

UPPER TOWNSHIP PLANNING BOARD
STRATHMERE DEANNEXATION

MEETING MINUTES
APRIL 7, 2008

A special session of the Upper Township Planning Board was held on Monday, April 7, 2008 at the Township Hall, 2100 Tuckahoe Road, Petersburg, New Jersey at 6:00 p.m. for the purpose of holding a public hearing regarding the Petition filed by the Citizens for 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.

CALL TO ORDER

SUNSHINE ANNOUNCEMENT

SALUTE TO THE FLAG

ROLL CALL

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

Absent: Gary Riordan and Susan Ragan.

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

STUART WISER WAS SWORN IN AS BOARD PROFESSIONAL

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

James Iannone, 570 1st Street Sea Isle City, New Jersey was sworn in. He testified that he was subpoenaed by Ms. Bittner to testify.

Mr. Iannone is the former Commissioner of Sea Isle City and was responsible for the Department of Law and Public Safety. He recalled a conversation with former Chief Muller and Mayor Palombo in regards to police coverage in Strathmere. He received a phone call from the police chief stating that he had met with Mayor Palombo regarding the subject of Sea Isle City covering police action in Strathmere. The chief called him to

see if he had an interest and if the City would be willing to cover Strathmere. They met after that and Sea Isle City expressed an interest in covering the neighboring community. They later informed Mayor Palombo what the additional cost would be. They heard nothing further after that. He assumes the request was made since it would be easier for Sea Isle City to cover the area since they are so close. He recalled no particular problem that made him make the request. The conversation took place about 1999. He does not recall the actual dollar amount.

Mayor Palombo stated that one of the things they discussed was the feasibility of having Sea Isle City cover Strathmere. He was curious to see how it would work out. He came back and talked to the Committee. One of the former Committee members was a strong advocate of the State Police. He does not recall the conversation being precipitated because of any particular incident.

Doug Gaffney, 1500 Walnut Avenue, Voorhees, New Jersey, was sworn in. He was present to continue his testimony from last meeting. He testified that he is familiar with Ludlam Island and its beach. Ludlam Island is a fairly typical New Jersey barrier island. An aerial photograph of Strathmere was submitted and marked as Exhibit S-52. The second exhibit was Exhibit H from the planner's report that was previously marked as Exhibit S-37.

Mr. Gaffney testified that the last time he inspected Upper Township's beach was April 3, 2008. He inspected the beach and the point and the beach fill that was recently placed on the beach, the protective structures and the dunes and dune fencing. When doing an inspection he looks at the natural elements and the manmade or structural elements. The natural elements include the beach slope, grain size, health of the dune, width of the berm and dune. Beach slope and grain size relate to the amount of energy that is hitting the beach. He looks for seasonal or chronic types of erosion. Man made elements include the groins and bulkheads. He checks the integrity and the age of the structure, how well it is functioning and what the changes to the beach are as a result of the structure being there.

During the inspection he saw a sporadic dune fencing program. Several areas of the dune appear to have not been maintained for quit a while. Some of the dune fencing is in the wrong position on the dune. Some areas were encouraging since the roots of the dune vegetation were going seaward which is indicative of an area that is growing. There were other areas that are suffering fairly severe erosion. There were also areas where the dune fencing had either been removed as evidenced by stakes with no dune fence. There were rolls of dune fence at the street ends that had obviously been sitting there for several months. The posts that the dune fence is put up on is an inferior pine 1 x 3 stake as opposed to cedar posts which is the norm for sand fencing. He is not aware of any other community that does not use cedar posts for its dune fencing. The berm is a natural feature and from a dune management prospective provides the sand for the growth of the sand dunes. Typically you need about 100 ft. of dry sandy beach in order for a dune to be stable and to grow. The berm supplies sand to the sand dune and also helps to dissipate

wave energy prior to hitting the dune. His opinion is that the berm is not adequate to protect the dune since there are spots where there is erosion. He believes the dune is inadequate to protect the properties.

His recommendations include that in the future an employee of the Township be assigned to monitor the beach and have a program for training individuals how to install snow fencing. Additional snow fencing should be installed in front of portions of the beach that are growing and maintain the fence and use correct posts for a sturdy and robust fence. In places such as the north end where there is rapid erosion it makes no sense to put up fencing. He does not believe the beach qualifies as a managed beach. His prospective of a managed beach is if there is a plan in place for management of the beaches. Since the Master Plan does not include a plan for the beach he does not believe this is a managed beach. Master plans typically talk about the beach as an asset, what should be done in the next 5 years and expenditure of money.

Mr. Gaffney testified that he is not a licensed planner in New Jersey. He is not familiar with the New Jersey Municipal Land Use Law or the master plan requirements under the NJ Municipal Land Use Law.

Mr. Gaffney discussed the man made elements on the beach such as groins and bulkheads. Groins are intended to trap sediment as it goes up and down the coast. They are sometimes referred to as a jetty. Bulkheads are intended to impact or take the blunt of wave energy. On the exhibits he pointed out the location of the groins. The groins in the northern area are vintage 1960's and as early as 1920's. These groins are past their service life and are not sand tight. The groins in the southern area were constructed in the 1970's and 1980's. Although these groins are in much better condition they don't appear to be capturing much sand. The groins in the southern part of the town need to be evaluated to see if they are the right elevation and spacing and are they functioning as intended. He grades the groin system as a fail.

Mr. Gaffney stated that he was not able to see much of the bulkhead since it is mostly covered by dune and sand. The areas that are visible appear to be stable and functioning. The bulkheads are probably 2 to 3 feet low, meaning that during the 100-year storm there would be a severe amount of flooding over the top. He explained that to create a plan for groins and bulkheads there must be a good understanding of the tide and wave dynamics in the area. There appears to be an offshore sandbar at the north end that is having a great impact on the erosion.

Mr. Gaffney referred to engineered beach or maintained beach, which is defined by FEMA. For a beach to be considered engineered it must be constructed by the placement of sand to design elevation with grain size and slope. This also includes maintaining the beach by periodic nourishment. In the event of a major storm where there is a presidential disaster declaration towns that have been identified as having engineered beaches are eligible for emergency sand placement on the beaches to protect the town. In

New Jersey it is typical that the damage is not caused by hurricanes but tends to be a severe winter involving northeasters one after the other.

Mr. Gaffney referred to the New Jersey Master Plan for the coastal zone. In this plan there are recommendations for Strathmere and Sea Isle City. He was on the hazardous litigation team when FEMA was considering abandoning Whale Beach and Strathmere during the storm in 1991.

Mr. Gaffney stated that engineered beaches as defined by FEMA could be found on their website under FEMA Fund Eligibility. His understanding is that the definition for an engineered beach is the same as an improved beach. There is not a definition for maintained beaches. Ms. Bittner read the FEMA definition of an improved beach that was marked as Exhibit S-53.

Mr. Gaffney agreed that the absence of a periodic beach re-nourishment program is key to whether Strathmere is an improved or engineered beach. He feels that Strathmere would not be eligible for any kind of emergency beach work from FEMA. He explained that any sand put on the beach is part of a cycle where the sand on the north end travels up to the inlet and eventually makes its way to Corson's Inlet. The sand is stripped off the beach in a periodic manner and may or may not make its way back to the beach. The inlet is free to move since there is no seawall. The nourishment plan indicates the last time sand was put on the beach was 2001. The next re-nourishment should have been in 2006. It could be surmised that without additional sand in the system what is now happening at the point was a predictable event. He stated that the sand moving from the north to the south is called a local reversal because of the inlet.

Mayor Palombo asked if it made a difference that the property on the north end that Mr. Gaffney is pointing at is owned by the State. The State doesn't normally replenish land that they own.

Mr. Gaffney stated that in the summer the wind and wave direction comes from the south and accumulates sand on the beach or accretes. In the winter the sand erodes. The reports by Stockton State show that in the last couple years the amount of accretion was limited. He feels this needs to be studied.

Nancy Fullam, 14 East Seaview Avenue, Strathmere, was sworn in. She testified that she took a total of 96 photographs between 3:15 p.m. and 3:45 p.m. this afternoon from the north point. She described each of the enlarged photographs that were marked as Exhibits S-54 through S-65. Exhibit S-54 was taken at Seacliff Avenue and shows the new dune fence and the old dune fence collapsing; S-55 shows the fence and the erosion of the sand; S-56 shows the sand collapsing in front of Mr. Lord's house; S-57 shows the properties on the point; S-58 shows the erosion of the sand between Seacliff and Seaview; S-59 was taken standing on top the replacement sand on Seaview Avenue facing south; S-60 is at Seaview Avenue; S-61 shows rolled up hurricane fencing between Seacliff and Winthrop; S-62 shows how vulnerable the houses are; S-63 is from

the west facing east across the point showing how the inlet is wrapping around; S-64 and S-65 shows how close the fencing is to the houses.

Mr. Gaffney testified in regards to the cost of protecting the point. If a management plan were in place to manage the beaches there would be more flexibility. The sand would go where it was needed if it were not an emergency situation. During a beach fill the sand dissipates throughout the beach profile and nourishes on and off shore. The sand placed on the beach recently is eroding so easily because it is not compacted. A way to recreate the point and nourish the beaches is through dredging to improve navigation for recreational boating, provide sand to the beaches and improve water quality. Beach replenishment is part of protecting the point. The sandbar he previously referred to could also be dredged. He would give a fail grade to the Township on its beach maintenance program since the Township is not proactive and has no long term plan in place. He cannot grade the point since its not Township owned property. It is his opinion that the Township should have engaged in beach replenishment even though there is a lack of State and Federal funding. He stated that there are different types of funding available.

He discussed projects that were done by other Municipalities to protect their beaches. If he were to compare Upper Township to the ocean front communities, Upper Township would come in last in terms of its efforts to preserve and protect its resources. Upper would compare similar or the same as waterfront communities on the bay.

He recommends that Upper Township immediately start looking at local funding to get the process going for a true beach management plan for Strathmere and Whale Beach. Dune maintenance should be done and the Township Engineer should begin to coordinate with a coastal engineer. A plan should be created to fund beach nourishment. The Township should meet with the Corp of Engineers and ask about funding. The Township should also ask Stockton State in their next quarterly report to give calculations for the frontal dune area to determine where the weaker spots are. Typically the first beach nourishment is the big one and as time goes on and the system becomes more stable the beach nourishment cycle is a lot less. The community needs to make a conscious decision as to whether the inlet and the beach will be natural and allowed to migrate within certain constraints or whether they want the shoreline to be hardened and fixed.

Mr. Gaffney would give the Township an F for dune maintenance. On a scale from 1 to 10 he would give Upper Township a 2.

There was a short break at this time.

Mr. Gaffney is surprised that the Township did not do an indebt analysis of the beach even though they were following the Municipal Land Use Law. He stated that he glanced at sections of the 1993 Master Plan, 2001 Reexamination Report and 2006 Reexamination Report. The 1993 Upper Township Master Plan was marked as Exhibit S-66. The July 19, 2001 Master Reexamination was marked as S-67 and the November 2006 Master Plan Reexamination Report was marked as S-68.

Mr. Wisner read portions of the 1993 Master Plan pertaining to Strathmere. Mr. Gaffney testified that he has not read the Strathmere Beach Management Plan. He also testified that he was not aware that Upper Township has a beach management plan. Mr. Wisner indicated that he is referring to the Strathmere Beach Management Plan of November 5, 2002 prepared by the Township Engineer in cooperation with the New Jersey Department of Environmental Protection, U.S. Dept. of Interior. The document includes beach management and maintenance. The document was specifically prepared and adopted in consultation with the appropriate state agencies. He is confused as to how the townships activities could be less than appropriate, detrimental or neglectful, when they were doing this in conjunction with a plan that was approved by the State.

In response to Mr. Wisner's questions, Mr. Gaffney replied that it is clear the document is an environmental document. He believes the document is good and is a pre-cursor to the general permit for the beaches but it is not a beach management plan from a coastal engineering prospective.

Mr. Gaffney indicated that the groin at Tecumseh Avenue could be having a detrimental affect. The Township could embark on a study to know whether it is or isn't a detriment. Since the groin is still structurally sound it must be determined if it should be removed. Low elevation groins will not be seen for a couple years after a beach fill since the beach is adjusting. Once the groin starts to be exposed again it could accelerate erosion. He would rate the groin system as a 2. This is because of the northern groins. These groins should probably be ripped out since they are not doing anything good and for safety issues.

Mr. Gaffney testified that the first beach fill was in the 1940's in Atlantic City when the Corp of Engineers began taking on the roll of coastal engineering. It is his opinion that if the sandbar is having a detrimental effect it should be dredged. He feels that Sea Isle City does not have an engineered beach since they do not have a 5-year re-nourishment cycle, however their beach relies heavily on the use of groins. He rates the beach maintenance program as a 3.

Mr. Gaffney stated Sea Isle City understand the coastal prospective such as budget and beach management better than Upper Township since they are totally a barrier island.

Mr. Wisner commented that the township, including the Strathmere citizens, really view their beach differently than the traditional beaches up and down the coast. There seems to be more of a desire to keep a natural setting and less manicured tourist oriented beach. A copy of the Strathmere Beach Management Plan of November 5, 2002 was marked as Exhibit S-69.

Joseph J. Hoffman, 55 Summit Avenue, Berlin, New Jersey, was sworn in. He testified that he is a certified public accountant and registered municipal accountant for 37 years. He is the senior governmental partner of Bowman and Company. He described his education and experience.

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Mr. Hoffman S-70 testified that he was present when another municipal accountant testified on behalf of Citizens for Strathmere and whale Beach. The idea was to show various costs of 2006 and 2007 budgets for other beach communities. He noted that Sea Isle spent \$152,000 and \$143,000 in the past two years for beach cleaning. Strathmere beach is about 27.8 percent of Sea Isles beach. If Strathmere provided the same service it would cost them \$56,000.00 plus he allocated 15% fringe benefits since they use full time employees not part time. He reviewed the capital project budgets for Sea Isle City and other beach communities.

Mr. Hoffman estimates that it would cost the Township approximately \$12,000,000.00 for a project similar to Ludlam Island without any funding. He reviewed what the Township would owe over a 20-year period including principal and interest. He went on to review the numbers included in the exhibit.

The last page of Mr. Hoffman's exhibit provides information in regards to providing additional police protection in the event there was an inter-local service agreement.

The next meeting to continue the Deannexation request was scheduled for **April 30, 2008** from 6 p.m. until 9 p.m.

Submitted by,

Shelley Lea