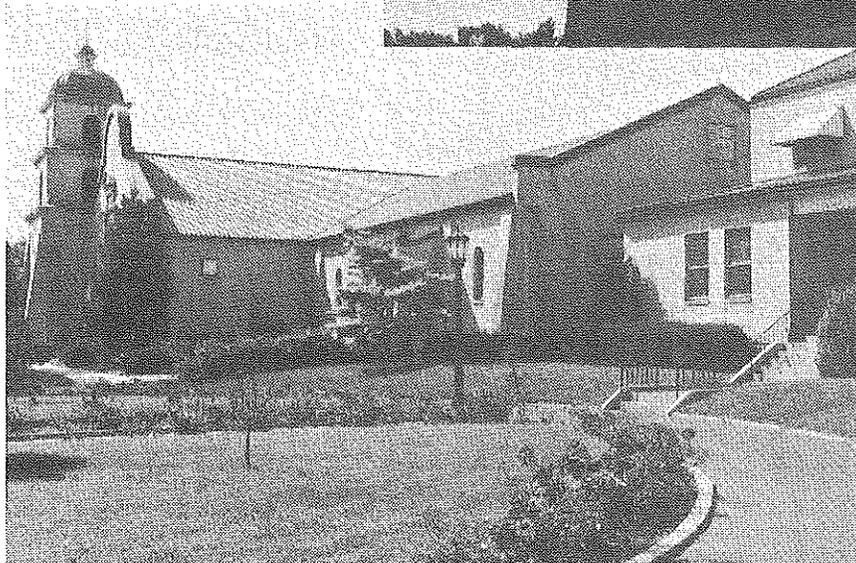
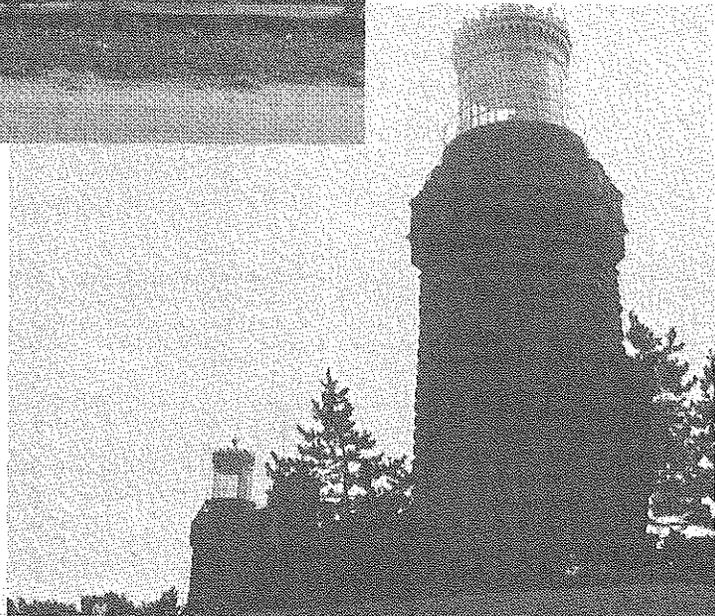


# SCENIC RESOURCES

<u>Viewpoint</u>	<u>Views</u>
<b>Aberdeen</b>	
Aberdeen Seawall:	Raritan Bay, Staten Island
Matawan Creek Wetlands:	Keyport waterfront
<b>Keyport</b>	
Washington Street Park:	Matawan Creek wetlands and steep slopes
Fishing Pier:	Raritan Bay, Matawan Creek
Conaskonk Point:	Raritan Bay, Conaskonk Point
<b>Union Beach</b>	
Conaskonk Point:	Raritan Bay
Municipal Beach:	Raritan Bay, Manhattan skyline
<b>Keansburg</b>	
Keansburg Dunes:	Waackaack Creek, Keansburg Creek, Keansburg dunes, Raritan Bay and Manhattan skyline
Keansburg Pier:	Raritan Bay, Manhattan skyline
<b>Middletown</b>	
Gateway Dike:	Few's Creek wetlands, Gateway Marina, Raritan Bay
Compton's Creek Bridge Site:	Belford Seafood Cooperative, Compton's Creek, wetlands
Compton's Creek Channel:	Belford Seafood Cooperative, Manhattan skyline, Raritan Bay
Proposed Ware Creek Wetlands Trail:	Ware Creek wetlands, bird-watching spot
Twin Lights Historic District:	Highlands, Shrewsbury River, Highlands Bridge, Gateway National Recreation Area
<b>Atlantic Highlands</b>	
Atlantic Highlands: Municipal Marina:	Atlantic Highlands harbor, Manhattan skyline, steep slopes
Ocean Boulevard:	Sandy Hook Bay, Gateway National Recreation Area, Manhattan skyline, and Atlantic Highlands Municipal Marina
Hofbrauhaus Restaurant:	Same as above
Mount Mitchill:	Sandy Hook Bay, Atlantic Highlands/Highlands Regional Sewerage Authority site, steep slopes, and Manhattan skyline
<b>Highlands</b>	
Marina Place:	Sandy Hook Bay, Gateway National Recreation Area
Veterans Park:	Sandy Hook Bridge, Shrewsbury River, Gateway National Recreation Area

Special Features

Table 8



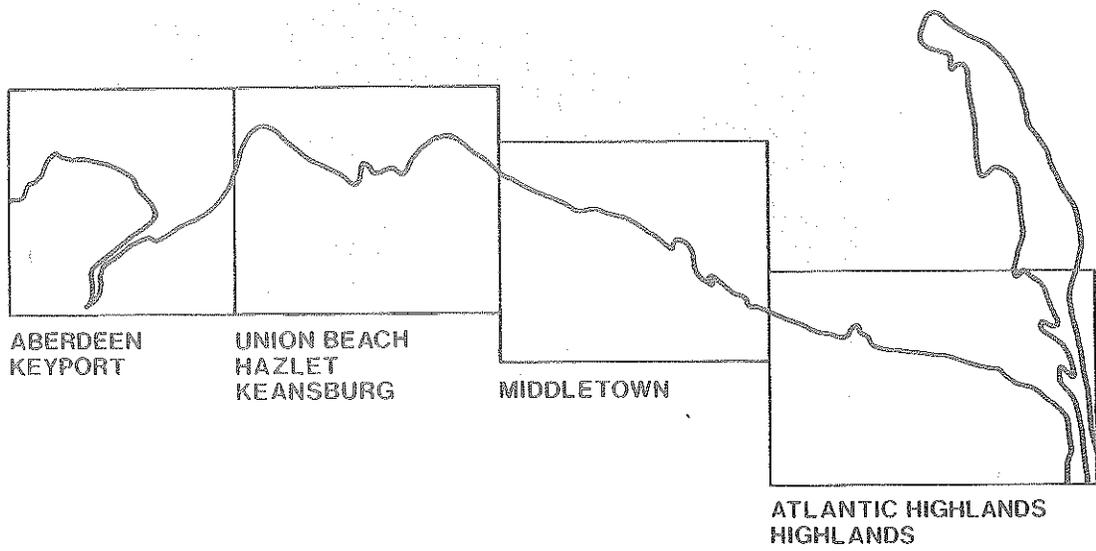
**Historic Resources**

The Bayshore area contains numerous historic districts and sites, many of which are on or eligible for the National and State Registers of Historic Places. The Bayshore Trail and Bikeway would serve to connect these resources, thereby integrating them into the Bayshore Waterfront Park. All of the districts and streetscapes, regardless of their eligibility for the National and State Registers, are identified in Table 9 and on the Concept Maps. Individual sites that are eligible for inclusion on the National and State Register are also included in Table 9. For a complete summary of these historic resources and the Bayshore's historical development, see Appendix D.

**HISTORIC RESOURCES**

<b>Keyport</b>	<b>Middletown</b>
First Street District Front Street District Main Street District Keyport Fishery	Seabrook House (Spy House) Shoal Harbor District Bowne House Water Witch Club District Compton's Creek Bridge
<b>Union Beach</b>	
Jersey Central Traction Company	<b>Atlantic Highlands</b>
<b>Keansburg</b>	Atlantic Highlands District First Avenue Streetscape Central Baptist Church Residence, 58 Lincoln Avenue Henry Hudson Springs
Beachway Streetscape Roman Catholic Church Church Street Streetscape	
	<b>Highlands</b>
	Twin Lights (Navesink Lighthouse)
<b>Special Features</b>	Table 9

# Vehicular Access



## VEHICULAR ACCESS

The principal means of access to the Bayshore are by automobile or bus. In addition, the North Jersey Coast Line railroad runs parallel to the shore, but is too far inland to directly serve most of the Bayshore communities. A new venture is the reinstatement of ferry service from the Bayshore to lower Manhattan.

Each of the transportation elements is described below with the recommendations which address the following needs:

- o Improve land- and water-based public transit service to and along the Bayshore waterfront.
- o Direct and facilitate private vehicle movement to appropriate areas of the Bayshore waterfront.

### Roads

A quick survey of the existing traffic conditions on the Bayshore reveals the need for several measures related to waterfront access. The first is to place signage along the main arteries, State Route 36 and the Garden State Parkway, drawing attention to the facilities along the Bayshore waterfront. The signs along Route 36 should specifically note the location of the Bayshore Waterfront Park components and features. The second obvious need is to find solutions to the traffic congestion along Route 36, which is caused by the number of summer visitors to Gateway National Recreation Area at Sandy Hook. This need may be met by road improvements or by providing other means of access such as ferry services or Park and Ride shuttle services.

There are no continuous roadways that run along the Bayshore waterfront. Route 36 is the only road that connects all of the Bayshore communities. The Naval Weapons Station Earle facilities and the absence of two important bridges, the Pews Creek bridge and Compton's Creek bridge, isolate the eastern and western Bayshore communities from each other. The County of Monmouth is reviewing plans for the replacement of the bridges and possible road realignments. Any bridge replacement and/or road realignment will require permits from the New Jersey Division of Coastal Resources and must be found consistent with the Rules on Coastal Resources and Development.

The Plan recommends that studies of the traffic flow and level of service of State Route 36 and the access roads to the Bayshore and Sandy Hook be conducted. A study would identify problems in the system and recommend improvements.

### Parking

As new developments are constructed and plans are implemented along the Bayshore, appropriate parking will be needed. The Bayshore Trail and Bikeway will require parking areas at strategic access points to encourage visitors and residents to use them. New private and public

development should be required to provide off-street parking, so as not to compete for existing parking. Finally, there is a clear need for more parking connected with mass transit, which could serve commuters during working hours and visitors to the Bayshore during other times.

A study of parking availability and needs is recommended. The study should be primarily concerned with public parking for the Bayshore Waterfront Park and address commuter needs for buses and ferries to Manhattan.

### **Local and Regional Bus**

There are two local bus routes operating in the Bayshore; the patronage and demand are met by hourly buses running along the routes. The regional bus runs primarily along Route 36; the bus depot is in Leonardo, but buses also run from as far south as Long Branch. The number of passengers for regional service has increased dramatically in recent years and service barely meets the demand.

The Plan recommends that a study be undertaken to identify the aspects of the local and regional systems that need improving, and to suggest specific remedies.

### **Shuttle**

A shuttle bus service between the larger parking areas, such as the Garden State Arts Center (GSAC) and Airport Plaza, Hazlet, to the Bayshore waterfront and Sandy Hook is an obvious need. If there is a way for it to bypass the traffic congestion on Route 36, the service would be assured success. A need also exists for such a service from the Matawan/Aberdeen train station to points along the Bayshore and Sandy Hook. At present there is no existing shuttle service on the Bayshore.

The Plan recommends that NJ Transit implement trial runs to Sandy Hook from Exit 116 of the Garden State Parkway (GSAC parking lot), or Airport Plaza, Hazlet. It is recognized that negotiations will have to be made with the parking lot operators; but it is desirable to see the successful Island Beach State Park shuttle duplicated in the Bayshore.

### **Rail**

A recognized need along the North Jersey Coast Line is for more parking spaces at the stations closest to the Bayshore.

The North Jersey Coast Line from Newark to Bayhead runs inland between Matawan and Long Branch, and does not serve the Bayshore communities directly. The existing service is scheduled to accommodate commuters rather than visitors.

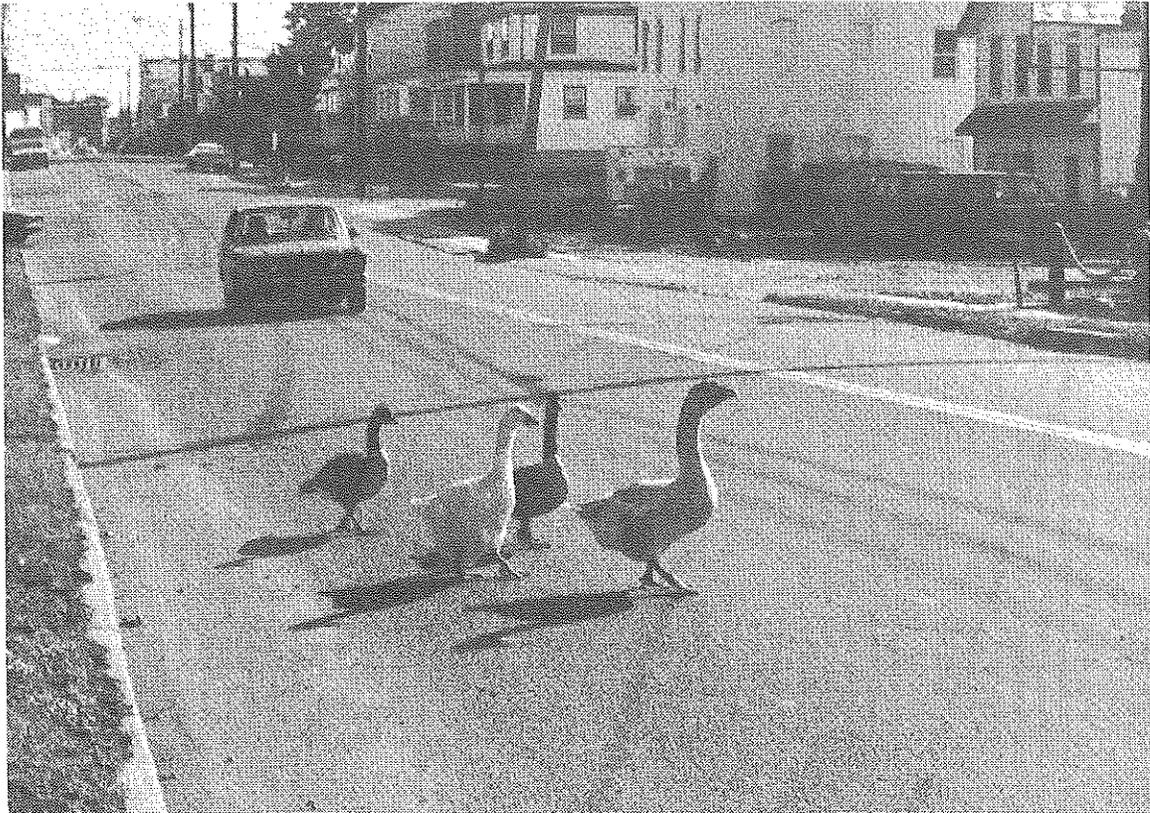
The Plan recommends support of NJ Transit's initiatives to provide more parking spaces, particularly at the Matawan/Aberdeen and Hazlet stations. A second recommendation is the institution of a train-beach

package from North Jersey to Matawan. This service could dovetail with a shuttle service from Matawan to the Bayshore and Sandy Hook.

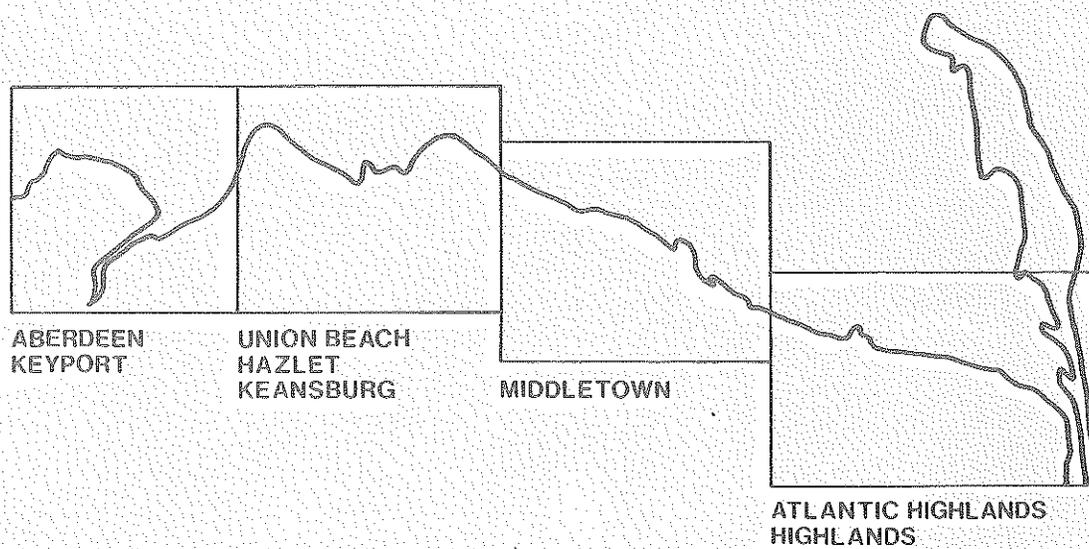
### **Ferry**

The existing ferry commuter services should be expanded to include leisure oriented ferries between Manhattan, North Jersey, the Bayshore and Sandy Hook. This would be primarily a summer service for visitors but could also be run on weekends in the fall and spring seasons.

At present there is ferry service between the Bayshore and lower Manhattan.



# Implementation Techniques



## IMPLEMENTATION TECHNIQUES

A combination of regulatory controls, acquisition techniques, management techniques, and funding approaches will be used to implement elements of the Bayshore Waterfront Access Plan. Additional parkland needs to be acquired, boating facilities need to be constructed and enlarged, and access to the waterfront needs to be improved with the help of both the public and the private sectors.

Under the permit jurisdiction of the New Jersey Department of Environmental Protection, provision of access can be made an affirmative obligation of the developer/landowner. Municipalities can further encourage access through special zoning. An approach needs to be developed which combines State public access law, municipal land use controls and various forms of land acquisition.

### Legal Basis for Public Access

The controversy surrounding beach access has been a source of much debate in the courts and the legislature. The issue of beach access depends on the interpretation and implementation of the "Public Trust Doctrine." This derivative from English Common Law ensures that the State holds title to the land between the mean high tide line and the State's offshore territorial boundary--in other words, the tidally flowed lands, or "wet beaches"--in trust for the use of the public.

Current New Jersey statutory law empowers municipalities to charge reasonable fees to pay for the cost incurred in maintaining their waterfronts and/or providing certain waterfront services and facilities. However, local beach laws must not restrict access through excessive fees or conflict with other applicable State laws (N.J.S.A. 40:61-22.20).

Recent case law on beach access has extended the application of the Public Trust Doctrine to recreational uses, in addition to the earlier protected uses of navigation and fishing. Recently, the courts ruled that the public has the right to cross the privately owned "dry sand" portion of beaches in order to gain reasonable access to the tidal "wet beaches" under certain conditions. Refer to Appendix F for a synopsis of the pertinent case law.

Comprehensive State legislation addressing public access to and across beaches is needed. Governor Kean has recommended the establishment of a New Jersey Coastal Commission. The Commission would be required to prepare a master plan for the coastal region and would be accountable for the protection and improvement of this vital part of the State. Any new Commission or legislation should require municipalities to identify existing rights-of-way to beaches and to identify existing limitations and restrictions on beach access. It should require the inclusion of measures to increase beach access through local land use controls and the acquisition of properties and/or easements. The legislation should

require the inclusion of streets, paths, and access lots on the municipalities' official maps and should restrict the sale or disposal of publicly owned waterfront land.

### State Regulatory Controls

The Bayshore waterfront area lies entirely within the coastal area regulated by the New Jersey Department of Environmental Protection, Division of Coastal Resources. The Division's regulatory authority over new coastal development is governed by the Waterfront Development Law, the Wetlands Act and the Coastal Area Facility Review Act (CAFRA). The New Jersey Rules on Coastal Resources and Development (N.J.A.C. 7:7E-1.1 et seq.) were adopted to implement these laws and constitute the State policies regarding the use and development of coastal resources.

The Rules on Coastal Resources and Development encourage the preservation of open space, the maintenance and expansion of port and water-dependent industrial facilities, and the development of mixed waterfront uses. They also promote public access in the form of linear walkways and waterfront parks in each community. The Coastal Location Acceptability Method (CLAM) employed by the Division in the review of proposed developments involves a three-step evaluation process; projects must conform to location, land use, and resource policies. The location policies either encourage, discourage, conditionally allow, or prohibit development based on location. The use policies specify which uses are acceptable in a given location. The resource policies serve as performance standards to which proposed developments must adhere.

The public access resource policy in the Rules on Coastal Resources and Development provides the basis for public access and is defined as "the ability of all members of the community at large to pass physically and visually to, from and along the ocean shore and other waterfronts." The public access policy is based on the Public Trust Doctrine and encourages "...a horizontal network of open space at the water which could be visualized as a narrow strip used for walking, jogging, bicycling, sitting or viewing, which is continuous, even if the path must detour around existing or proposed industry due to security needs or the lack of pre-existing access. These linear walkways will connect future and existing waterfront paths, open space areas and commercial activities. The goal of the policy is the piecing together of a system that will provide continuous linkages and access along the entire waterfront." Appendix G provides further information on the public access policy and other policies guiding development in the coastal zone.

Without officially promulgated design guidelines, public access remains one of the many negotiable items in waterfront development or CAFRA permit review. State and local governments should cooperatively develop minimum design standards for the Bayshore. These standards could be incorporated into the Rules on Coastal Resources and Development, the Monmouth County Growth Management Guide and municipal master plans and zoning ordinances.

## Local Regulatory Controls

Each municipality should ensure the provision of visual, linear, and perpendicular pedestrian access to the waterfront for the general public as part of a new waterfront development and redevelopment project.

Zoning is one of the tools available to municipalities for accomplishing this aim. Municipalities should consider at least three zoning approaches for treating the waterfront as a special situation: special waterfront districting, which employs special land use regulations and design criteria; overlay zoning, which provides supplementary standards for existing zones; and incentive zoning, under which developers receive particular development concessions or bonuses in return for providing public amenities.

With all three types of zoning, the conflict between public purposes and private property rights is a recurring issue. Incentive zones offer bonuses for the reservation or dedication of areas for public access and address the implicit "taking" issue by incorporating in the ordinance standards for compensating property owners for providing the desired public benefits.

An alternative to the dedication of property for open space or public access is the payment of a fee-in-lieu-of-dedication that would be placed in a general fund for land acquisition. This technique should only be permitted for land not directly on the water's edge, and its use should be restricted.

New Jersey law is rather restrictive with respect to the exactions which municipalities can demand from developers. The New Jersey Municipal Land Use Law allows municipalities to enact ordinances requiring developers to pay pro-rata shares of costs of "only reasonable and necessary street improvements and water, sewerage and drainage facilities...located outside the property limits of the subdivision or development but necessitated or required by construction or improvements within such subdivision or development." According to recent case law, a municipality cannot compel a developer to pay for a burden not clearly created by the development nor for an improvement which does not benefit the development.

Nothing in the Municipal Land Use Law can be clearly construed as enabling municipalities to charge developers impact fees for the creation of public paths, walkways, bicycle routes, and trails unless "streets" are broadly defined. The need for developer impact fees in New Jersey is currently being assessed by the newly formed State Planning Commission. It is recommended that any legislation that is enacted explicitly permit the assessment of a developer impact fee for the acquisition of open space.

## Acquisition Techniques

Since most of the Bayshore waterfront is already developed, development regulations alone will not achieve continuous public access. The Plan recommends that both the County and municipal governments take active roles in the implementation of the Bayshore Waterfront Access Plan through the acquisition of public open space. A variety of land acquisition and land control techniques should be explored for their applicability to open space preservation and/or public access along the Bayshore.

Property rights can be in either fee simple or less-than-fee simple ownership. Fee simple ownership entitles the owner to all property interests. Fee simple acquisition by an appropriate entity is recommended for those vacant parcels along the waterfront parks. In instances when fee simple acquisition is not possible, less-than-fee simple ownership might be a feasible alternative.

The acquisition of less-than-fee simple rights can be accomplished in several ways, including the following:

- o Access Easement - The acquisition of linear and perpendicular access easements is recommended where access to the waterfront is desired at all times but the property owner does not wish to give up his rights to the land. Private property often borders the mean high water line, prohibiting continuous access at high tide.
- o Deed Restriction - Land is sold with use restrictions and is protected by a reverter clause providing for a transfer back to the original owner if the restrictions are violated. This mechanism could be used by municipalities when auctioning publicly owned land for development.
- o Sale/Leaseback - All or part of the property is leased to the original owner or a third party after purchase by the agency or nonprofit organization; leasehold fees for the part of the property that is not needed for public access can generate revenues for the maintenance of the open space component.
- o Limited Development - A governmental agency or nonprofit either purchases or receives a full or partial gift of property, including some developable property. To recoup the initial acquisition cost and/or pay for the future maintenance of public open space amenities on the site, a part of the developable area is sold or auctioned to a private party.
- o Property Exchange - Privately owned waterfront land is exchanged for publicly owned land elsewhere; property exchanges of like properties are essentially tax-free, if no cash is exchanged.

- o Public Land Transfer - For publicly owned property along the waterfront, ownership can either remain with the respective public agency, or it can be conveyed to another public agency or nonprofit organization. The public agency which owns the property can pay for and maintain walkway improvements, or it can enter into a management agreement with another public or nonprofit entity.

### **Maintenance and Management of Public Lands**

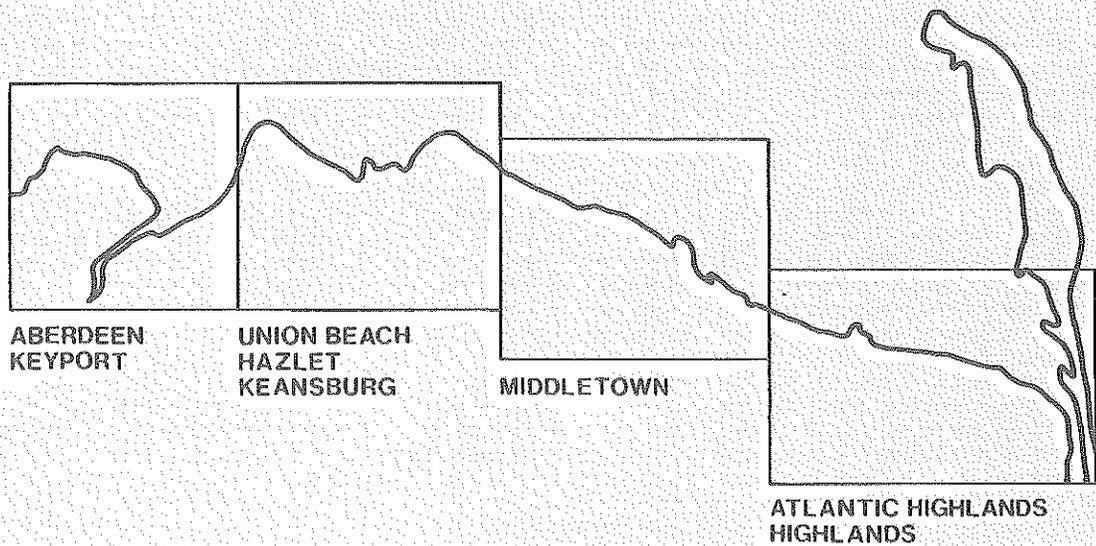
Appropriate and consistent maintenance agreements for the Bayshore Waterfront Access Plan should be in place in order to assure successful negotiations with private owners concerning acquisition or donation of title or easements for waterfront property. Possible maintenance/management scenarios include the following:

- o Maintenance and management of publicly owned parks by Monmouth County Parks System, local parks or public works departments, or the State Division of Parks and Forestry.
- o Maintenance of portions of the walkway by the landowner/developer or by a third party, which would be paid by the owner/developer.
- o Volunteer maintenance by local environmental groups would be coordinated by the Bayshore Waterfront Conservancy.
- o Contributions by owners/developers toward a maintenance endowment managed by the Bayshore Waterfront Conservancy.
- o Adopt-a-Park strategies whereby a neighboring corporation agrees to accept management responsibility for a segment of the walkway as a demonstration of corporate citizenship.

### **Funding**

Funding for the acquisition and development of the Bayshore Waterfront Park can come from traditional sources of public and private financing, such as taxes or grants and loans from public agencies and foundations, and through the innovative public/private partnerships described above. If appropriate State legislation is enacted, impact fees collected from developers could be another potential source of revenue for park and development. (See Appendix J.)

# Implementation Strategy



## IMPLEMENTATION STRATEGY

An effective implementation strategy will be essential if the efforts of the many agencies, organizations and individuals that will be involved in the creation of the Bayshore Waterfront Park are to be successful. A proposed strategy for the Monmouth County Planning Board, the Bayshore Access Coordinator and the Bayshore Waterfront Conservancy, is described below. This strategy can be refined and expanded as the implementation of the Bayshore Waterfront Access Plan proceeds.

### Monmouth County Planning Board

The Monmouth County Planning Board has overall responsibility for overseeing the implementation and maintenance of the Bayshore Waterfront Access Plan.

- o Adopt and maintain the Bayshore Waterfront Access Plan as part of the Growth Management Guide.
- o Hire a full-time Bayshore Access Coordinator as soon as possible to initiate the implementation of the Plan and facilitate the creation of the Bayshore Waterfront Conservancy.
- o Keep the Board of Chosen Freeholders apprised of the key issues, needs and progress related to the Plan's implementation.
- o Provide technical assistance and review plans, ordinances and projects.

### Bayshore Access Coordinator

The Bayshore Access Coordinator will be responsible to the Monmouth County Planning Board in the implementation of the Plan and coordination of other participants.

- o Initiate the creation of the Bayshore Waterfront Conservancy immediately.
- o Create an awareness of the Plan and its goals.
- o Develop a comprehensive land acquisition plan that includes detailed property information and acquisition priorities. This plan should identify the means and strategies for preserving land that is threatened by imminent development to ensure the integrity of the linear park.
- o Initiate studies for the development of design standards for the Bayshore Trail and Bikeway to be incorporated into the Growth Management Guide, municipal land use plans, regulations and official maps, and the New Jersey Rules on Coastal Resources and Development.
- o Initiate the development of site-specific design plans for the Bayshore Waterfront Park.

- o Initiate the preparation of management plans for the Bayshore Waterfront Park.
- o Promote and identify the Bayshore Waterfront Park through the development of a logo, signs, brochures and trail guides.
- o Work with the appropriate public entities for the acquisition of the Railroad Right-of-Way.
- o Work with the appropriate public or private entities to link the Bayshore Trail with adjacent linear systems such as the Gateway National Recreation Area.

### **Bayshore Waterfront Conservancy**

The Bayshore Waterfront Conservancy will be a land trust consisting of members from various groups that represent the interests of the Bayshore communities.

- o Serve as a strong advocate for the implementation of the Plan.
- o Negotiate for, receive and manage easements across privately owned property and monitor compliance with these easements.
- o Acquire and maintain land for Park purposes.
- o Assist the Bayshore Access Coordinator in the development of a land acquisition plan.
- o In cooperation with the Coordinator, develop strategies for the funding of the Conservancy's easement purchases, land acquisition and land management.
- o Develop a long-term management and maintenance plan for these portions of the Bayshore Waterfront Park that the Conservancy directly controls.

### **Other Participants**

In addition to the Monmouth County Planning Board, Bayshore Access Coordinator and the Bayshore Waterfront Conservancy, various municipal, county, state and local citizen groups are important for the implementation of the Plan. The Coordinator will work with these groups for the promotion and development of the Park.

### **Municipalities**

The Bayshore municipalities have the primary role in the provision of local waterfront parks and recreation facilities and in the construction of the Bayshore Trail across municipally owned land. The municipalities can apply for Green Acres funding from the State for the projects identified in the Plan. Assistance in prioritizing these projects and preparing these applications can be provided by the Bayshore Access Coordinator. The Land Use and Natural Resources Maps prepared for this

Plan are available at the Monmouth County Planning Board and can be used to prepare the local open space inventories which must be submitted with applications for park acquisition and improvement funds.

The municipalities' other major role in the implementation of the Plan is the adoption of local plans and development regulations that will supplement the New Jersey Division of Coastal Resources' role in regulating coastal New Jersey development and ensuring public access to the waterfront. The municipalities should provide active input into the implementation efforts of the County and the State.

#### County of Monmouth

- o Park System - The Park System will be responsible for developing and implementing a land acquisition plan for the Regional Park and Preservation Areas and Park & Bike facilities along the Bayshore Trail. It will have a primary responsibility in the establishment and maintenance of the Bayshore Trail and Bikeway and will provide and install the necessary signage marking the Bayshore Trail, Bikeway, and perpendicular access points.

The Park System will work closely with the Bayshore Waterfront Conservancy and municipalities on the development of a long-term management and maintenance plan for the entire Bayshore Waterfront Park.

- o Office of Transportation - The Office of Transportation will work with the Planning Board on the operations and planning of facilities and services designed to improve local and regional access to the Bayshore area. These could include Park & Ride facilities, regional and local bus transit, and shuttle services.
- o Department of Engineering - The Department of Engineering will work with the Planning Board, Park System, and Office of Transportation on the analysis of Bayshore traffic patterns and on the siting and design of facilities for the Bayshore Waterfront Park. These facilities would include parking areas and road and bridge improvements needed for the Bayshore Trail and Bikeway.
- o Department of Economic Development - The Department of Economic Development will aid in the promotion of the Bayshore Waterfront Park, which can enhance the Bayshore's economic development. It can also encourage the public-private partnerships that will be necessary for the Plan's implementation.
- o Department of Public Information/Tourism - The Department of Public Information and Tourism should play a key role in the promotion of the Bayshore Waterfront Park. This department will work with the Coordinator in developing and distributing the Bayshore Trail and Bikeway Guides.

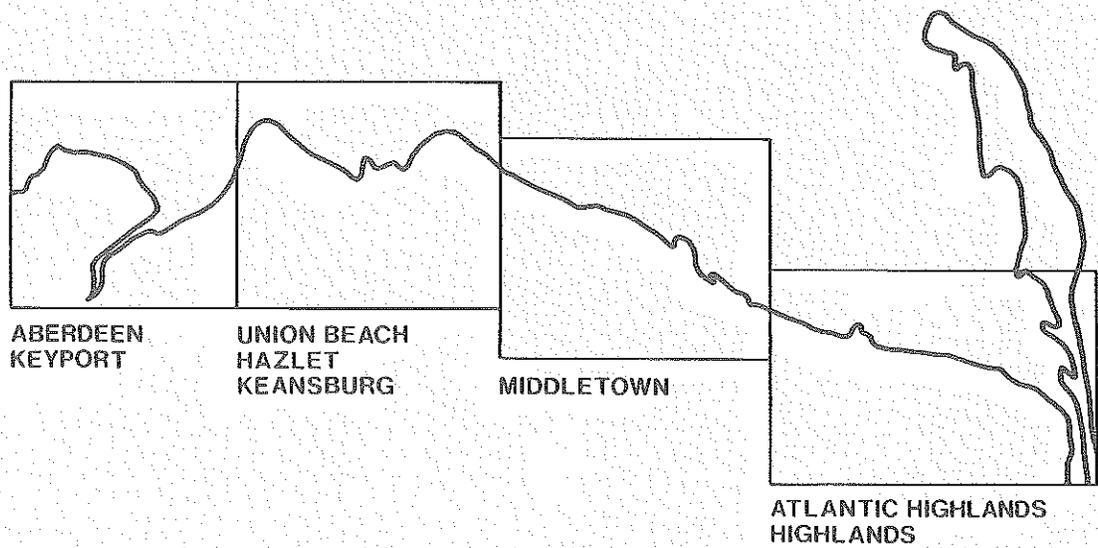
## State of New Jersey

- o Department of Environmental Protection - The Department has the primary responsibility for encouraging the provision of public access on all waterfront development sites which fall under its jurisdiction. Once specific design guidelines are developed for the Bayshore Waterfront Park, they should be incorporated into the Department's regulations. Department grants and loans for local waterfront projects are another means of supporting the implementation of the Bayshore Waterfront Access Plan.
- o Department of Community Affairs - The Department's Bayshore Development Office was established to coordinate and refine Bayshore: Rediscovering Its Future. This office assists the Bayshore communities with their economic development, housing and infrastructure improvement activities. Working with the recently formed Bayshore Advisory Council, the Bayshore Development Office can contribute significantly to increasing the awareness of the Bayshore Waterfront Access Plan.
- o Department of Transportation - The Department will continue to play a role in assisting with and providing improvements in transportation access to and within the Bayshore Corridor. It will work closely with the County Department of Engineering and New Jersey Transit.
- o New Jersey Transit Corporation (NJ Transit) - NJ Transit is the responsible agency for transit services in the State of New Jersey and should evaluate the need for direct transit and shuttle services to improve regional and local transit access to the Bayshore Corridor.

## Private Sector

- o The cooperation of owners of private property near or on the waterfront is important in the creation of the Bayshore Waterfront Park. Owners should be encouraged to consider a donation of an access easement or environmental easement to the newly formed Bayshore Waterfront Conservancy. Corporations should be encouraged to sponsor sections of the Bayshore Trail as an act of community involvement.
- o Developers should be encouraged to contribute to the Bayshore Waterfront Conservancy beyond the minimum State and local public access requirements.
- o Local citizen and interest groups (e.g., chambers of commerce) could publicize the presence of the Bayshore Waterfront Park. In addition, groups could become involved in sponsoring and maintaining individual parts of the Trail.

# Appendices



## **APPENDIX A: MAPPING AND INVENTORY METHODOLOGY**

### **Introduction**

Three sets of maps were prepared by the Trust for Public Land for the Bayshore Waterfront Access Plan. The first two sets of maps, the Land Use/Ownership/Zoning Maps and the Special Areas and Features Maps are both labelled "Existing Conditions Maps". These were prepared and used in the development of the Plan, and are available from the Monmouth County Planning Board. The third set, the Concept Maps, provide a visual representation of the Plan concept and appear in this report. These maps were compiled from eight separate existing maps of each municipality, each of which included streets, lot lines, and water boundaries. The Middletown map was enlarged and the Keansburg map reduced to get all maps at the same scale of 1"= 400'. This scale was chosen because it allows a clear identification of specific lots, while still allowing for linear continuity to be shown. The study area was divided into four sections: Aberdeen and Keyport; Union Beach, Hazlet and Keansburg; Middletown; Atlantic Highlands and Highlands. After attaching a border and title block to each segment map, four photographic mylars were made.

### **Land Use/Ownership/Zoning Maps**

The Land Use/Ownership/Zoning Maps indicate existing developed and undeveloped land within the project area. A distinction between privately and publicly owned land has been made to better illustrate the existing extent of public access to the waterfront and to provide a basis for future public access planning. A knowledge of public versus private ownership is important in the development of strategies for providing public access.

The information shown on the Land Use/Ownership/Zoning Maps was first compiled from municipal tax maps and records, which list properties by use category, and was then checked against aerial photographs dated April 1986. Several field surveys conducted during the months of October and November 1986 allowed further refinement of the land use information.

For larger lots or parcels, and particularly those adjacent to the Bayshore or the creeks flowing into Raritan Bay, the actual extent of the specific use coverages is shown rather than the single land use indicated by the lot's tax code designation.

Through on-site inspections and use of the Monmouth County Park System's Bayshore Access Study (1984), access points were identified. These are shown by circular symbols on the Land Use/Ownership/Zoning Maps.

This map also shows current zoning designations within the study area based on information obtained from all the municipalities in December 1986. In 1985, a report entitled Bayshore: Rediscovering Its Future was prepared for the Monmouth County Department of Economic Development, Port Authority of New York and New Jersey, and the New Jersey Department of Commerce and Economic Development. This report is commonly referred to as the Bayshore Development Plan.

Working Paper 5: Regional Profiles: Regulatory Systems, one of the basis and background documents for Bayshore: Rediscovering its Future was used for identifying municipal zoning.

The following land use/ownership/zoning classifications are used on the Land Use/Ownership/Zoning Maps:

Private

- Vacant: All undeveloped land areas.
- Residential: All residential land uses.
- Commercial: Retail activities and commercial amusement facilities.
- Industrial: Manufacturing, utility, and power generating facilities.
- Institutional: Churches, private schools, nursing homes.
- Marina: All privately owned marinas and boat ramps.

Public

(Unless specified on the maps by a "C" for County or "S" for State, all public land and facilities are owned by the municipalities in which they are located.)

- Vacant: All undeveloped land.
- Improved: Public schools, post offices, municipal buildings.
- Park: Improved recreational facilities.
- Marina: Municipal and state owned marinas and boat ramps.
- Railroad Right-of-way: This classification does not distinguish between public or private ownership.

Access

- Beach: Access points to publicly owned beaches.
- Park: Access points to public waterfront parks.
- Marina/Ramps: Access points to marinas or to boat ramps.
- Railroad Right-of-Way: This classification does not distinguish marinas, ferries, and commercial establishments.

Bus Route/Stop: Indicates the two local bus routes that serve the Bayshore: the M17 and M24 lines, both operated by the Middlesex Bus Company for the New Jersey Transit Corporation.

### Special Areas & Features Maps

The following classifications are found on the Special Areas & Features Maps (the source of this information is also indicated):

Natural Shoreline: All of the shoreline which is not bulkheaded. The extent of the natural shoreline was determined through field surveys and aerial photos. In some cases, the shoreline shown on the original base map was changed to reflect the actual shoreline shown in recent aerials.

Bulkhead/Seawall: Determined through field surveys and aerials.

Fishing Site: Fishing piers and other places used for sport fishing as determined from field surveys.

Beach: Boundaries determined from aerials.

Dunes: Boundaries determined from aerials.

Wetlands: All coastal wetlands regulated under the New Jersey Wetlands Act. Wetland boundaries were transferred from the 1"= 200' aerials compiled by NJDEP that delineate the upper boundaries of regulated wetlands.

Flood Hazard Areas: All land areas within the 100-year flood hazard area as designated by the Federal Emergency Management Administration. These are found on the Flood Insurance Program Maps for each municipality. These Maps were compiled between 1982 and 1985.

Wetlands and Flood Hazard Areas: Indicates the overlap of "Wetlands" and Flood Hazard areas.

Steep Slopes: All slopes over 15%. Slope information was derived from 1:24,000 USGS topographic maps and from Figures 15 and 16 of the Environmental Impact Statement for the Atlantic Highlands/Highlands Sewerage Authority Wastewater Facilities Plan, Monmouth County (Draft). (USEPA, 1980).

Slump Block: These boundaries were obtained from Figures 15 and 16 of the Environmental Impact Statement mentioned above and from a 1:24,000 slump block location drawing prepared for the EIS by Converse, Ward, Davis and Dixon Inc. (Geographical Consultants) in 1978.

CAFRA Jurisdiction: This boundary was transferred from the CAFRA and Tidal Wetlands Map Index map prepared by NJDEP (6/25/84) on a USGS map.

Historic District: Based on the 1986 Monmouth County Historic Sites Inventory.

Historic Site: See "Historic Districts" above.

### **Bayshore Waterfront Access Plan Concept Maps**

The Concept Maps show the components that make up the Bayshore Waterfront Park. The following is an explanation of the map legend:

Existing/Proposed Bayshore Trail: The Concept Maps show the preferred alignment of the Bayshore Trail, which traverses both publicly and privately held lands. (In some cases, an easement will be negotiated.) The areas of the main Trail shown as "Existing" are currently physically accessible. The "Proposed" areas include both the currently inaccessible areas of the main Trail and the recommended connecting trails, regardless of their physical accessibility. Connecting trails are excursion routes from the main Trail; an example is found at Mt. Mitchill Scenic Overlook in Atlantic Highlands.

Proposed Bayshore Trail Segment Number: The linear trail is divided into numbered segments that correspond to those identified in Table 1.

Proposed Bikeway: For the most part, the Bikeway is routed on existing streets. However, in a few sections, it is recommended that the Bikeway follow the Railroad Right-of-Way.

Proposed Regional Park and Preservation Area: The Plan recommends the establishment of five Regional Park and Preservation Areas. The general location of these areas is indicated on the Maps.

Existing/Proposed Park: Existing local parks are shown, as well as all proposed local and regional parks.

Proposed Protection Area/Buffer:	These are typically environmental sensitive lands in or adjacent to proposed parks and the buffer areas needed to protect these lands. For example, in Middletown, many of the coastal wetlands are given this designation.
Existing/Proposed Boating Facilities:	These maps show existing and proposed boating facilities, which are identified by a letter keyed to Table 7.
Scenic Viewpoint:	Through fieldwork, scenic viewpoints were identified as points providing views of the waterfront panorama, scenic natural features and/or skyline in the distance.
Historic Resource:	These districts and sites are described in Appendix D.
Bus Route/Stop:	Indicates the two local bus routes that serve the Bayshore: the M17 and M24 lines, both operated by the Middlesex Bus Company for the NJ Transit Corporation.
Railroad Right-of-Way:	The Maps show the right-of-way location for the Seashore Branch of the former Central Railroad of New Jersey.
Proposed Bridge:	The Maps show locations where bridges for pedestrians and bicyclists would be necessary at creek crossings.
Potential Development Site:	These areas represent sites for projects which have been proposed or which appear to be suitable for future development.

#### Waterfront Access Points and Features

Right-of-Way/Easement	Symbols inscribed in circles denote the waterfront access points and features to the left. The proposed points and features are located primarily in areas where new parks would be developed.
Boating Facility	
Park	
Beach	
Fishing	
Parking	
Ferry	

## APPENDIX B: MUNICIPAL ZONING DESIGNATIONS

The Land Use/Ownership/Zoning Maps identify the legal zoning districts adopted by the municipalities for the Bayshore waterfront through the use of abbreviation symbols. The corresponding titles for these symbols are listed below:

### Township of Aberdeen

RA	Single-family Districts
R-100	Single-family Districts
R-75	Single-family Districts
P-6	Single-family Districts
R-60	Single-family Districts
R-50	Single-family Districts
Apt./TH	Multi-family
NC	Neighborhood Commercial
HC	Highway Commercial
RC	Regional Commercial
RO	Research/Office
MFG	Manufacturing
L-I	Light Industrial
CR	Conservation/Recreation
OR	Office/Residential

### Borough of Keyport

RA	Single-family Residential
RB	Single-family Residential
RC	Multiple Dwellings
GC	General Commercial
HC	Highway Commercial
NC	Neighborhood Commercial
LI	Light Industrial
I	Industrial Zone

### Borough of Union Beach

R-8	Single-family
B-1	Residential
B-2	Highway Business
B-3	Business Report
M-1	Light Industrial
M-2	Heavy Industrial

### Borough of Keansburg

R-1	Single-family residential
R-2	Two-family, Garden, Midrise
B-1	Business Zone
B-2	Business Amusement Zone
M	Manufacturing Zone

**Borough of Hazlet**

R-50	Single-family Residential
R-70	Single-family Residential
R-100	Single-family Residential
R-125	Single-family Residential
BN (1)	Business
BN (2)	Business
H-H	Business Highway
B-P-1	Business Professional
B-P-2	Business Professional
I-A	Industrial Assembly
I-M	Industrial Marine
MDR	Medium-density Residential
MHD	Mobile Home District
SC-1	Senior Citizen Housing
SC-2	Senior Citizen Housing
PC	Public Conservation

**Township of Middletown**

R-30	Single-family Residential
R-22	Single-family Residential
R-15	Single-family Residential
R-7	Single-family Residential
B-1	Business
B-2	Business
B-3	Business
M-1	Manufacturing

**Borough of Atlantic Highlands**

B-1	General Business Zone
L-M	Light Manufacturing
M	Marine Zone
R-1	Single-family Residential
R-2	Single-family Residential
B-2	Special Business Zone
OR	Elderly-family Housing

**Borough of Highlands**

WC	Waterfront Commercial
WT	Waterfront Transitional
MP	Marine Park

## **APPENDIX C: EXAMPLES OF POTENTIAL LOCAL WATERFRONT PARKS**

Local Waterfront Parks include municipal beaches as well as opportunities for water-oriented activities, such as swimming, boating and fishing. Examples of potential new or improved Local Waterfront Park sites and their likely uses were identified during the preparation of the Plan and are described below:

### **Keyport:**

A waterfront park at the foot of Washington Street and Broadway at the west end of Keyport. The property is currently owned by one of the adjacent marina owners but is not actively used. This property contains wetlands and is sloped slightly towards Matawan Creek. It affords an exceptional view of the Matawan Creek Wetlands and steep slopes. Passive recreation facilities (including benches and picnic tables) are proposed for the site.

The Borough of Keyport, in its Downtown Revitalization Plan prepared under a Local Coastal Planning Grant in 1984/1985, proposed a waterfront park and an additional fishing pier off this park between the existing fishing pier and the municipal boatramp. This plan also proposed the realignment of First Street to increase the park area. The Borough of Keyport has applied to Green Acres for development funding for the park and the fishing pier for 1987. This application is pending.

### **Union Beach:**

The Borough of Union Beach is actively pursuing a proposal to build a municipal boat ramp at the foot of Dock Street, off Conaskonk Point. The boat ramp would serve as Union Beach's only boating facility and could contribute to a better distribution of boating facilities and trailer traffic along the Bayshore. The boat ramp and adjacent parking would also serve as the entry point to the proposed Conaskonk Regional Point Park and Preservation Area. After preparing a feasibility study for the boat ramp with funding from a Local Coastal Planning Grant in 1986, the Borough applied for land acquisition funding through the Green Acres program in 1987. The application is pending.

### **Keansburg:**

A municipal boating facility located at the western edge of Keansburg Beach along Riverside Avenue would take advantage of the navigable Chingarora Creek channel. The privately owned site consists of a deteriorated bulkhead and adjacent vacant land, which could be used for limited trailer parking.

### **Middletown:**

A marina feasibility study was prepared for the Township of Middletown in 1986 under a Local Coastal Planning Grant. It identified the Gateway Marina at Pew's Creek in Middletown as one of two potential municipal marina sites in the Township and proposed an expansion of this existing privately owned facility by 400 boat slips. The same marina has been

proposed for inclusion in a potential County Park adjacent to this location. Monmouth County has actually applied for acquisition funding for the proposed park, including the marina site. The application is pending.

#### Atlantic Highlands/Highlands:

This Plan proposes the creation of a Local Waterfront Park on the triangular site at the east end of Atlantic Highlands, which is currently owned by the Atlantic Highlands/Highlands Regional Sewerage Authority. At this time a commercial development of more than 400 housing units and auxiliary commercial facilities has been proposed and is being considered for this roughly 13-acre site. This unique piece of property contains environmentally sensitive features such as dunes, beaches and freshwater wetlands, and should be developed as a beachfront park. The site is also adjacent to the extremely sensitive Atlantic Highlands coastal bluffs area, which has a history of severe slumping problems. Because of the site's limited access from Atlantic Highlands and its close proximity to Highland's residential districts, a joint recreational development project between Atlantic Highlands and Highlands would offer a creative management solution and also be an innovative and cooperative approach between the two municipalities. The construction of the proposed Bayshore Trail and Bikeway along the Right-of-Way, extending all the way to the Atlantic Highlands Marina, would further increase access to this site for residents and visitors.

#### Highlands:

The Borough of Highlands has expressed interest in improving fishing access off the bulkhead/boardwalk at the foot of Marina Place through street and sidewalk improvements, including lighting and benches.

## APPENDIX D: HISTORIC RESOURCES

The source of information for this Appendix is the recently published Monmouth County Historic Sites Inventory (1986), which was prepared for the Office of New Jersey Heritage, the Monmouth County Park System, and the Monmouth County Historical Association. The following is a summary of the Inventory's account of the Bayshore's historical development and a list of the most important historic districts and sites, which are shown on the Special Areas & Features Maps.

### Historical Development

In 1664, the initial European settlement of Monmouth County began in Middletown. Middletown Township was one of the original seven towns of New Jersey and contained all of the land area described as Region I in the Historic Sites Inventory. The geographical prominence of Sandy Hook and the Navesink Highlands gave the region strategic and navigational importance because of its position at the approach to New York Harbor.

Middletown and Middletown Point (now Matawan) were the two major villages in Region I during the 18th Century. Middletown was planned and laid out in the new England manner, which fostered clustered settlement. This concentration of population led to its importance as a center of commerce, trade, and civic affairs. Middletown Point developed as a result of its geographic location, i.e., by virtue of its location several miles inland at the head of the navigable Matawan Creek, which was the most convenient shipping point for the agricultural produce from the inland areas of Regions I and V.

Several small nucleated settlements also appeared in the region during the 18th Century. These developed around community focal points such as grist mills, taverns, and landings. Landings included Browns Point in Keyport and Shoal Harbor in Middletown. Finally, the geographic prominence of Sandy Hook led to Region I's development as part of the system of navigational aids and security at the entrance to New York Harbor. As early as 1680, proposals were made for the construction of a fort on the Hook, and the lighthouse now standing at its northern end was first erected in 1747.

Only two sections of the region remained generally undeveloped. Along the Bayshore, the extensive salt marshes limited settlement, and the Navesink Highlands also had limited population in the 18th Century. One of the most notable growth areas in the 19th Century was Keyport, whose development as a major commercial and population center began in the late 1820s. Keyport's growth occurred, to an extent, at the expense of its neighbor, Middletown Point. The silting of Matawan Creek slowly reduced its navigability, and improved roads reduced its advantage as an inland port. By the 1860s, Keyport had matched Matawan in importance. Despite the fact that Matawan was the first community to gain rail access, Keyport continued to be an important port for agricultural produce well into the 20th Century.

Other villages, such as Cliffwood, Hazlet, and Port Monmouth, appeared along the paths of the railroads. In 1848, Middletown Township was divided roughly in half into Middletown Township and Raritan Township. Raritan Township was later divided into Holmdel, Matawan, Aberdeen, and a smaller Raritan Township. The new Raritan Township was subsequently divided into Hazlet, Keyport, Union Beach, and Keansburg. The other municipalities of the Bayshore Region (Atlantic Highlands, Highlands, and Keansburg) were formed as a result of seashore resort and suburban development.

Keyport and Matawan emerged as the industrial centers of the region, with the most important element of the industrialization being the ceramic industry. The other major industry during the 19th century was ship building, which was centered in Keyport. No structures associated with the maritime industry survive. The ceramic and ship building industries drew heavily on the local black and immigrant Irish population for their workforce.

The building of the railroads played an important role in the development of the Bayshore. Rapid travel to New York via the New York and Long Branch Railroad, which reached as far south as Long Branch in 1875, prompted the growth of the County's earliest commuter suburbs in the Bayshore, most notably around Matawan. An extensive system of streetcars built in the late 19th and early 20th Centuries served these suburban areas. The completion of the last section of the Seashore Branch of the Central Railroad of New Jersey around 1875 brought rail service closer to the waterfront itself.

The hills of the Navesink Highlands became the prime sites for summer resorts in the late 19th Century. The design of the communities of Atlantic Highlands and Water Witch Park in Highlands took advantage of Sandy Hook Bay's scenic beauty. Atlantic Highlands was founded in 1879 by the Atlantic Highlands Association, a Methodist camp meeting group. The plan of the community featured concentric roads ascending the hills overlooking the ocean and included a natural amphitheater created from a ravine. Water Witch Park, built by a private club of businessmen and architects in 1895, was designed to encourage recreation and social interaction, featuring a curvilinear street pattern and walking paths climbing up the hills.

During the late 19th and early 20th Centuries, working class resort areas, notably Keansburg, grew along the Bayshore. The New Point Comfort Association, formed in 1906, developed the area around the Beachway in Keansburg and later formed the Keansburg Steamship Company that provided service between Keansburg and the Battery in New York. Cliffwood Beach in Aberdeen was developed in a similar manner, although none of the beachfront construction survives.

The 20th century in the greater Bayshore area has been characterized by an overall decline in the importance of agriculture, the widespread expansion of suburban residential areas, the emergence of a large electrical engineering industry, and the establishment of substantial military facilities.

The automobile and the development of an improved road system in the region, in conjunction with declining profitability of agriculture (particularly during the years of the Depression) and the emergence of the electrical engineering industry, have contributed to the widespread suburbanization of the Bayshore. The improvements to Route 35 and the construction of the Garden State Parkway in the 1950s greatly facilitated auto travel to North Jersey and New York City, reducing commuting time and expanding the radius of New York City's suburbs. The long history of experimentation in communications which had occurred in the region, beginning with Marconi's experiment with wireless telegraphy as Highlands, led to the construction of the large Bell Labs facility in Holmdel.

### Historic Places

The Monmouth County Historic Sites Inventory contains a complete list of historic sites and districts and streetscapes in the County. Due to the large number of inventoried historic resources in the Bayshore region, only individual sites on, eligible for or possibly eligible for inclusion on the National and State Registers of Historic Places are noted. In addition, all streetscapes and historic districts are listed, regardless of their eligibility status. At present, the villages of Middletown and Navesink are the region's only historic districts listed on the National and State Registers. These two districts, however, lie south of the study area for the Plan.

Each of the entries below is followed by a letter describing its eligibility for the National and State Register: Y = Yes; N = No; P = Possible. The number in parentheses refers to the identification number used in the Monmouth County Historic Sites Inventory. Streetscapes are all given an 'N' code because by definition they are sections of streets that have similar historic characteristics, but are not part of a district. (Where individual sites within a streetscape are eligible for the National and State Registers, they are given a 'Y' in parentheses.)

#### Keyport

1. First Street District Y (1322-1)

Includes the oldest still-standing artisan's shop in Monmouth County, the "Joseph Bailey Chair Shop" (1840), several Gothic Revival (1850-1870) and French Second Empire (Mansard Style, 1860-1870) residences, and the Victorian Italianate "Samuel G. Fairchild House."

2. Front Street District P (1322-2)

Includes approximately 100 structures. Includes the Romanesque Revival "First Baptist Church" (1860), the Victorian "First Presbyterian Church" (1879), the Greek Revival "Keyport Academy" (1862), and one of the first brick

municipal borough halls and fire stations. Concentrated on Front Street are Italianate store fronts (1860s and 1870s), including the "Joseph Maurer Building", and the "streamlined" stainless-steel Palace Diner.

3. Main Street District Y (1322-3)

Includes approximately 150 structures. Includes the Georgian Revival "Keyport Public Library" (1913); one of the best remaining wood-frame Greek Revival churches in Monmouth County, the "Dutch Reformed Church" and the French Second Empire (1860-1870) "J.B. Wintherton House."

4. Keyport Fishery Y (1322-65)

Only surviving building from the town's once-important harvesting business, formerly J. & J.W. Ellsworth Fish Market.

Union Beach

1. Jersey Central Traction P (1350-1, 1350-3)  
Company

Car barns and powerhouse are the only remains of former street car system in the area.

Keansburg

1. Beachway Streetscape N (1321-1)

Includes Carousel (Y), New Point Comfort Auditorium and Camp Raritan Building. These three structures are replacements of the late 19th Century structures lost to storm and fire.

2. St. Anne Roman Catholic Y (1321-4)  
Church

Excellent example of Spanish Colonial Revival Style in Monmouth County (1916).

3. Church Street Streetscape N (1321-7)

Includes Keansburg National Bank (an excellent example of a neoclassical bank of the 1920s) and the Classical Colonial Revival Keansburg Public School (1912).

Middletown

1. Seabrook House (Spy House) Y (1331-98)

Listed on the National and State Registers in 1974. A museum for local history.

2. Shoal Harbor District            N (1331-6)  
  
Best-preserved representatives of the County's maritime past. Mentioned in Middletown records as early as 1669.
3. Bowne House                      Y (1331-47)  
  
Listed on the State Register in 1976.
4. Water Witch Club District    Y (1331-7)  
  
Includes 43 ledgers. Example of early suburban community planning; includes several Shingle Style residence, among them the "MacDougal House".
5. Compton's Creek Bridge        P (1331-6)  
  
Only surviving swing bridge (at the time this Plan was written), carrying Belford's Main Street and preserving upstream access from still-active commercial fishing harbor.

#### Atlantic Highlands

Founded by a Methodist camp meeting association; includes concentration of Shingle-Style and Stick-Style suburban and resort-type residences and seaside cottages.

1. Atlantic Highlands            Y (1304-1)  
    District  
  
Includes approximately 120 structures.
2. First Avenue Streetscape    N (1304-3)  
  
Includes Atlantic Highlands National Bank (P). (1304-3-1)
3. Central Baptist Church        Y (1304-4)
4. Queen Anne Style              Y (1304-7)  
    Residence at 58 Lincoln  
    Avenue.
5. Henry Hudson Springs        P (Archaeological site.)

#### Highlands

1. Twin Lights (Navesink        Y (1317-3)  
    Lighthouse)  
  
Listed on the National and State Registers in 1970. Large sandstone structure with two beacons, resembling a castle. Former lifesaving station from Sandy Hook is now preserved at

Twin Lights State Historic Site. Associated with early and well-publicized use of wireless telegraphy; receiving station was set up at lighthouse in 1899 to bring newsbreaking ship-to-shore radio coverage of the British-American yacht races, later known as America's Cup Race.

## APPENDIX E: RAILROAD RIGHT-OF-WAY

The Plan recommends the acquisition of the Right-of-Way of the old Seashore Branch of the Central Railroad of New Jersey by a public entity. The Right-of-Way covers a distance of approximately 10 miles, and traverses a varied landscape along Route 36 and the waterfront. Except for the western most portions of the Right-of-Way, and occasional road crossings, rails and ties have been removed. The sections listed below indicate the location of the Right-of-Way and the ownership of the particular section.

### Section A

This section of the Right-of-Way, which runs from the New Jersey Transit Matawan/Aberdeen Station to Rose Lane in Union Beach is owned by Conrail and is currently being used for freight service. This section is for sale.

### Section B

This section of the Right-of-Way runs from Rose Lane in Union Beach to the Atlantic Highlands Marina. Going eastwards, this route runs parallel to and north of Route 36 in Middletown, past Naval Weapons Station Earle until it curves towards the marina. This section of the Right-of-Way is in a state of neglect, with most of its tracks and ties removed. There are several impediments along this stretch, particularly the Compton's Creek Bridge which has been removed, and the flood control dike at Pews Creek which occupies the Right-of-Way.

The portion of the Right-of-Way that passes through the property of the International Flavors and Fragrances Company is an important component of the Bayshore Trail and Bikeway, because it passes to the North of Natco Lake and provides an alternative to using Route 36 as an east-west corridor.

In late 1986, after an unsuccessful attempt by the County to acquire the portion of Section B from Rose Lane in Union Beach to the Atlantic Highlands/Middletown municipal boundary, this section was divided into seventeen segments and sold at auction. As of December 1986, the sales of the five westernmost segments had closed. The Township of Middletown entered into litigation against the seller to nullify the sale, contending that no subdivision approvals had been given for this property. The suit was decided in favor of the Township. Central Railroad of New Jersey would be interested in selling the land as one piece but, at the same time, is seeking the required subdivision approval in order to complete sales contracted for in 1986.

### Section C

The Right-of-Way in this section extends from the Atlantic Highlands Marina to the Highlands Bridge in Highlands. The Right-of-Way has a base of large rocks and is overgrown with vegetation.

The Atlantic Highlands Marina Authority owns about half of the section of the Right-of-Way extending from the marina to the bluffs. The Borough of Atlantic Highlands purchased this section of the Right-of-Way west of the marina to West Street. This small section is crucial to the marina expansion, because it allows marina-related traffic to be routed around Main Street in Atlantic Highlands which is congested during the summer months. The section from Highlands Avenue in Atlantic Highlands to the Middletown/Atlantic Highlands boundary was sold to a private party in 1985.

In Atlantic Highlands, the Right-of-Way continues along the inland border of the proposed local waterfront park at the eastern Borough line and the base of the Atlantic Highlands bluffs. This portion of the Right-of-Way is currently owned by the Atlantic Highlands/Highlands Regional Sewerage Authority, which has entered into an option to sell the Right-of-Way along the bluffs line to a private developer. Along the bluffs, the Right-of-Way offers direct access to the water as well as a commanding view of the Sandy Hook Bay, Sandy Hook itself and the New York skyline. The easternmost section of the Right-of-Way extends from the Atlantic Highlands/Highlands Municipal boundary to the Highlands Bridge in Highlands. This part of the Right-of-Way, known as Shore Drive, is a major artery in Highlands Borough and also the easternmost section of the proposed Bikeway.

## APPENDIX F: PUBLIC ACCESS LAW

### New Jersey Case Law

The following summarizes the pertinent public access cases in New Jersey:

Brindley v. Borough of Lavallete 33 N.J. Super. 344 (Law Div. 1945) invalidated a local ordinance excluding non-residents from a municipal beach. However, municipalities then began to charge nonresidents substantially higher beach badge fees, or began to sell only daily rather than seasonal beach badges to nonresidents, in order to deter nonresidents from using the beach.

In Borough of Neptune City v. Borough of Avon-by-the-Sea 61 N.J. 296 (1972), the court held that municipalities could charge reasonable fees for use of their beaches. They could not, however, discriminate between residents and nonresidents, based on the Public Trust Doctrine. Thus Avon's ordinance, which provided for different fares for residents and nonresidents, was found to be invalid. This case extended the Public Trust Doctrine to include recreational uses such as swimming and other shore activities in addition to the earlier protected activities of navigation and fishing.

In Van Ness v. Borough of Deal 78 N.J. 174 (1978) the court held that Deal could not abridge or limit the Public Trust Doctrine by hindering access or by making alternative beaches open to the public. All municipal beaches had to be open all the time to all the public. A companion case to Deal was Hyland v. Borough of Allenhurst 148 N.J. Super 437, 372 A.2d 1133 (app. Div. 1977). The court held that certain facilities reasonably necessary for public use of the beach and offered to residents must be available to nonresidents as well. In Deal, the municipality provided lockers to beach users; in Allenhurst the municipality provided toilet facilities. The court held that municipalities cannot restrict use of necessary man-made facilities to residents.

The issue of restrictive zoning of beachfront property was confronted in Lusardi v. Curtis Point Property Owners Association 86 N.J. 217 (1981). The court invalidated a local ordinance preventing recreational use of dry beach areas except as an accessory use to a permitted primary use. In Lusardi, beachfront lots had been zoned for single-family residential use, thereby preventing the Association from using a vacant parcel (which the Association owned) for recreational purposes. The court restricted the latitude given municipalities to determine appropriate land uses "where land has a unique character and a Statewide policy designates what uses are appropriate for such land," citing the Public Trust Doctrine and New Jersey Rules on Coastal Resources and Development favoring recreational beach access.

Most recently, in Matthews v. Bay Head Improvement Authority 95 N.J. 306 (1984), the court extended the Public Trust Doctrine to include a right to cross privately owned dry sand (upland) beaches in order to permit reasonable access to the tidal beaches seaward of the mean high water

mark. The court created a reasonableness test to determine whether the general public can be allowed to pass over private lands in order to gain access to the ocean. The factors to be considered are as follows: (1) the location and extent of the dry sand area in relation to the wet sand area, (2) the extent and availability of public dry sand beaches, (3) the extent of public demand, and (4) the use of the dry sand beach by the private owner. Consequently, a beach lot in an area with great demand for ocean access and few beaches used for recreation would likely be considered a public accessway. On the other hand, a beachlot between two large public beaches that are scarcely used could be treated differently.

### **Pending Beach Access Legislation**

During 1986 several bills were introduced in the New Jersey Legislature to broaden the interpretation of the Public Trust Doctrine. The beach access bills essentially would provide unimpeded access to all municipally owned beaches, while protecting private waterfront property owners from additional legal liability. Although the bills vary and are subject to revisions, the major provisions are similar. In summary the provisions of the bills are as follows:

- o The amount of beach fees would be linked to the actual expense of maintaining the beaches and keeping them safe. Additional fees could be charged for additional services, (e.g., umbrellas and cabanas).
- o The Department of Environmental Protection would be required to prepare a digest of beach admission fee schedules for the entire State.
- o Beach municipalities would report beach operating revenues and expenditures to the Department of Community Affairs.
- o All beaches would be available to the public without discrimination or distinction on the basis of residency or any other factor.
- o Every beach municipality would file with the New Jersey Department of Environmental Protection a beach management practices plan with detailed information regarding availability of facilities, fees, access and numerous other concerns. The Department would review and reject or approve the plans.
- o Grants would be available to help pay for the cost of preparing these plans.
- o Access to the beaches must be assured, and no obstacles (such as heavy traffic and walls) would be allowed.
- o If a municipality is found to violate any provision of the act, all permits and grants would be withheld from it. The Department would take legal action to enforce the provisions of the act.

- o Private beachfront landowners would have no special legal obligation or liability to people who use their land to gain access to the oceanfront.
- o Municipalities would have the same powers to raise funds through the charging of fees that they have under N.J.S.A. 40:61-21.20.

## APPENDIX G: STATE AND COUNTY COASTAL MANAGEMENT POLICIES

The Bayshore Waterfront Access Plan relies on a number of State and County coastal management policies for its implementation. Two of the major documents that direct Bayshore waterfront planning are the New Jersey Rules on Coastal Resources and Development and the Monmouth County Growth Management Guide. The Rules on Coastal Resources and Development are used by the Division of Coastal Resources in the review of permit applications under the Coastal Area Facility Review Act (N.J.S.A. 13:9A-1 et seq.), the Wetlands Act (N.J.S.A. 13:9A-1 et seq.) and the Waterfront Development Permit Program (N.J.S.A. 12:5-3). The rules provide a basis for recommendations by the Division to the Tidelands Resource Council on applications for riparian grants, leases, or licenses. For a complete reference or for permit applications the appropriate agency and documents should be consulted. Included in this appendix are several policies which have the most direct applicability to the Plan.

Although there are many Special Area Policies in the Rules on Coastal Resources and Development that apply to the Bayshore, only six are given special attention in this Plan. These six areas are referred to in the text and are delineated on the Special Areas and Features Maps as follows:

- o Natural Water's Edge - Floodplains
- o Beaches
- o Dunes
- o Wetlands
- o Steep Slopes
- o Historic and Archeological Resources

The Rules on Coastal Resources and Development include a section that addresses the issue of public access to the waterfront. These policies are defined in N.J.S.A. 7:7E-8.11 Public Access to the Waterfront and are as follows:

### 7:7E-8.11 Public Access to the Waterfront

#### (a) Definition

Public access to the waterfront is the ability of all members of the community at large to pass physically and visually to, from and along the ocean shore and other waterfronts.

#### (b) Policy

1. Coastal development adjacent to all coastal waters, including both natural and developed waterfront areas, shall provide perpendicular and linear access to the waterfront to the maximum extent practicable, including both visual and physical access. Development that limits public access and the diversity of waterfront experience is discouraged.

2. All development adjacent to water shall, to the maximum extent practicable, provide, within its site boundary, a linear waterfront strip accessible to the public. If there is a linear waterfront accessway on either side of the site and it is not feasible to continue it within the boundaries of the site, a pathway around the site connecting to the adjacent parts, or potential parts of the waterfront path system in adjacent parcels shall be provided.
3. Municipalities that do not currently provide, or have active plans to provide, access to the water will not be eligible for Green Acres or Shore Protection Bond funding.
4. Public access must be clearly marked, provided parking where appropriate, be designated to encourage the public to take advantage of the waterfront setting, and must be barrier free where practicable.
5. A fee for access to, including parking where appropriate, or use of publicly owned waterfront facilities must be no greater than is required to operate and maintain the facility and shall not discriminate between residents and nonresidents except that municipalities may set a fee schedule that charges up to twice as much to nonresidents for use of marinas and boat launching facilities for which local funds provided 50 percent or more of the costs.
6. All establishments, including marinas and beach clubs, which control access to tidal waters shall comply with the Law Against Discriminating, N.J.S.A. 10:5-1 et seq.
7. Public access, including parking where appropriate, shall be provided to publicly funded shore protection structures and to waterfronts created by public projects unless such access would create a safety hazard to the user. Physical barriers or local regulations which unreasonably interfere with access to , along or across a structure are prohibited.
8. Development along the Hudson River must conform with the Hudson River Walkway and Design Guidelines, (Wallace, Roberts and Todd for NJDEP, 1983) and which may be obtained from the Department's Division of Coastal Resources.
9. Development adjacent to coastal waters shall provide fishing access within the provision of public access wherever feasible and warranted.
10. Development adjacent to coastal waters shall provide

barrier free access within the provision of public access wherever feasible and warranted by the characteristics of the access area.

(c) Rationale

New Jersey's coastal waters and adjacent shorelands are a valuable but limited public resource. They are protected by New Jersey's Shore Protection Program and patrolled by the New Jersey Marine Police which are both financed by all State residents.

Existing development often blocks the waters from public view and/or makes physical access to the waterfront difficult or impossible. In addition, private ownership of land immediately inland of publicly tidelands often limits public access to those lands and the waters which flow over them. This has limited access to and enjoyment of public resources by citizens who, through taxes, support their protection and maintenance.

This rule then elaborates on case law based on the Public Trust Doctrine, which is discussed in Appendix F of the Plan. The discussed rule continues with:

The developed waterfront, due to its past industrial utilization, has been closed to the people that live adjacent to the waterfront. The Department intends to promote a horizontal network of open space at the water which could be visualized as a narrow strip used for walking, jogging, bicycling, sitting, or viewing, which is continuous, even if the path must detour around existing or proposed industry due to security needs or the lack of pre-existing access. These linear walkways will connect future and existing waterfront parks, open space areas, and commercial activities. The goal of this policy is the piecing together of a system that will provide continuous linkages and access along the entire waterfront.

At the County level the Growth Management Guide establishes the policies for growth in Monmouth County. The Growth Management Guide policies that are relevant to the Bayshore Waterfront Access Plan are as follows:

- o Provide for public access to bay and ocean beaches, stream corridors and riverbanks.
- o Protect and conserve all natural stream floodplains and stream corridors.
- o Expand the resort potential of the County.
- o Improve and expand the commercial fishing industry.
- o Limit development in coastal areas based on building suitability and environmental criteria.

- o Protect those areas in the County which are of a unique ecological nature.
- o Discourage development on steep or geologically unstable slopes.
- o Protect significant historic structures and sites.
- o Encourage commuter water transportation service between Monmouth County and the Battery Park area of New York City.
- o Improve local public transportation.

## APPENDIX H: LOCAL REGULATORY CONTROLS

This Appendix describes in further detail the three zoning approaches mentioned in the text: special districts, overlay zones, and incentive zoning.

A special district is a zone with special land use regulations and design criteria. A waterfront district ordinance would establish both permissible and prohibited waterfront land uses and define conditional land uses which require special permits. The ordinance would further establish standards for development, including, but not limited to, lot coverage, provision of open space, and the maintenance of land for pedestrian or bicycle trails.

In order to prevent challenges to the enactment of a special waterfront district, its purpose should be articulated in the municipality's master plan. Bayshore municipalities should review the problems related to the various development and public access pressures affecting the waterfront and revise their master plan to guide and ensure the rational development of the waterfront by incorporating public access provisions and other appropriate development controls. Such a review, with the subsequent modification of the master plan, would constitute a justification for revision of the zoning ordinance.

Overlay zones, or overlay districts, provide supplementary standards for existing zones. Therefore, a specific property on the waterfront would be subject to the regulations for both the existing zoning district and to the supplementary standards for the overlay zone. A familiar example of an overlay zone would be an historic district. An overlay zone is especially useful for applying public access and open space concepts to waterfront areas which are governed by different and conflicting zoning designations. For example, an overlay zone could serve as one mechanism to preserve existing informal access to privately owned property by prohibiting fences on private beaches..

To establish a waterfront overlay zone in any Bayshore municipality, the following steps should be taken:

- o Delineation of overlay zone boundaries, e.g., all properties within 100 feet of the waterfront.
- o Statement of overlay zone purposes, e.g., public access; water-oriented recreation; vehicular access; preservation of sensitive natural features; and coordination of public access and recreation in contiguous waterfront commercial, residential, and industrial districts.
- o Creation of overlay zone regulations, e.g., provision of pedestrian and bicycle access contiguous to the shoreline, elimination or avoidance of features preventing continuous public access, protection of sensitive environmental features or areas of public interest, implementation of scenic and aesthetic controls.

- o Definition of the zone's administrative requirements, e.g., the provisions for applying for a permit and the additional elements, if any, of a site plan required for review under the overlay zoning district.

Municipalities contemplating the enactment of overlay zones should be careful to firmly relate the overlay zoning concept to the objectives of the master plan in order to ensure that the criteria and standards in the overlay zones are implemented carefully and to balance the competing needs of the overlay zone and underlying use zones. Overlay zones that have been established to protect historic districts have frequently been upheld by the court.

Incentive zoning essentially involves a trade of some sort of "bonus" in return for the provision of open space, parks, walkways, and other amenities by the landowner or developer. Typical bonuses desired by developers are increased residential density, increased floor area ratios, increased height, or inclusion of additional use types. The trading of development bonuses for environmental or public amenities provides flexibility and valuable incentives for developers and property owners.

## APPENDIX I: EASEMENTS

An easement is a recorded agreement by which the owner of property conveys certain rights of control over his property to another. As applied in the Plan, these rights are conveyed to a governmental entity or a nonprofit organization for a public good. The sale or donation of these rights can assure the preservation of scenic, historic, natural and open space characteristics that make the property significant. For example, the easement could prohibit the alteration of an historic structure unless a certified historic preservationist finds that the alteration will not diminish its historic value. Although easements are typically a voluntary agreement between the original landowner and a governmental unit or charitable organization, once recorded, the easement is binding and carries forward with the property from owner to owner.

In order for an easement donation to qualify as a deduction for Federal income tax purposes, it must be created in perpetuity and must meet one of the defined categories that appear in IRC Sec. 170(h)(4). These include the following:

- o The preservation of land areas for outdoor recreation or for the education of the general public.
- o The protection of a relatively natural habitat for fish, wildlife, or plants, or similar ecosystem.
- o The preservation of open space (including farmland and forest land) where such preservation is (1) for the scenic enjoyment of the general public, or (2) undertaken pursuant to a clearly delineated federal, state or local government conservation policy, and will yield a significant public benefit.
- o The preservation of an historically important land area or a certified historic structure.

The enforcement of an easement can be accomplished through the periodic inspection of the property, ongoing consultations with the owner concerning proposed activities, legal action to compel compliance with the easement, and entry onto the property by the easement holder to cure violations at the expense of the property owner.

One criterion for choosing the most appropriate entity to acquire and hold easements is the capacity of the entity to enforce the easements in perpetuity. This enforcement responsibility requires time and money.

## APPENDIX J: FUNDING SOURCES

### Federal and Regional

The Federal government provides funding from many sources, including the Land and Water Conservation Fund, the Federal Coastal Zone Management Program, the Federal Bureau of Outdoor Recreation and the Wallop-Breaux Fund. All of these monies are given to the State for local distribution. These funding sources are discussed below.

The Port Authority of New York and New Jersey maintains a fund for special regional development projects proposed by the Governor of either state. Disbursements from the fund are generally allocated to projects that emphasize regional transportation or fishing-related issues.

### State

Coastal Grants: Local Coastal Planning Grants of up to \$20,000 are awarded to counties and municipalities each year by the New Jersey Department of Environmental Protection, Division of Coastal Resources. These grants are awarded for planning and site design only, using funds from New Jersey's share of the Federal Coastal Zone Management Program. Under the Public Access Implementation Program, grants of up to \$50,000 are provided for local public access and walkways. Approximately \$250,000 of the \$2 million allocated to New Jersey in 1987 were provided through these two grant programs.

Duck Stamp Program: Revenues generated by the sale of waterfowl stamps by the New Jersey Department of Environmental Protection (NJDEP), Division of Fish, Game and Wildlife can be used for the acquisition of wetlands and waterfowl habitats along New Jersey's waters. The fund is administered by the Waterfowl Committee which is made up of various NJDEP agency representatives, citizens and sport groups. The Committee makes recommendations to Green Acres concerning the purchase of lands.

Federal Bureau of Outdoor Recreation: The Federal Bureau of Outdoor Recreation provides a limited amount of funds to New Jersey. These funds are administered by Green Acres and can be appropriated for State projects or used to provide grants for special county or municipal recreation projects.

Federal Wallop-Breaux Fund: New Jersey receives an annual allocation from the Federal Wallop-Breaux Fund, which can be used for expanding access opportunities, fish restoration and aquatic resources education programs. This fund receives revenues from taxes on fishing tackle, motorboat fuel and other marine-related goods. These funds are distributed to the states according to the number of anglers and the total land and water areas. Part of the funds are directed to sport fish restoration projects, which can include fishing piers, fish cleaning facilities, access facilities and land acquisition. New Jersey's share of the program is administered by the Marine and Freshwater Fisheries Office within the Division of Fish, Game and Wildlife of the Department of Environmental Protection.

Green Acres Program: The New Jersey Green Acres Program is administered by the Department of Environmental Protection's Green Acres Office and funded through the Green Acres Trust. This program accounts for much of the funding available for county and municipal open space preservation. Monies from the fund can be utilized for the acquisition of land and the development of recreational facilities. Local projects typically receive 100% loans at 2% interest for a 20-year period; however, projects in Urban Aid communities such as Keansburg are eligible for funding packages comprised of 25% grants and 75% loans. This same grant/loan mix is also available for Environmental Incentive projects, which involve properties containing unique or special environmental condition, (such as wetlands, dunes, and waterfront access area). Detailed land use and open space inventories must be included with applications for Green Acres funding. The inventory maps prepared for this Plan can be used in the preparation of these inventories.

Shore Protection Program: Although shore protection funds do not pay for public access projects per se, often-times a combination of linear access with structural and nonstructural shore protection features is both possible and desirable. In fact, the New Jersey Rules on Coastal Resources and Development specifically encourage the provision of public access in shore protection projects. Shore protection projects are funded through a 75% State grant. The remaining 25% is funded by the municipality.

Natural Resource Protection and Restoration Act (A-2195): If passed, this bill, sponsored by Assemblyman Villane and Senator Gormley, would provide over \$40 million for land acquisition each year. Under the Act, funds would be raised from a realty transfer fee of \$2.00 per \$1,000 of value on certain real estate transactions involving over \$100,000. The money would be used for shore protection, lake and river dredging, Green Acres projects, flood control, and parks and forests. The State funds raised through the realty transfer fee would pay 80% of the project cost, while the municipality would fund the remaining 20% of the cost either through local funds or with funds from another State source.

Shore and Waterway Protection and Restoration Trust Fund: Senator Pallone has introduced legislation (S-1651) that would create a Shore and Waterway Protection and Restoration Trust Fund. This fund would be financed through a 1.0% tax on all hotel and motel lodging charges. The monies would be utilized to finance shore protection, lake cleanup, and dredging projects within the State.

#### **Local**

Monmouth County Improvement Authority: In May 1986, the Monmouth County Board of Chosen Freeholders created the Monmouth County Improvement Authority as part of a pooled government loan program. Funding for various projects along the Bayshore might be eligible for funds from this source.

County Open Space Fund: The Monmouth County Board of Chosen Freeholders has proposed a new County dedicated property tax to raise money for open

space acquisition. The proposed tax of roughly \$25 per \$100,000 of value would raise approximately \$4 million per year. This money would be used solely to acquire open space.

Municipal Funds: Municipalities can acquire open space through various means, including the issuance of bonds, and applications for funding from outside sources.

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