

BOROUGH OF LONGPORT
Atlantic County - New Jersey
Resolution 2019-15

**REQUESTING AN EXEMPTION FROM THE NJDEP
MUNICIPAL PUBLIC ACCESS PLAN**

WHEREAS, the New Jersey Department of Environmental Protection adopted a regulation in 2014 that a General Permit for a Municipal Beach Maintenance Plan could not be approved unless the Municipality had obtained a 'Department Approved' Municipal Public Access Plan; and

WHEREAS, the purpose of this regulation was to assure that Communities having access to Public Waters in the State of New Jersey would obtain and provide for public access where access was limited; and

WHEREAS, many Communities have situations where private property ownership adjacent to said Public Waters restricts public access and the ability of a Municipality to maintain the Beach and Bay areas, which is required for the Public Health, Safety and Welfare; and

WHEREAS, the Borough of Longport agrees in the philosophy of the State in that adequate public access should be provided to all Public Waters in the State; and

WHEREAS, the Borough of Longport does not have the same situation of private property ownership that creates problems with limited Public Access as experienced in the more Northern Communities of the State; and

WHEREAS, the Borough of Longport has never received public concern that public access to the waterways was insufficient; and

WHEREAS, the accesses provided by the Borough are through dedicated public streets which are open and accessible to the public, which accesses are maintained by the Borough at Municipal Taxpayer expense; and

WHEREAS, the public accesses existing within the Borough of Longport far exceed the published regulations of both the State of New Jersey and Army Corps of Engineers; and

WHEREAS, any 'Department Approved' Public Access Plan would not result in any increase in Public Access beyond that already established and would only result in increased expense and maintenance responsibilities such as the purchase and maintenance of signage that are in addition to current expenses allocated for the existing Public Accesses; and

WHEREAS, Communities that meet or exceed Public Access requirements should be exempt from the requirement of a 'Department Approved' Public Access Plan

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Longport, County of Atlantic that the Borough of Longport is requesting from the Commissioner of the N.J. Department of Environmental Protection that the Borough of Longport be exempted from the requirement of obtaining a 'Department Approved' Public Access Plan with the condition that the Borough of Longport be required to adopt an ordinance requiring that any intended vacation of Municipal Public Roadways that currently provide public access to the State Waters must first be approved by the Commissioner of the N.J. Department of Environmental Protection.

DO NOT USE SPACE BELOW THIS LINE							
RECORD OF GOVERNING BODY VOTING ON FINAL PASSAGE							
COMMISSIONERS	AYE	NAY	N.V.	AB.	MOTION	SECOND	
Russo	x				x		
Leeds	x						
Lawler	x					x	
X-Indicates Vote NV-Not Voting AB - Absent							

This is a Certified True Copy of the Original Resolution on file in the Municipal Clerk's Office

DATE OF ADOPTION: 1/16/2019 _____
/s/ MONICA KYLE, RMC
Deputy Municipal Clerk