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# WATERFRONT ACCESS PLAN

# FOR

# THE BOROUGH OF FAIR HAVEN
# MONMOUTH COUNTY, NJ

U.S. DEPARTMENT OF COMMERCE NOAA
COASTAL SERVICES CENTER
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Prepared by T & M Associates, September, 1990

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# INTRODUCTION

The Fair Haven Waterfront Access Plan was funded by a Local Coastal Planning Grant from the New Jersey Department of Environmental Protection, Division of Coastal Resources, Planning Group. The grant was made possible by New Jersey's participation in the Federal Coastal Management Program administered by the National Oceanic Atmospheric Administration (NOAA), Office of Ocean & Coastal Resource Management, under the provisions of the Federal Coastal Zone Management Act, P.L. 92-583, as amended.

This plan presents the results of an access study conducted by the Borough of Fair Haven Waterfront Planning Committee in an effort to improve the access to the waterfront of the Navesink River for all residents of Fair Haven. The report is based on an analysis of the physical and environmental characteristics of the area as well as the comments and concerns expressed by the Mayor and Council of the Borough of Fair Haven, the NJDEP, Bureau of Coastal Planning & Development, and residents who attended a public hearing on the plan.

The design concept master plan for public access to Fair Haven's waterfront provides the Borough with a concept for optimizing access to the Navesink River for all residents of the Borough and surrounding areas. It has been developed in the an appropriate

scale in keeping with the needs of the Borough of Fair Haven and in a manner consistent with Coastal Resources & Development policies established by the New Jersey Department of Environmental Protection, Division of Coastal Resources.

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## EXISTING AREAS AND LAND USE ANALYSIS

Waterfront access for the Borough of Fair Haven was studied for the entire river frontage in the Borough from the Red Bank border to the border with Rumson. Refer to Figure 1 (1990 Aerial Photo of Fair Haven). There is approximately 2.5 miles of waterfront in the Borough. All of the land along the waterfront is in private residential use, with the exception of three parcels of land. Two of these parcels are owned and operated as a private yachting club, and one parcel is owned and operated as a commercial marina. Several public right-of-ways and common access easements are located along the length of the waterfront.

The purpose of this study was to investigate the existing access points along the waterfront from the standpoint of expansion and enhancement to accommodate a greater number of Borough residents. The following existing access points were reviewed in detail:.

1. The extension of Grange Avenue right-of-way.

2. The extension of Hance Road right-of-way.

3. The Lewis Lane Property Owners Association access easement.

4. The Battin Road public launching ramp and facilities of the "River Rats".

5. The extension of the public right-of-way on Fair Haven Road and the municipal fishing pier.

6. The extension of public right-of-way on DeNormandie Avenue and the facilities of the Fair Haven Yacht Works.

7. The Shrewsbury Yacht Club facilities and the River Oaks Property Owners Association right-of-way.

The Fair Haven Waterfront Study Special Areas Map (Figure 2) shows the location of each of these existing points in relationship to the total waterfront in Fair Haven. The Special Areas Map was prepared at a scale of 1" = 300' from the current Tax Maps of the Borough of Fair Haven. Information shown on the existing land uses was complied during a field survey conducted in May, 1990. Each access point was studied by the Fair Haven Waterfront Access Plan Committee and T & M Associates through on-site inspections and extensive meetings and discussions relative to the limitations and constraints of the location. The following text summarizes the results of this existing use study.

Grange Avenue Right-of-Way

Grange Avenue has a 50 foot right-of-way which terminates at the Navesink River. At this location the right-of-way slopes steeply toward the river with bulkheading along the length of the right-of-way. Adjoining properties are well developed with residential dwellings of high value. The unused right-of-way has some potential for a passive overlook and sitting area, but much expansion could not be accommodated. The site also has accessibility only for residents within the immediate area. There may be a possibility of providing parking at the end of the street for approximately three vehicles. Some drainage improvements would be required at the bulkhead outfall.

Hance Road Right-of-Way

Hance Road is the next road to the east which extends to the Navesink River. The existing paved cartway ends at Cooney Terrace, where a small paved right-of-way leads to the river. There is a stormwater outfall and an eroding beach at this location. This site also has limited areas for expansion. Adjoining properties are substantially developed with high value residential uses. The right-of-way could be enhanced by widening the paved path to the river and providing another sitting area and overlook at this

location. Once again, the utilization would primarily be for residents in the immediate area of Hance Road. Parking expansion is extremely limited and could not be provided in sufficient quantities to allow for usage of residents located elsewhere in the community.

Lewis Lane Property Owners Association Right-of-Way

The Lewis Lane Property Owners Association owns a right-of-way from the end of Louis Lane at the intersection with Timber Court. This right-of-way is deeded to all of the homeowners on the Lewis Lane Development. There is a municipal drainage easement through the right-of-way which is occupied by a stormwater outfall into the Navesink River. At the end of the right-of-way there is a small beach which is currently undeveloped. Adjoining properties are substantially developed with high value residential uses. Additionally, the right-of-way is very narrow from the end of Lewis Lane to the beach, and can only accommodate single vehicle traffic or pedestrians. The right-of-way is also used as the primary driveway access to two flag lots at the end of Lewis Lane. This piece of property has limited opportunities for expansion due to areas available for parking and its limited accessibility to the majority of residents in Fair Haven. Additionally, acquiring the

rights to use the easement would be difficult and expensive, given the number of property owners which would have to be contacted and agreements made thereto.

Battin Road

The Borough of Fair Haven has a municipal boat launching ramp at the end of Battin Road. This is an asphalt paved ramp leading into the river. Generally the ramp is an extension of the existing road cartway. The ramp is impaired due to significant shoaling from the Fourth Creek and the Navesink River itself, which has made it impossible for launching boats at low tide. There is a great deal of erosion and deposition of sand at the mouth of Fourth Creek. Adjacent to the boat launching ramp is the property owned by the River Rats Yacht Club. This is a relatively level parcel of land with a dock and facilities owned and operated by the yachting club. Currently there is significant conflict between the patrons at the yacht club and residents using the municipal boat launching facility. During the summer months cars with trailers block many driveways along Battin Road while they are utilizing the launching facility, and it becomes a policing problem when the operators of the River Rats Yacht Club must keep their facilities clear of people utilizing the launching ramp. These facilities are presently maximized in their utilization. Adjacent properties are

developed with residential uses and enhancement of these facilities to allow for greater utilization by Borough residents would only exacerbate a difficult situation.

Fair Haven Road

The Borough of Fair Haven fishing pier is located at the end of Fair Haven Road. There is a limited amount of parking along the right side of Fair Haven Road for residents seeking to utilize the fishing pier. Increased utilization of this facility could be accomplished with additional parking. There is a vacant lot on the corner of Fair Waters Lane and Fair Haven Road which is currently undeveloped. Given the sales prices for similar properties in the area, this appears to be a very expensive alternative for acquiring additional parking, given the amount of parking spaces that could be placed on the one-half acre lot. On the east of Fair Haven Road there is an existing waterfront dwelling (Lot 1, Block 41) which is presently for sale. This property is on a similar sized lot and includes a riparian grant. However, acquisition of this parcel for parking would be cost prohibitive in that the number of spaces would be minimal and would require the demolition of an existing structure.

This parcel is discussed further in the next site. It was, therefore, determined that the expansion of the existing fishing

pier property could not be done as a "stand-alone" project given the useable land in the immediate area.

DeNormandie Road

The DeNormandie Road right-of-way ends at the Navesink River with an existing beach. To the northwest is located the Fair Haven Yacht Works, and to the northeast is a historic single family residence known as the "Robard House". These properties are also separated from the Fair Haven Road fishing pier by the existing dwelling on Lot 1. The Fair Haven Yacht Works represents the only commercial property in Fair Haven located on the river. It is currently a non-conforming use in a residential zone. The property is heavily utilized by boating operations: Over 90 percent of its land is paved. There are slips for approximately 70 boats; the marina also leases out approximately 100 moorings in the river area. There is an existing refueling facility and a travel launch for lowering and removing boats. Extending from the DeNormandie Road right-of-way along the Robard frontage on the river is a small sandy beach. This beach is currently utilized by residents, and provides various water activities. There are several buildings located on the Yacht Works property. All buildings are of a maintenance and repair facility nature, including a small store which is used as a retail business within the Yacht Works. Many of the existing residential dwellings in the immediate area are of

a historic nature. The Borough of Fair Haven has discussed designating the area as a historic district within the proposed revisions to its Master Plan. The Robard House is one of the oldest structures in the community. This area from Fair Haven Road to DeNormandie Road is the site of a steamboat ferry dock which was used until the turn of the century for commerce from Fair Haven to New York.

The Yacht Works property has a significant potential for providing waterfront access to the community. It is located relatively in the middle of the waterfront area in the Borough. The marina property is of sufficient size that adequate parking could be accommodated for many of the residents desiring to utilize the waterfront. Acquisition of the riparian grant on Lot 1 could provide a linkage from the municipal fishing pier to the Yacht Works and adjoining parcels.

Shrewsbury Yacht Club and River Oaks Right-of-Way Easement

To the extreme east of the waterfront in Fair Haven, near the border with Rumson Borough, is located a small private yachting club and a common access for an adjoining development. Existing operations of the yacht club indicate that their own parking areas are inadequate for the utilization of the existing site. Expansion is hampered by the quality of development on either side of the

property. Available property is also a limitation to the right-of-way easement for the River Oaks residents. Additionally, acquisition of this easement would be difficult given the number of property owners having claim to the access.

Assessment of all of the access points in the Borough indicated that the Fair Haven Yacht Works and the riparian lands on Lot 1 would be the most desirable on which to focus development alternatives. The following sections will address the CAFRA special areas located on these properties and the conceptual development plans proposed for the area.

## SPECIAL AREAS

The Map of Special Areas (Figure 2) contains the delineation of all special areas as defined by the Coastal Resources & Development Policies (current to August 15, 1988). There are 45 special areas which have been identified in the policies. These are listed in Appendix I. The following special areas apply to the study area in Fair Haven:

### 7:7E-3.2 Shellfish Beds

(a) "Shellfish beds" are estuarine bay or river bottoms (tidelands) that are productive for hard clams (Mercenaria mercenaria), soft clams (Mya arenaria), eastern oysters (Crassostrea virginica), bay scallops (Argopecten irradians), or blue mussels (Mytilus edulis). A productive bed is one which can be shown to have a history of natural recruitment for one or more of these species, or is leased by the State of New Jersey for shellfish culture, or is a State Shellfish Management Area.

(b) Any development which would result in the destruction of presently productive shellfish beds is prohibited, unless the development is of national interest and no prudent and feasible alternative sites exist.

1. The term "destruction" includes actions of filling to create fast land, overboard dumping or disposal of solids or spoils which would smother present shellfish populations or create unsuitable conditions for shellfish colonization, or the creation of bottom depressions with anoxic water conditions.

2. If the development is of national interest, and will result in the destruction of presently productive shellfish beds, the applicant shall be responsible for the expense incurred to salvage the resource. All such programs shall be coordinated with the appropriate shellfish management agency.

(c) Any coastal development which would result in contamination or condemnation of shellfish beds is prohibited. Development which would significantly alter the water quality, salinity regime, substrate characteristics (as through runoff and sedimentation), natural water circulation patten, or natural functioning of the shellfish beds during the construction or operation of the development is prohibited.

(d) Water-dependent development which requires new dredging adjacent to shellfish beds is discouraged and shall be managed to not cause significant mortality of the shellfish resulting from increase in turbidity and sedimentation, resuspension of toxic chemicals, or to otherwise interfere with the natural functioning of the shellfish bed.

1. New dredging within shellfish beds is prohibited.

2. Maintenance dredging of existing navigation channels is conditionally acceptable. State-managed shellfish recovery

programs are encouraged prior to dredging.

(e) If there is a delay of more than one year between completion of permit application review and initiation of approved activity, the shellfish resource shall be resurveyed. If there is a significant change in the resource, new mitigation measures may be required by the Department. The applicant shall coordinate any shellfish resource inventory with the Bureau of Shellfisheries to ensure it is conducted in the appropriate manner utilizing best available techniques.

(f) Rationale: See the OAL Note at the beginning of this subchapter.

Amended by R. 1985 d.715, effective February 3, 1986.

See: 17 N.J.R. 1466(a), 17 N.J.R. 1797(b), 17 N.J.R. 1797(c), 18 N.J.R. 314(a).

Substantially amended.

## 7:7E-3.4 Prime Fishing Areas

(a) Prime Fishing Areas include tidal water areas and water's edge areas which have a demonstrable history

of supporting a significant local quantity of recreational or commercial fishing activity. The area includes all coastal jetties and groins, and public fishing piers or docks. Prime Fishing Areas also include all red line delineated features within the State of New Jersey's three mile territorial sea illustrated in: B.L. Freeman and L.A. Walford (1974) Angler's Guide to the United States Atlantic Coast Fish, Fishing Grounds and Fishing Facilities, Section III and IV, or as indicated on New Jersey's Specific Sport and Commercial Fishing Grounds Chart (Page 14) contained in "New Jersey's Recreational and Commercial Ocean Fishing Grounds", Long and Figley (1984). While this information source applies only to the Delaware Bay and Atlantic Ocean shorefronts, prime fishing areas do occur throughout the coastal zone.

(b) Policy relevant to prime fishing areas is as follows:

1. Permissible uses of prime fishing areas include recreational and commercial finfishing and shellfishing, as presently regulated by NJDEP Division of Fish,

Game, and Wildlife, scuba diving an other water related recreational activities.

2. Prohibited uses include sand or gravel submarine mining which would alter existing bathymetry to a significant degree, reducing the high fishery productivity of these areas. Disposal of domestic or industrial wastes must meet applicable State and Federal effluent limitations and water quality standards.

(c) Rationale: See the OAL Note at the beginning of this subchapter.

Amended by R. 1985 d.715, effective February 3, 1986.

See: 17 N.J.R. 1466(a), 17 N.J.R. 1797(b), 17 N.J.R. 1797(c), 18 N.J.R. 314(a).

Subsection (a) substantially amended by incorporation (a)1 and (a)2 in (a) and adding text "or as indicated...Long and Figley (1984)".

## 7:7E-3.6 Submerged Vegetation

(a) A "submerged vegetation" special area consists of estuarine water areas supporting rooted vascular seagrasses such as widgeon grass (Ruppie maritima) and eelgrass (Zostera marina). Eelgrass beds are

limited to shallow portions of the Shrewsbury River, Barnegat Bay and Little Egg Harbor. Widgeon grass is for the most part limited to shallow areas of upper Barnegat Bay. Detailed maps of the distribution of the above species for New Jersey, and a method for delineation, are available from the DEP in the DEP-DCR sponsored study, the New Jersey Submerged Aquatic Vegetation Distribution Atlas (Final Report) February, 1980, conducted by Earth Satellite Corporation.

(b) Policy relevant to submerged vegetation beds is as follows:

1. Destruction of submerged vegetation beds is prohibited. Mitigation measures are required for all upland developments which would result in erosion or increased turbidity that would adversely affect this special area.

2. Trenching for energy pipelines and submarine cables of national significance will be conditionally acceptable, provided there is no prudent or feasible

alternative site, and if the site is restored to original bathymetry and re-planted with pre-development vegetation species, if these species have not colonized the site after three years.

(c) Rational: See the OAL Note at the beginning of this subchapter.

7:7E-3.7 Navigation Channels

(a) "Navigation channels" include water ares in tidal rivers and bays presently maintained by DEP or the Army Corps of Engineers and marked by U.S. Coast Guard with buoys or stakes, as shown on NOAA/ National Ocean Survey Charts: 12214, 12304, 12311, 12312, 12313, 12314, 12316, 12317, 12318, 12323, 12324, 12326, 12327, 12328, 12330, 12331, 12332, 12333, 12334, 12335, 12337, 12341, 12343, 12345, 12346, and 12363.

1. Navigation channels also include channels marked with buoys, dolphins, and stakes,

and maintained by the State of New Jersey, and access channels and anchorages.

2. Navigation channels are approximately parallel to the river bed. Access channels are spurs that connect a main navigation channel to a terminal. Anchorages are locations where vessels moor within water at or near the water's edge for the purpose of transferring cargo, or awaiting high tide, better weather, or fuel and terminal availability.

(b) Policy relevant to navigation channels is as follows:

1. New or maintenance dredging of existing navigation channels is conditionally acceptable providing that the condition under the new or maintenance dredging policy is met (see N.J.A.C. 7:7E-4.10(e) and (f).

2. Development which would cause terrestrial soil and shoreline erosion and siltation in navigation channels shall utilize appropriate mitigation measures.

3. Development which would result in loss of navigability is prohibited.

(c) Rationale: See the OAL Note at the beginning of this subchapter.

7:7E-3.10 Marina Moorings

(a) Marina moorings are areas of water that provide mooring, docking and boat maneuvering room as well as access to land and navigational channels for recreational boats. Maintenance dredging is typically required to preserve water depth.

(b) Non-water dependent development in a marina mooring area is prohibited.

(c) Any use that would detract from existing or proposed recreational boating use in marina mooring areas is discouraged.

(d) Maintenance dredging in the marina mooring area and access channel is encouraged, provided that turbidity is controlled and that there is an acceptable dredge spoil disposal site.

(e) Rationale: See the OAL Note at the beginning of this subchapter.

7:7E-3.15 Intertidal and Subtidal Shallows

(a) "Intertidal and subtidal shallows" means all permanently or twice-daily submerged areas from the mean high water line to a depth of four feet below mean low water.

(b) Development, filling, new dredging or other disturbance is generally discouraged but may be permitted in accordance with the Use Policy for the applicable water body type (see N.J.A.C. 7:7E-4).

(c) Submerged infrastructure is conditionally acceptable, provided that:

1. There is no feasible alternative route

that would not disturb intertidal and subtidal shallows;

2. The infrastructure is buried deeply enough to avoid exposure or hazard; and

3. All trenches are backfilled with naturally occurring sediment.

(d) Rationale: See the OAL Note at the beginning of this subchapter.

Amended by R. 1985 d.715, effective February 3, 1986.

See: 17 N.J.R. 1466(a), 17 N.J.R. 1797(b), 17 N.J.R. 1797(c), 18 N.J.R. 314(a).

(a) deleted old test and inserted new; old (b) deleted; (b)1 now (b) and test "but may be...N.J.A.C. 7:7E-4.4(i)" added; rest of section recodified.

## 7:7E-3.16 Filled Water's Edge

(a) "Filled water's edge" areas are existing filled areas lying between wetlands or water areas, and either the upland limit of fill, or the first paved public road or railroad landward of the adjacent water area, whichever is closer to the water. Some existing or former dredge spoil disposal sites and excavation fill areas are filled water's edge.

(b) The "waterfront portion" is defined as a contiguous area at least equal in size to the area within 100 feet of navigable water, measured from the Mean High Water Line (MHWL). This contiguous area must be accessible to a public road and occupy at least 30 percent of the navigable water's edge.

(c) On filled water's edge sites with direct water access (i.e., those sites without extensive intertidal shallows or wetlands between the upland and navigable water), development shall comply with the following conditions:

1. The waterfront portion of the site shall be developed with a water dependent use (see N.J.A.C. 7:7E-1.6(c) for definitions) or left undeveloped for future water dependent uses;

2. On the remaining non-waterfront portion of the site, provision of additional area devoted to water dependent or water-oriented uses may be required as a special case at locations which offer a

particularly appropriate combination of natural features and opportunity for waterborne commerce and recreational boating; and

3. On large filled water's edge sites, of about 10 acres or more, where water dependent and water oriented uses can co-exist with other types of development, a greater mix of land uses may be acceptable or even desirable. In these cases, a reduced waterfront portion, i.e., less than that provided by a 100 feet setback, may be acceptable provided that non-water related uses do not adversely affect either access to or use of the waterfront portion of the site.

(d) On filled water's edge sites without direct access to navigable water, the area to be devoted to water related uses will be determined on a case-by-case basis.

(e) On filled water's edge sites with an existing or pre-existing water dependent use, that is, one

existing at any time since July 1977, development shall comply with the following additional conditions:

1. For sites with an existing or preexisting marina, development that would reduce the area currently or recently devoted to the marina is acceptable if:

   i. For every two housing units proposed on the Filled Water's Edge the existing number of boat slips in the Marina mooring area (7:7E-3.14) is increased by one and at least 75 percent of the total number of slips (existing and new) remain open to the general public. Removal of uplands to create slips is acceptable;

   ii. Marina services are expanded in capacity and upgraded (i.e., modernized) to the maximum extent practicable; and

iii. In-water or off-site boat storage capability is demonstrated or upland storage is provided to accommodate at least 75 percent of the marina's *boats, as determined by maximum slip capacity, 26 feet in length and longer, and 25 percent of the marina's boats less than 26 feet in length.

2. For sites with an existing or preexisting water dependent use other than a marina, development that would reduce or adversely affect the area currently or recently devoted to the water dependent use is discouraged.

(f) Along the Hudson River and in other portions of the Northern Waterfront and Delaware River Region, where water dependent uses are demonstrated to be infeasible, some part of the waterfront portion of the site may be acceptable for non-water dependent development under the following conditions:

1. The development proposal addresses, as a minimum, past use of the site as well as potential for future water dependent commercial, transportation, recreation, and compatible maritime support service uses;

2. The developed land uses closest to the water's edge are water-oriented;

3. Currently active maritime port and industrial land uses are preserved;

4. Adverse impacts on local resident and neighborhoods are mitigated to the maximum extent practicable; and

5. All other Coastal Policies, with particular emphasis on water quality and fishing access, are met.

(h) Rationale: See the OAL Note at the beginning of this subchapter.

Amended by R. 1985 d.715 effective February 3, 1986.

See: 17 N.J.R. 1466(a), 17 N.J.R. 1797(b), 17 N.J.R. 1797(c), 18 N.J.R. 314(a).

(b) deleted; new (b)-(f) added; (c) recodified to (h).

## 7:7E-3.18 Natural Water's Edge Floodplains

(a) "Natural water's edge floodplains" are the flood hazard areas around rivers, creeks and streams as delineated by DEP under the Flood Hazard Area Control Act (N.J.S.A. 58:16A-50), or by the Federal Emergency Management Agency (FEMA); or the flood hazard area around other coastal water bodies as defined by FEMA. Floodplains include the areas subject to both tidal and fluvial flooding. Where flood hazard areas have been delineated by both DEP and FEMA, the DEP delineations shall be used. Where flood hazard areas have been delineated by neither DEP nor FEMA, the 10-foot contour line shall be used as the inland boundary of the floodplain. The seaward boundary shall be the mean high water line.

1. A complete list of streams where DEP has delineated the flood hazard area can be found at N.J.A.C. 7:13-1.11.

2. The United States Army Corps of Engineers has delineated the tidal floodplain for FEMA in most Coastal Zone municipalities. The geographic extent of the tidal flood hazard areas is indicated on USGS topographic maps at a scale of 1:24,000 as "flood prone" areas.

(b) The natural water's edge floodplain standards shall not apply in portions of a floodplain which meet the definition of another special water's edge type (filled water's edge, existing lagoon edge, alluvial flood margins, dunes, overwash fans, erosion hazard areas, island corridor, wetlands, cranberry bogs, wet borrow pit margins, coastal bluffs, intermittent stream corridors).

(c) Development within 100 feet of a navigable water body, unless the use is water dependent. ("Navigable" and "water dependent" are defined at N.J.A.C. 7:7E-1.6(c).)

(d) Development elsewhere in the natural water's edge floodplains is discouraged unless:

1. It has no feasible alternate site outside of a natural water's edge floodplain; and

2. It would not pre-empt use of the waterfront portion of the floodplain for potential water-dependent use.

(e) Recreational uses, including but not limited to ballfields, tennis courts and golf courses are acceptable provided they do not reduce the flood dissipating value of the floodplain or preclude water dependent use of the area within 100 feet of navigable water.

(f) Development must be consistent with all other coastal policies, in particular the performance standards found in the Flood Hazard Area Resource Policy (N.J.a.C. 7:7E-8.22).

(g) Detention basins are prohibited in river floodplains.

(h) Rationale: See the OAL Note at the beginning of this subchapter.

Amended by R. 1985 d715, effective February 3, 1986.

See: 17 N.J.R. 1466(a), 17 N.J.R. 1797(b), 17 N.J.R. 1797(c), 18 N.J.R. 314(a).

Substantially amended.

## 7:7E-3.20 Beaches

(a) "Beaches" are gently sloping unvegetated areas of sand or other unconsolidated material that extend landward from the mean high water line to either:

1. The vegetation line;

2. A man-made feature generally parallel to the ocean, inlet, or bay waters such as a retaining structure, seawall, bulkhead, road or boardwalk, except that sandy areas that extend fully under and landward of an elevated boardwalk are considered to be beach areas; or

3. The seaward or bayward foot of dunes, whichever is closest to the bay, inlet or ocean waters.

(b) Beaches can be found on all tidal shorelines, including ocean, bay and river shorelines.

(c) Development is prohibited on beaches, except for development that has no prudent or feasible alternative in an area other than a beach, and that will not cause significant adverse long-term impacts on the natural functioning of the beach and dune system, either individually or in combination with other existing or proposed structures, land disturbances or activities Examples of acceptable activities are:

1. Demolition and removal of paving and structures.

2. Dune creation and related sand fencing and planting of vegetation for dune stabilization;

3. The reconstruction of existing amusement and fishing piers and boardwalks;

4. Temporary recreation structures for public safety such as first aid and lifeguard stations;

5. Shore protection structures which meet the use conditions of N.J.A.C. 7:7E-7.11(e); and

6. Linear development which meets the Policy on Location of Linear Development (N.J.A.C. 7:7E-6.1).

(d) Public access and barrier free access to beaches and the water's edge is encouraged. Coastal development that unreasonably restricts public access is prohibited.

(e) Rationale: See the OAL Note at the beginning of this subchapter.

Amended by R. 1985 d.715 effective February 3, 1986.

See: 17 N.J.R. 1466(a), 17 N.J.R. 1797(b), 17 N.J.R. 1797(c), 18 N.J.R. 314(a)

(b): Old text deleted and new text added; (b)1 through (c) recodified to (c)-(e).

7:7E-3.38 Public Open Space

(a) "Public open space" constitutes land areas owned and maintained by State, Federal, county and municipal agencies or non-profit private groups (such as conservation organizations and homeowner's associations) and dedicated to conservation of natural resources, public recreation, or wildlife protection or management. Public open space also includes State Forests, State Parks, and State Fish and Wildlife Management Areas and designated Natural Areas (N.J.S.A. 13:1B-15.12a et seq.) within DEP-owned and managed lands.

## DESIGN CONCEPT PLAN

A design concept plan (Figure 3) has been developed for a waterfront park (steam boat park) located on Lot 15, Block 47, and on the riparian portion of Lot 1, Block 47, to provide for improved public access to the waterfront for residents of the Borough of Fair Haven. This plan evolved from the analysis of existing access sites along the waterfront studied in the previous section of this report. This site has been selected because of its location within the community near the center of the waterfront area between Red Bank and Rumson, and its proximity to the existing public fishing pier located on the end of Fair Haven Road. Development of a park on this location will eliminate an existing non-conforming use in the Waterfront Zone, and enhance the existing municipal open space facilities for all residents within the Borough to use and enjoy.

Figure No. 3 shows a conceptual plan for a waterfront park located on a portion of Lot 1, Block 47, and on Lot 15. The existing site area is approximately two acres, and includes a vacated portion of DeNormandie Road, Lot 15, 30 feet of upland area on Lot 1, and the riparian lands associated with Lot 1. The concept plan provides for a multi-purpose building (restrooms, storage and covered shelter), paved parking for 55 vehicles, a 20 to 30 foot wide

boardwalk along the entire frontage of the tract, the creation of approximately 300 linear feet of beach, with barrier-free ramps providing public access, picnic areas, a tot lot, a gazebo and garden area, landscaping, park appurtenances (benches, bicycle racks, etc.), footpaths, and dockage for passive boating. Passive boating is anticipated to be small "car-topped" canoes, kayaks, dinghies, rowing sculls, and small sailboats, which could be launched from a floating dock.

This project would result in the elimination of the existing marina and boat refueling facilities. Existing docks and piers will be removed and disposed of. Existing bulkheading will be inspected, and repaired or replaced as required. The existing moorings in the Navesink River will remain and potentially expand with the availability of dinghy launching capabilities at the new park.

It is anticipated with the continual improvement in water quality of the Navesink River that this beach will be a significant amenity for the residents for public bathing. It will complement an existing similar municipal facility in the adjacent Borough of Rumson known as Victory Park, which is well attended during the summer.

Implementation is an important facet for the Fair Haven Waterfront Access Plan. Green Acres funding should be pursued for implementa-

tion of this park and recreational facility, in terms of land acquisition and development. A preliminary construction cost estimate for the project is included in Appendix II. Included in Appendix III is a list of the permits and reviews which may be required for development and a list of planning and review agencies which may become involved in waterfront development in the project area. The Fair Haven Waterfront Access Plan will encourage the use of the waterfront for recreation and public access, eliminate a non-conforming use within the Residential Zone, and enhance the historic character and quality of residential uses surrounding the property.

The following section addresses the consistency of the project with the applicable Special Areas outlined in the Coastal Resource and Development policies.

## CONSISTENCY OF THE DESIGN CONCEPT PLAN WITH COASTAL RESOURCE & DEVELOPMENT POLICIES

The design concept plan for the Fair Haven Waterfront Access Plan is consistent with the Coastal Resource & Development policies which have been formulated, (to guide public decisions about significant proposed development and management of resources of New Jersey's coastal zone). These policies cover location, special areas, general water areas, general land areas, general location, and use and resources. Special consideration has been given to the following policies in the development of the Fair Haven Conceptual Plan:

Shellfish Bed (Policy No. 7:7E-3.2) -

Hard and soft claims are present outside the area proposed for the park, nor are they anticipated to be leased or managed.

The proposed project will eliminate a source of contamination for the shellfish in the area. Abandonment of the existing marina and its fueling facility will eliminate anti-fouling agents from the water, unused hydrocarbons

from fuel spills, unpoliced discharges of septic effluent from power boats and all the other associated contaminants which would come from the marina. The successful completion of this project will improve water quality for all shellfish in the area.

Prime Fishing 7:7E-3.4 -

The elimination of boating using internal combustion power and fueling facilities will improve water quality and stimulate fishing in the area. Additionally, the boardwalk construction will link the proposed parking area to the existing Fair Haven fishing pier and open up fishing to a greater number of residents. The beach area will provide a more natural environment for fish to propagate and thrive.

Submerged Vegetation 7:7E-3.6 -

Submerged vegetation is present outside of the limits of the existing boat slips. Dredging maintenance and the turbulence of boating activity have eliminated submerged vegetation from the marina area proper. The boat slips and docks will be replaced with a sand beach and a floating dock. No impact on existing submerged vegeta-

tion will occur as part of this activity. The areas outside of the limit of the proposed beach will re-establish vegetation lost during the marina operations.

Navigation Channel 7:7E-3.7 -

The proposed project will not affect the existing channel outside of the project area. Only the dredged areas within the existing marina will be filled during the beachfill process.

Marina Moorings 7:7E-3.10 -

The proposed project will eliminate boat slips and piers. However, the proposed beach and passive boating area are comparable water-dependent uses. There currently exists approximately 70 open water boat moorings in the river outside of the channel. This number would increase with the elimination of the marina and the availability of canoe and dinghy launching from the park and beach.

Intertidal and Subtidal Shallows 7:7E-3.15 -

The project proposes to deposit clean sand for the recreational beach in the intertidal shallows. This use

is water-dependent serving the public good. Based on Section 7:7E-4.2 for medium rivers, which the Navesink River is considered to be, this use would be conditionally acceptable.

Filled Water's Edge 7:7E-3.16 -

Activities proposed within the waterfront area and non-waterfront area are all water-dependent and water oriented. The park proposes a recreational beach, passive boating, a boardwalk promenade, and passive overlook with support amenities, such as a picnic area and tot lot.

Since the project involves the elimination of the existing marina use, the project proposes to improve open water moorings by increasing accessibility to the passive boating use. The project will include the replacement of all bulkheading and the construction of a floating dock for the passive boating use. These improvements will upgrade and modernize the existing structures. New public restrooms will be constructed to replace facilities in the existing marina.

Natural Water's Edge Floodplain 7:7E-3.18 -

Although portions of this project fall within the natural water's edge floodplains, they also fall under the filled water's edge policies and based on this section of the policy handbook, the standards of the special water's edge policy will take precedence.

Beaches 7:7E-3.20 -

The proposed project will not have a negative impact on the small existing beach at the end of DeNormandie Road. In fact, the proposed project will provide the replenishment, enhancement and construction of approximately 300 linear feet of new clean sand beach. This additional area will significantly increase the area of public beach for recreational use.

Wetlands 7:7E-3.25 -

None of the proposed developed activities in this park will be constructed in existing wetlands as herein defined.

Wetlands Buffers 7:7E-3.26 -

None of the proposed project will be constructed within areas defined as wetlands buffers.

Public Open Spaces 7:7E-3.38 -

The development of this park will expand an existing public open space. The fishing pier at the end of Fair Haven Road is a public amenity which will now be linked to the shore parking areas and picnic areas, and provide for additional utilization of the fishing pier.

**FIGURE 1**

FAIR HAVEN WATERFRONT 1990 AERIAL MAP

**FIGURE 2**

FAIR HAVEN WATERFRONT SPECIAL AREAS MAP

**FIGURE 3**

DESIGN CONCEPT PLAN "STEAMBOAT PARK"

APPENDIX I

| Policy | Special Areas | Application in Fair Haven |
|---|---|---|
| 7:7E-3.2 | Shellfish beds | Applies |
| 7:7E-3.3 | Surf clam areas | |
| 7:7E-3.4 | Prime fishing areas | Applies |
| 7:7E-3.5 | Finfish migratory pathways | |
| 7:7E-3.6 | Submerged vegetation | Applies |
| 7:7E-3.7 | Navigation channels | Applies |
| 7:7E-3.8 | Canals | |
| 7:7E-3.9 | Inlets | |
| 7:7E-3.10 | Marina moorings | Applies |
| 7:7E-3.11 | Ports | |
| 7:7E-3.12 | Submerged infrastructure routes | |
| 7:7E-3.13 | Shipwrecks and artificial reefs | |
| 7:7E-3.14 | Wet borrow pits | |
| 7:7E-3.15 | Intertidal and subtidal shallows | Applies |
| 7:7E-3.16 | Filled water's edge | Applies |
| 7:7E-3.17 | Existing lagoon edges | |
| 7:7E-3.18 | Natural water's edge-floodplains | Applies |
| 7:7E-3.19 | Alluvial flood margins | |
| 7:7E-3.20 | Beaches | Applies |
| 7:7E-3.21 | Dunes | |
| 7:7E-3.22 | Overwash fans | |
| 7:7E-3.23 | Erosion hazard areas | |
| 7:7E-3.24 | Island corridor | |
| 7:7E-3.25 | Wetlands | Applies |
| 7:7E-3.26 | Wetlands buffers | Applies |
| 7:7E-3.27 | Cranberry bogs | |
| 7:7E-3.28 | Wet borrow pit margins | |
| 7:7E-3.29 | Coastal bluffs | |
| 7:7E-3.30 | Intermittent stream corridors | |
| 7:7E-3.31 | Farmland conservation areas | |
| 7:7E-3.32 | Steep slopes | |
| 7:7E-3.33 | Dry borrow pits | |
| 7:7E-3.34 | Historic and archaeological resources | |
| 7:7E-3.35 | Specimen trees | |
| 7:7E-3.36 | Endangered or threatened wildlife or vegetation species habitats | |
| 7:7E-3.37 | Critical wildlife habitats | |
| 7:7E-3.38 | Public open spaces | Applies |
| 7:7E-3.39 | Special hazard areas | |
| 7:7E-3.40 | Excluded Federal lands | |
| 7:7E-3.41 | Special urban areas | |
| 7:7E-3.42 | Pinelands National Reserve and Pinelands Protection Area | |

| | |
|---|---|
| 7:7E-3.43 | Hackensack Meadowlands District |
| 7:7E-3.44 | Wild and scenic river corridors |
| 7:7E-3.45 | Geodetic control reference marks |
| 7:7E-3.46 | Hudson River Waterfront Area |

APPENDIX II

"Steamboat Park"

Preliminary Engineer's Construction Cost Estimate - Summary Format
September, 1990

| | Item | Cost |
|---|---|---|
| 1. | Site Preparation & Grading | $ 275,000.00 |
| 2. | Soil Erosion & Sediment Control | 7,500.00 |
| 3. | 55 Car Parking Lot | 50,000.00 |
| 4. | Storm Drainage | 15,000.00 |
| 5. | Multi-Purpose Building | 100,000.00 |
| 6. | Gazebo/Sun Shelter | 20,000.00 |
| 7. | Bulkheading | 195,000.00 |
| 8. | Waterfront Promenade | 54,000.00 |
| 9. | Floating Dock | 18,000.00 |
| 10. | Swimming Beach | 65,000.00 |
| 11. | Tot Lot | 15,000.00 |
| 12. | Footpaths | 10,000.00 |
| 13. | Picnic Area | 5,000.00 |
| 14. | Landscaping | 25,000.00 |
| 15. | Utilities | 50,000.00 |
| 16. | Park Appurtenances | 10,000.00 |
| | CONSTRUCTION TOTAL | $ 914,500.00 |
| 17. | Contingencies (7%) | 64,015.00 |

| | | |
|---|---|---|
| 18. | Design & Inspection Fees (13%) | 118,885.00 |
| | PROJECT TOTAL | $1,097,400.00 |
| | SAY | $1,100,000.00* |

* This figure does not include costs for land acquisition, legal fees and permit documents and fees.

## APPENDIX III

### Permits & Reviews Required for Development in the Fair Haven Waterfront Project Area

Waterfront Development Permit from the Department of Environmental Protection, will be required under the Waterfront Development Law (N.J.S.A. 12:5-3), for the following types of development in the waterfront area with specified exceptions:

a. Docks, wharves, piers, bulkheads, bridges, pipelines, cables, moorings and other submerged structures (all these already require DEP approval);

b. The construction, reconstruction, structural alteration, relocation or enlargement of any building or other structure, or of any excavation or landfill, and any change in the use of any building or other structure, or land or extension of use of land.

CAFRA Permit will be required for the location, design and construction of public facilities, including housing and motel developments of 25 or more dwelling units, sewer lines and roadways longer than 1,200 linear feet, and new parking facilities of 300

or more spaces.

Tidelands Application must be made to the DEP, Division of Coastal Resources, for any grant, lease or license of State-owned tidelands.

Borough of Fair Haven for approval of project and the vacation of DeNormandie Road along the frontage of the project.

Site plan review may be required by the following agencies:

> Borough of Fair Haven Planning Board or Board of Adjustment, Monmouth County Planning Board, New Jersey Department of Environmental Protection, Division of Coastal Resources (CAFRA).

Freehold Soil Conservation District for Soil Erosion & Sedimentation Control Permit and site plan review of proposed sediment control practices for all construction, excluding individually developed single family homes, resulting in a soil disturbance of 5,000 or more square feet of land surface area.