

C.R.A.B.

Citizens' Right to Access Beaches

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Proudly Celebrating Our 10th Anniversary

*Congratulations and Thank-You
to everyone who has worked so hard over the years
to support our public beach access initiatives.*

THE BEGINNING 10 YEARS AGO- AUGUST 1996

What started out as a loosely organized protest in August of 1996 by a group of patrons of the now defunct Beacon Beach in Southern Point Pleasant Beach turned out to be the beginning of a beach access organization soon to be known as

Citizens Right to Access Beaches C.R.A.B. Inc.

At the time no one could predict that, 10 years later, C.R.A.B. would still be in existence (in fact one of our critics predicted that we would "return to the sea within a few months") let alone become such a driving force in retaining and regaining beach access in New Jersey.

Our worst fears and predictions were realized as new homes were built on the beachfront and fences and signs began to appear prohibiting the public to access and use beaches that historically had been open to the public prior to rezoning and development. While our initial focus was on the coastal areas of southern Point Pleasant Beach, we quickly became aware that the issues that faced us were part of a nationwide problem. Although C.R.A.B. works with limited financial resources and a small group of dedicated volunteers, we are committed to sharing our experiences with individuals and organizations with similar access concerns.

Beachgoers protest privatization

By ANNALISE BOMENBLIT

POINT PLEASANT BEACH — The numbers might not have compared to the beach they stormed at Normandy, but residents made their protests known Sunday—from below the high tide mark on the private beach of the Ocean Avenue's Bay Head Point development, on what is disputed as legally public ground.

"We don't want it to die down. Once homes are built, that's it. You can never go backwards," said protester and Point Pleasant resident Jay Jaworovich.

The group of protesters gathered to show their outrage at the growing development at the south end of the borough's beachfront. Meanwhile, a particular outcry is directed toward the imminent closing of Beacon Beach, just north of the BayPoint Beach.

"I don't think Point Pleasant Beach realized how serious this was," said Jaworovich. "There'll never be a public beach again."

Mayor Daniel Hennessy and Borough Engineer Robert Meany had stated at last Tuesday's council meeting that the borough simply could not afford any more beachfront property. Hennessy restated his intent to approach the property owner's association, when one is in place, to look into getting public beaches from them.

But the idea that the association, when it was formed, would shell out public beaches after their homes are built was considered "naïve" by one of the protesters.

Hennessy agreed on Wednesday that the idea was



Photo By Lynne Cipolla

Protesters gather at the beach beneath the high-tide water mark to show their outrage at the growing development at the south end of the borough's beachfront.

premature and extremely conditional, since the association may not be formed for years.

But since insurance liability is often burdensome for such beachfront associations, he believed an effective approach could be to offer a partnership.

"That's going to be my incentive to sit down with them. It may be to our advantage, but again, this is purely speculative," Hennessy said.

Meanwhile, are there any other potential properties?

Hennessy cites the example, albeit an expensive one, of Paradise Beach, which is currently on the market. But with an informally-discussed price tag of \$1.2 million, Hennessy said he firmly believed taxpayers wouldn't be rallying to spring for it.

"The governing body has historically shown it does not want to get into the beach business," he said. Recent examples of disinterest have included a proposition to purchase Bradshaw's Beach, which was partially funded by the Green Acres Fund, and the beach at the Ocean 1 Condominiums, which was offered at one dollar—provided the municipality insure and operate it.

Protesters have argued that the exclusive homes are being protected by the municipality under the cry of tax revenues. The money comes at the expense of the residents' quality of life, said Sirchio.

Hennessy contends that the area was an eyesore that hit the north-bound Route 35 motorists the moment they drove into the town.

"None of us should forget what it looked like down there. We did something though. Now here we are suddenly getting criticized. They said the town fathers blew it, but what did we blow?" Hennessy asked.

Jaworovich agreed that Beacon Beach, as it existed this season, was an eyesore. "Even people who go are appalled at the conditions. But we'd rather have the eyesore than all new homes across there."











But as far as Bay Head Point goes, said Hennessy, the protest comes too late.

"They show up at the eleventh-hour—no, a quarter to twelve," Hennessy said. "This didn't start last month—this didn't start a year ago. This issue has been around for

WHAT WE HAVE ACCOMPLISHED IN THE PAST 10 YEARS

C.R.A.B.'s early years were spent trying to gain an understanding of the Public Trust Doctrine and how we could apply doctrine principles to our local struggle to regain public access to our beaches. During that time volunteers from our organization attended workshops and conferences. We spent countless hours researching the Public Trust Doctrine and beach access issues across our nation and organized letter writing campaigns bringing our concerns to public officials. We voiced our concerns about the costly and time consuming process of defending the Public Trust Doctrine rights of our citizens on a case-by-case basis and called for the reinstatement of the Office of the Public Advocate.

Although we experienced some setbacks over the years we remained committed to our goals and as a result we have been able to:

-  Regain public access and use of several beaches.
-  Regain practical use of area beaches for a variety of recreational purposes including fishing, swimming and surfing.
-  Petition the town of Point Pleasant Beach to continue to operate the Maryland Avenue Beach with improvements to enhance beach access and use as well as the passing of an ordinance allowing surfing off a section of the beach.
-  Petition the Office of the Attorney General to enforce NJ Statute Ann. 40:61-2.20 which resulted in halting the practice of requiring badge purchases for children under the age of 12 at the Maryland Avenue Beach.
-  Develop a working relationship with community officials leading to a better understanding of their responsibilities to promote and insure that public access be a required component of coastal development.
-  Develop a working relationship with state agencies charged with protecting coastal areas held in trust for the public.
-  Develop alliances and partnerships with organizations promoting Public Trust Doctrine awareness and education. We continue to work along with the *American Littoral Society*, *NY/NJ Baykeeper* and *Rutgers Environmental Law Clinic* to enhance public access and use of all coastal and inland waterways within our state.
-  Successfully participate in negotiations, mediations, and litigation guaranteeing public access to our beaches including filing an amicus brief and arguing before the New Jersey Supreme Court in the *RABA et al v Atlantis Beach Club* landmark beach access decision.
-  Initiate and administer programs that promote proper stewardship of our beaches. C.R.A.B. applied for and received a New Jersey Conservation Foundation matching funds grant for our Dune Restoration and Education Project at the Maryland Avenue Beach.
-  Advocate for ADA compliant access to our beaches.







OUR EARLY NEWSLETTERS ALONG WITH SETTLEMENT AGREEMENTS AND LITIGATION LINKS
ARE NOW AVAILABLE ONLINE ON OUR UPDATED AND REDESIGNED WEBSITE.

PLEASE VISIT US AT

www.crabnj.org

WHAT WE ARE WORKING ON

In addition to the accomplishments mentioned on the previous page, C.R.A.B. has worked throughout the year and will continue to work in the coming year to:

-  Monitor beach access issues across the state.
-  Continue to compile a comprehensive beach access inventory.
-  Work with our "alliance partners" to explore regulatory and legislative remedies to public beach access issues. To that end we have participated in a series of meetings and conference calls to discuss concepts and strategies. We have also met with state officials including the DEP, Public Advocate, and Governor's Policy Advisors. Future meetings are planned with the Attorney General and DEP Commissioner.
-  Petition the Public Advocate to investigate beach badge fees to insure compliance with state statute and provide for a better accounting of fees being charged by municipalities and private entities.
-  Press for remediation of the Sea Avenue Pumping Station and Outfall Discharge Stanchion.
-  Continue to expand community service, stewardship and education projects.

PROJECTS

BEACH WHEELCHAIR PROGRAM

Four years ago, C.R.A.B. initiated a beach wheelchair program. The program provides beach wheelchairs free of charge to individuals in the Point Pleasant Beach area. Our program has been extremely successful and this past summer our two chairs were in use every day. The program is currently sustained entirely by donations. We are investigating grants and additional funding sources in the hopes of expanding the service in the future.



C.R.A.B. members proudly display our first wheelchair.

SEA AVENUE PUMPING STATION REMEDIATION

Practically from the first day it went on line, C.R.A.B. has questioned the operation of the Sea Avenue Pumping Station and the Outfall Discharge Stanchion located just north of the Maryland Avenue Beach. After nine years, the discharge was finally tested last October and the results of that testing were disclosed in December of 2005. Test results confirmed that high levels of pollution were being discharged along with the storm water.

We are currently working with **CLEAN OCEAN ACTION**, municipal officials, and companies like **ABTECH ATLANTIC** to formulate solutions to the discharge onto the sand at the Sea Avenue Outfall Stanchion. We are taking a multi-faceted approach to remediation of the outfall such as:

- ☀ Public Awareness and education as to the effects of litter, use of pesticides and fertilizers, animal waste, and other pollutants have on storm water drainage systems.
- ☀ Working with municipal, county, and state officials on initiating and monitoring an effective storm water management plan.
- ☀ Demanding regularly scheduled testing of the Outfall Discharge and the SAND adjacent to the outfall stanchion.
- ☀ Working with the private sector to investigate technologies available to help remediate the system.
- ☀ Investigating federal and state funding sources available for remediation programs.



After a series of discharges onto the sand during the summer of 2005, the town agreed to have the storm water tested. Test results revealed high levels of contaminants in the water.



The outfall discharge after Tropical Storm Ernesto. Ocean County has agreed to purchase and test a filtration system to retrofit the outfall stanchion.

NOTE: Shortly after the photo at right was taken a group of small children were seen playing in the "waterfall!!!"

**WE ARE EXTREMELY PROUD OF OUR ACCOMPLISHMENTS TO DATE
AND WE INVITE YOU TO JOIN US AS WE LOOK AHEAD TO OUR SECOND DECADE
PROMOTING AND PRESERVING PUBLIC BEACH ACCESS, EDUCATING THE PUBLIC ON
PROPER STEWARDSHIP AND ACCESS AWARENESS ISSUES.**