

The



# RAB CAUSE



## A Newsletter for Citizens Concerned with Beach Access

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### The Public Trust Doctrine & Beach Access



"New Jersey is blessed with a unique and irreplaceable natural resource ... its coast." So begins the *NEW JERSEY COASTAL REPORT* issued at the April 29, 1997 Coastal Alliance Meeting. Further on in the document it states: "For generations, the dream of spending time at the coast has made famous the image of the *Jersey Shore*. Through its constitutional, statutory, and judicial authorities, New Jersey has consistently maintained that public access to the coastal waterfront is a public right."

Although we may question the use of the word "consistently" in the above statement, the recognition of our coastline as an important asset to the public serves to justify our efforts to assure reasonable access to our beaches. The Public Trust Doctrine provides a legal basis for preserving our access rights.

In its simplest form, the Public Trust Doctrine holds essential resources in trust by the state, making them available to the public for certain public uses. These essential resources are specifically defined as air, running water, and the sea (including the shores of the sea). Uses of these resources include fishing, hunting, navigation, surfing, and bathing.

In the late 1970's and most recently in 1984, the public's rights pertaining to beach access were upheld in the courts through interpretations of the Public Trust Doctrine. During this period, several cases related to beach access in New Jersey were successfully decided in favor of the public.

Citing the Public Trust Doctrine, CRAB has been able to call attention locally to beach access situations and to assist individuals who feel their access rights have been denied. For further info regarding the specifics of the doctrine, please visit our web site at [www.americom.net/users/ralphc](http://www.americom.net/users/ralphc), or contact us at (732) 714-CRAB (2722).

### Mission Statement

To ensure that the public has the right to access our beaches as stated in the Public Trust Doctrine.

### Public Beach Access Point



Point Pleasant Beach, for the first time in its history, has a Public Beach Access Point. The location is at the northern property line at block 179.03, lot 5.01 of the Bay Point Dunes property. In other words, the access point runs between the old Beacon Beach property and Paradise Beach. It is a 10' wide section of beach beginning at Ocean Avenue where there is a "Public Access" sign and continuing over a wooden dune walkway onto the beach and directly to the ocean. New waterfront oriented developments are required by law to establish points of public access leading to the water's edge with signs to that effect. This access point has been deemed open to the public, which means it is **FREE!**

According to CAFRA II (Coastal Area Facilities Review Act) regulations, any development which files a CAFRA permit must provide a Public Access point to the water. CAFRA has detailed specifications on how these public access points are to be constructed. If the developer does not comply with these regulations, CAFRA will issue a stop work order and the permit could be revoked.

Your letters, phone calls, e-mail, and participation in questioning why more should be done to protect rights we the public have in the use of one of our natural resources, the beach, has played a major role in educating the public and their representatives about the Public Trust Doctrine. Without CRAB's efforts, this public access point would not have become a reality, and there would only be more "Keep Out, Private Property" signs! Thank you CRAB.



The "NEW" Public Access Point in Point Pleasant Beach.

## Message from the President



Citizens' Right to Access Beaches, C.R.A.B., has prevailed for nearly two years. Due to dedicated efforts and letter writing, this organization has become a major factor in the quest for reasonable beach access points throughout New Jersey.

We must inform our government officials that the loss of public beach access points throughout the state is no longer acceptable. Our letter writing and public information campaigns have been successful and must be continued. Remember, we have *less* public beach access today than we did just two short years ago!

Through the persistence of C.R.A.B., we now have a **Free Public Beach Access Point** at the northern end of the old Beacon Beach property in Point Pleasant Beach (as explained in previous article).

We all have the right to enjoy the ocean and beaches the year round according to the Public Trust Doctrine. Having reasonable access points to the beaches of our choice would alleviate trespassing across private property. These access points should be at street ends, ideally with showers and available restrooms to benefit all who wish to enjoy our natural resource.

Coastal states across our nation, except for a number of counties in New Jersey, encourage the public to use their natural resources. Tourism brings in billions of dollars to these states. New Jersey's second leading *\$Multi-Billion Dollar Industry\$* is **Tourism**. Yet we, the public, are limited to where we can access the beach in communities that take these *\$Tourism Dollars\$*.

I urge you to write the Governor, State Senators and Assembly Members asking: for **MORE** public beach access points; to ratify the **Public Trust Doctrine** as a **STATUTE**; and reinstate the office of the **PUBLIC ADVOCATE** to represent the public.

Your letter(s) is a very powerful tool. **DON'T JUST COMPLAIN ... WRITE!!!**

## Risden's Beach for Sale?



During the 1997-1998 winter months, Mr. W. Risden had expressed his desire to sell his entire beach operation to the town of Point Pleasant Beach. The council aggressively pursued this possibility. They contacted the office of State Senator Andrew Ciesla, and with his help sought funds to cover most, if not all, of the purchase price. Their efforts to keep this property in the hands of the public and accessible to all should be applauded.

Unfortunately, in late May, Mr. Risden decided not to retire from the "beach business" and sell his property. While this may be disappointing we must remember that he runs a public beach and all people still have access to it. C.R.A.B. will keep following this situation. Hopefully, when Mr. Risden does decide to retire his offer to the town will still stand and his property will not go to private developers as so much other land in this area has.

## Progress???



Many times progress has its down side. The new pumping station in Point Pleasant Beach is a case in point. Although it is doing its job of keeping the flooding under control on Route 35 and Ocean Avenues, it is a high volume pipeline of water runoff to its outflow facility on our beachfront. This is a normal way of dispensing water runoff.

However, as local beach goers, we feel the public should be aware of certain aspects of this situation. ***This water is not treated.*** It is just screened to remove debris. Any animal waste from pets or wild life, such as the large geese population, along with oil from cars and lawn pesticides that find its way onto the streets will be washed into the storm drains with a rainfall and eventually pumped onto the beach - untreated!

The outflow pipe does not extend out into the ocean where it can mix with the sea water, but instead pumps onto the sand where it will be concentrated along the shoreline.

This situation is here to stay, therefore, as local residents and beach goers, it is important that we become environmentally conscious. We must try to ensure that the smallest amount of all contaminants find their way into our storm drains.

Parents should not let their children play near the outflow facility, especially if the station is pumping.

*Hopefully* the station will only pump at night and ground water infiltration will not be enough to make the station pump too often. And *hopefully* the high tides will be able to reach the area of contaminated sand and take it out to sea. And *hopefully* the incoming tides will not allow these contaminants to stay in the surf where we swim too long. With public awareness and a strong effort to keep our streets clean, *hopefully* the station will not have too much effect on our ocean water!



*The pumping facility slightly north of Maryland Avenue Beach.*

# Maryland Avenue Beach



Point Pleasant Beach's only municipal beach, Maryland Avenue Beach, has opened this Memorial Day weekend. Season badges are

on sale now at the Point Pleasant Beach Borough Hall. Badge prices are \$45.00 per adult and \$35.00 for children under 18 years of age. Daily badges will be sold at the beach for \$2.50.

Aqua Serve Lifeguards will handle the lifeguard, badge checking, and beach maintenance responsibilities this summer. Aqua Serve will be protecting the beach from June 20 through Labor Day. Showers and a pay phone are to be installed and a new set of stairs has replaced the old. The portable toilets are now in place and should be serviced twice a week or as needed.

On-street parking is available wherever you can find a space. Remember to abide by local parking ordinances or you may be ticketed and possibly towed! CRAB has asked the borough of Point Pleasant Beach to check into availability of using the Sea Avenue Field for beach parking but our request has been denied. We were also turned down in our request for a crossing guard on Route 35 and a speed reduction in this area. We can only keep trying!

Noted at a recent Council meeting, the Borough of Point Pleasant Beach is considering issuing four free season badges each to homeowners whose properties abut the publicly owned paper street west of the Maryland Avenue Beach. The Council is attempting to exchange the 40' paper street for an equal amount of privately owned dry sand, thus increasing the area of beachfront available to the public.

The paper street is a 40' wide easement dedicated as a **boardwalk-right-of-way**. The boardwalk was never replaced after it was destroyed by a storm many years ago and the property owners have been using this 40' strip of publicly owned, **non-taxed land** ever since. Even though they do not own this property and do not pay taxes on it, some of them don't want to give up this privilege now! REMEMBER, at one time, the boardwalk ran from the Manasquan Inlet all the way to Bay Head.

As you know, three of these property owners roped off their lots last summer in an obvious show of "private" attitude --- and now they will be given four free badges this year. **Doesn't seem fair, does it?**

On the other hand, a number of property owners at the southern end of the Maryland Avenue Beach did not rope off their land and weren't overly concerned when beachgoers sat a little higher up on their privately-owned dry sand. Some even allowed people to use their volley ball nets. Since these people are willing to "give a little" to the public there is no reason they should not be allowed to have the badges. **"Give a little --- Get a little. That's fair!!!"**

# Keep Your DUES Current

As you know, C.R.A.B. requests a \$10 Membership Fee from all of its members. This money is used for mailings, printing, and minimal operating expenses such as phone bills, our post office box and office supplies. All time and work efforts are generously donated by members and other volunteers.

Our treasury is getting low and we need all members to renew their membership dues in order to keep operating at the capacity we do now. Please check the date on your membership card and if you wish to join for another year, please send your \$10 and a self addressed, stamped envelope to:

**C.R.A.B.  
P.O. Box 1064  
Point Pleasant Beach, NJ 08742**

# Visit Our Web Site



[www.americom.net/users/ralphc](http://www.americom.net/users/ralphc)

Thanks to the generosity of a dedicated C.R.A.B. member, we now are **"ON-LINE"** and our message of "Public Beach Access" is available to the world!!! He not only gave up his personal web site for our organization's use but he also designed and maintains it free of charge. Our thanks go to you, R.C., for a wonderful job!

Visit our site at [www.americom.net/users/ralphc](http://www.americom.net/users/ralphc) and learn about C.R.A.B.'s origins and goals, what new projects are in the making, and any legislation being introduced pertaining to Beach Access. Or if you don't feel like reading, just click on the "SurfCam" and have a live look at the ocean in Point Pleasant Beach!!!



*With rakes & garbage bags in hand approximately 30 C.R.A.B. members gathered on Sunday, May 17 for the 2nd Annual Maryland Avenue Beach Clean-Up.*



## Legislative Update



### Senate Bill No. S-166

Sponsored by  
Joseph M. Kyrillos, Jr. (District 13)  
and Andrew R. Ciesla (District 10)

**Synopsis** - Provides immunity from liability for certain recreational activities and from injuries caused by acts of God.

"... The bill would provide civil immunity to both public and private entities for injuries caused by acts of God. The bill defines "act of God" to include weather conditions such as lightening, hurricanes, tornadoes, ocean surf, squalls of wind, freezing temperatures and drought. The bill would also provide that a public or private entity could not be held civilly liable for damages allegedly caused by negligent acts in the implementation of procedures or the operation of equipment designed to warn of the occurrence on an act of God or to mitigate the effects of an act of God. Activities covered by this provision would include stationing of lifeguards ... This bill would thus remove legal disincentives for municipalities to provide lifeguards at the public beaches and would provide more latitude to municipalities to provide greater public access to beaches pursuant to the public trust doctrine."

In essence, what this bill is saying is: If there is less likelihood of a lawsuit, there is more likelihood that municipalities and private entities as well will provide the public with greater access to the beaches.

Bill S-166 was passed in the Senate in mid-May. It is now in the hands of the Assembly and we are eagerly awaiting the outcome.

If you would like a copy of the bill, please contact CRAB at the address below and send a self-addressed, stamped envelope. We will be happy to send you one.

## Join C.R.A.B. Today!

Join the growing number of informed citizens who are standing up and saying "**We Need Beach Access.**" Make your voice count --- **join C.R.A.B. and it's mission today!** A one-year membership is only \$10.

If you are interested in becoming an active member and wish to join, or if you want to order any of the items listed below, please check it on the attached form and return it to us at **C.R.A.B., P.O. Box 1064, Point Pleasant Beach, NJ 08742.**

NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

PHONE \_\_\_\_\_ TOTAL ENCLOSED \$ \_\_\_\_\_

☐ YES, I am interested in becoming a member.

Enclosed please find \$ \_\_\_\_\_ for \_\_\_\_\_ memberships.

☐ I would like to order the following items:

\_\_\_\_\_ CAN COOLERS at \$3.00 ea.

\_\_\_\_\_ HATS at \$15.00 ea.

\_\_\_\_\_ YOUTH T-SHIRTS at \$6.00 ea.

\_\_\_\_\_ Size 10-12

\_\_\_\_\_ Size 14-16

\_\_\_\_\_ ADULT T-SHIRTS at \$15.00 ea.

\_\_\_\_\_ M \_\_\_\_\_ L \_\_\_\_\_ XL \_\_\_\_\_ XXL (\$17)

\_\_\_\_\_ CREW SWEATSHIRTS at \$25.00 ea.

\_\_\_\_\_ M \_\_\_\_\_ L \_\_\_\_\_ XL \_\_\_\_\_ XXL (\$27)

\_\_\_\_\_ HOODED SWEATSHIRTS at \$32.00 ea.

\_\_\_\_\_ M \_\_\_\_\_ L \_\_\_\_\_ XL \_\_\_\_\_ XXL (\$34)

# C.R.A.B.

## Citizens' Right to Access Beaches

P.O. Box 1064, Point Pleasant Beach, NJ 08742  
732-714-CRAB (2722)

C.R.A.B. welcomes all ideas. If you have an interesting story, an amusing cartoon, or just want to state your opinion, mail your article to the address above and we will give it every consideration when planning our next newsletter.