

UPPER TOWNSHIP PLANNING BOARD

STRATHMERE DEANEXATION MINUTES SEPTEMBER 15, 2008

A special session of the Upper Township Planning Board was held at Township Hall, 2100 Tuckahoe Road, Petersburg, New Jersey from 6 p.m. until 9 p.m. for the purpose of holding a public hearing regarding the Petition filed by the Citizens of Strathmere and Whale Beach to deannex a portion of Upper Township commonly known as Strathmere and Whale Beach from Upper Township and annex same to Sea Isle City, New Jersey.

SUNSHINE ANNOUNCEMENT

SALUTE TO THE FLAG

ROLL CALL

Present: Daniel Bready, James Kelly, Curtis Corson, James Schroder, Donald Kissling, Duane Terwilliger, Susan Ragan, Mayor Richard Palombo, Chair Renee Scrocca.

Absent: Gary Riordan

Also in attendance were Dean Marcolongo, Board Solicitor; Stuart Wiser, Professional Planner; Shelley Lea, Board Secretary.

Mary D'Arcy Bittner was present to represent The Residents of Strathmere and Whale Beach.

Ms. Bittner continued her questioning of Paul Dietrich, Township Engineer. Mr. Dietrich testified that he is aware of the OPRAH request that Ms. Bittner made for capital projects and beach projects in Strathmere. A document supplied by Mr. Dietrich to Ms. Bittner was marked as S-118. A copy of a 1966 historical summary created by Andrew Previti, the last revision date being 9/2003 with 2 pages of text and documents from a 1966 study of NJ Coastal Inlets and Beaches from the Army Corp and an appendix from a 1967 document and attachment no. 2 was marked as S-119.

Mr. Dietrich testified that Upper Township has utilized the services by Dr. Farrell since the mid 1990's to compile summaries and reports for the beach.

Mr. Dietrich testified the first portion of the engineered beach plan is almost complete. He had a meeting with Dr. Farrell and his staff to go over plans. Revisions are being finalized. He believes a draft set of the plans were sent to Ms. Bittner as a result of an OPRAH request. He commented that an engineered beach is a set of design plans that shows an existing profile of the sand at a given time, a profile that you want to design to

and then establishing a criteria by which you would replenish that beach. He commented that the beach nourishment plan and the engineered beach plan are the same.

Mr. Dietrich stated that in speaking with John Deuter, Emergency Management Coordinator who discussed the issue with the County Emergency Management Coordinator and Dr. Farrell, the consensus was that no beach in Cape May County has an engineered beach at this time. An engineered beach is a beach that is replenished by local funds meaning State or Municipal funds. If a beach received federal beach replenishment monies according to FEMA it is not an engineered beach and therefore not eligible under direct FEMA regulations to get funding for replenishment. He discussed Ocean City's beach.

Mr. Dietrich testified he is aware of the OPRA request made for any and all written correspondence between him and DEP regarding the current beach nourishment plan being proposed. A document from FEMA submitted by Ms. Bittner was marked as S-120. She stated that Doug Gaffney reviewed a portion of this document with the Board. At that time the Board asked that she supplement the document.

Mr. Dietrich stated he is not aware of any GEO tubes in Upper Township. The GOE tubes referred to in Dr. Farrell's report of July 2008 referring to the status of GEO tubes in Upper could be referring to the Geo tubes in the Whale Beach section of Sea Isle City. Dr. Farrell used a photo of the GEO tubes in that area for his final report in 2006. The monitoring point UT1 referenced by Dr. Farrell is at the Township border. The condition of the GEO tube in Sea Isle may have been included since it could have an impact on the southerly end of Upper Township. OPRA responses from the Township Clerk to Ms. Bittner dated 9/12/08 were marked S-121 and S-122. His understanding of why the GEO tubes were not continued into Whale Beach is the Township could not get easements from the property owners. He thinks GEO tubes could potentially be helpful in stopping erosion though Upper Townships dune system didn't breach during the Mothers Day storm and there was 2 ft. of sand that washed up and over the tube. The dune system provided a sufficient level of storm protection. Without an engineering study he is not sure. During the Army Corp feasibility study they looked at the various alternative analysis for storm reduction protection. The Corp chose to construct a dune as a preferred alternative.

His believes the dune in Whale Beach is in a reasonable good shape. He believes the Army Corp project outlines the best proposal to meet the needs for the island. A summary of an interview done on television and later summarized by NBC on their website was marked as S-123. He read Dr. Farrell's report of 7/14/08 when it was available. Correspondence from Dr. Farrell dated 7/14/08 consisting of 5 pages of text and 6 pages exhibits and graphs was marked as S-124.

Mr. Dietrich is working with the NJDEP to plan the beach fill project. They are considering the needs of Whale Beach in that project and the permits needed. They are also giving consideration to the north end of the island. They are proposing that sand be

put around the point or Strathmere Natural Area north of Seaview Avenue. A plan by Engineering Design Associates dated 8/12/08 titled NJDEP Permit Plan for Block 866, Lot 8.02 and Block 862, Lots 1,7 and 9 was marked as S-125.

Mr. Dietrich stated that Mr. Lord installed a steel bulkhead in January. The Township followed suite and connected a steel bulkhead to the timber bulkhead that was constructed in the 1960's. The Township secured the emergency permit to install the steel bulkhead continuing almost to the bay. He described where the sand would be going. There will be 150 ft. wide berm with a dune up to elevation 14.5. NJDEP 30 / 1 slope out into the water that will be 250 ft. to 300 ft. into the water. They have had meetings with the National Land Trust and they are favorable they will get the authorization to place sand there.

In 2001 the Township paid for 25% of the sand. The Township will pay 25% of the proposed beach project on the easterly side on the Natural Lands Area. They anticipate the State will fund 100% of the sand on their property like they did during the emergency fill earlier this year.

The Township has authorized Dr. Farrell to do an analysis of how the water flows in the inlet to determine when the rapid erosion rate might take place. Similar studies were done by the Army Corp several years ago and may not show the dynamics as now.

Until recently the Township has not had a reason to request the State do anything to prevent beach erosion.

Ms. Bittner submitted a copy of a deed from the Natural Lands Trust to the State of New Jersey Department of Conservation dated 9/23/1969 that was marked as S-126. Mr. Dietrich stated there does not appear to be any restrictions from constructing anything on the property. A copy of a deed dated 6/10/1965 from Philadelphia Conservation Inc. to the Natural Lands Trust was marked S-127. A 4 page handwritten list of restrictions and covenants dated 1/20/1913 with a handwritten date and page was marked as S-128.

Mr. Dietrich testified that he had no input on any of the bridge reports prepared by Gibson Associates. Ms. Bittner submitted several documents including a report from the County Bridge Commission dated October 2005 was marked as S-129; a letter dated 6/14/06 from John Olandt of Gibson Associates was marked as S-130; another County Bridge Commission Report dated October 2003 was marked as S-131 and a 6-page document by Mr. Olandt dated 5/10/04 was marked as S-132.

Ms. Bittner discussed the logs prepared during the blizzard.

There was a short break at this time.

Mr. Dietrich reviewed his discussions with The Bureau of Coastal Engineering in regards to marking up the 2001, 2002 plans to begin the process of obtaining a permit. The

Township is aware they will need to hire a surveyor and calculate the volumes and the profile to prepare the bid specifications. He also discussed trying to obtain easements from property owners through various methods including possible condemnation.

Mr. Dietrich stated the steel bulkhead is being placed in the Township right of way and private property. The Township will be paying more per linear foot than the homeowners since they have to pay prevailing wages and private homeowners don't. He explained that the Township placed 6,000 cubic yards of sand just before Hurricane Hannah due to the accelerated erosion that removed the rest of the emergency dune placed in February. At the same time as the sand was placed the permit for the emergency bulkhead was also submitted. He was in constant contact with Bureau of Coastal Engineering and the Bureau of Enforcement and Land Use during the permitting process.

Mr. Dietrich testified in regards to a question about the 2006 report by Dr. Farrell who submits 3 quarterly reports and a final survey with an annual summary. A copy of Dr. Farrell's final report was marked as P-9. He read pages 9 and 10 out loud. The report shows the beach didn't change much during 2006. He submitted a copy of the construction plans prepared by the State for the 1967 bulkhead shore protection project with the State. A copy of the plans dated 2/1967, revised 2/21/1967 and again 2/28/1967 were marked P-10. The plan is for a timber bulkhead extending from Sherman Avenue north to Seacliff Avenue and tying into an existing bulkhead that was along Seacliff Avenue to Seaview Avenue, which paralleled Neptune Avenue.

Mr. Dietrich submitted a package consisting of 9 pages of photographs showing the beaches in Ocean City and Sea Isle. The photos were marked P-11. The first photo shows the lifeguard station at 58th and 59th Streets, which is situated behind the timber bulk. There are 2 or 3 others that are similar. Other photos show snow fencing and areas where there is no snow fencing and the dunes are unprotected. The photos show areas where slats in the fencing are missing and falling down and steel posts are sticking out of the ground. Another photo is at 22nd Street where bayberry bushes and vines are hanging into the path. Other photos show dunes including Avalon where there was hardly any snow fencing up towards the dunes.

Mr. Dietrich spoke with Tom Harrington, Clean Shores Program, and he indicated there are several other beaches that use plastic ties.

Mr. Dietrich commented on the bridge inspection reports of 2003, 2004, 2005 and 2006. Bridges that are load posted or have a degraded rating critical in nature must have an interim report done every year. Most bridges in good condition are inspected every 2 years.

Lynn Fayer, 118 Putnam Avenue, Strathmere, was sworn. She disagrees that Strathmere was plowed first during the blizzard of 2003. She submitted photos of Strathmere during the storm. Three photos marked blizzard of 2003, day 1 were marked F-1, 2 photos of

day 2 were marked F-2, 2 photos from 2/18/03 were marked F-3. An internet document regarding the blizzard was marked F-4.

Stephen Martinelli, 1923 Tuckahoe Road, Petersburg, was sworn. He testified that he was not able to attend the last meeting and faxed a letter to Wanda Gaglione dated 8/19/08. He read the letter to the Board requesting they set aside a separate night for public comment so he could advise the public of a specific date and time they could be heard.

Ms. Bittner asked if she would be able to question objectors. Solicitor Marcolongo stated this is an information gathering process. Chair Scrocca felt it would not be appropriate for Ms. Bittner to examine the public.

A motion was made by Mr. Corson and seconded by Mr. Kelly, to not allow cross-examination of the members of the public offering testimony. In favor: Bready, Kelly, Corson, Schroder, Kissling, Terwilliger, Ragan, Palombo, Scrocca.

Paul Casaccio, 5 Cedar Hollow Court, Beesleys Point, was sworn. He requested that the public be allowed to cross-examine Ms. Bittner's witnesses that she has brought before the Board.

Mr. Dietrich submitted a document requested by Solicitor Marcolongo to determine the total area of Strathmere versus the remaining portion of Upper Township. The information was obtained using the Township's GIS program and the area calculations are for the parcels inclusive of the tax lot and blocks. The total square miles for Upper Township is 60.7, there are 68 sq. miles counting roads and waterways. The mainland constitutes of 60.31 sq. miles or 99.2 percent and Strathmere is .8 percent or .47 sq. miles.

He stated that the total valuation of the total Township was \$3,147,637 or \$630,400. The mainland being 85.7 percent and Strathmere 14.3 percent. He explained how this information was obtained.

There was discussion as to whether or not Ms. Bittner would be permitted to cross-examine the public and Mr. Wisner.

The next meeting was scheduled for October 21, 2008 from 6 p.m. until 9 p.m.

The meeting was adjourned at 9:07 p.m.

Submitted by,

Shelley Lea