BACK HARBOR WHARF REVITALIZATION PLAN

SCHELLENGERS LANDING ISLAND

LOWER TOWNSHIP

CAPE MAY COUNTY, NEW JERSEY

HT
168
.C37
B33
1988

Thos. J. SCANGARELLO AND ASSOCIATES, P.A.

at the Farm House
VILLAGE GREENE, HIMMELEIN ROAD
MEDFORD, NEW JERSEY 08055
609/654 1120

at the Shore
2400 LONG BEACH BLVD
SURF CITY, NEW JERSEY 08008
609/494 1404

•Professional Planners•Civil Engineers•Landscape Architects•Environmental Consultants

BACK HARBOR WHARF REVITALIZATION PLAN

SCHELLENGERS LANDING ISLAND

LOWER TOWNSHIP

CAPE MAY COUNTY, NEW JERSEY

Prepared by:

THOMAS J. SCANGARELLO & ASSOCIATES, P.A.
150 Himmelein Road
Medford, New Jersey

Thomas J. Scangarello, P.P.
License #1997

Date: January, 1988

HT168.C37 B33 1988
FEB 9 1998

U.S. DEPARTMENT OF COMMERCE NOAA
COASTAL SERVICES CENTER
2234 SOUTH HOBSON AVENUE
CHARLESTON, SC 29405-2413

Property of CSC Library

TABLE OF CONTENTS

I.	INTRODUCTION	1
II.	PURPOSE	4
III.	INVENTORY AND ANALYSIS	5
	Present Development Characteristics	5
	Environmental Resources	6
	Compatibility of Existing Development with Coastal Resource Policies	7
	Current Traffic and Parking Conditions	9
IV.	PROBLEMS AND RECOMMENDATIONS	12
	Traffic	13
	Parking	14
	Pedestrian Access	16
	Waterfront Orientation	18
	Architectural Facade Treatments	20
V.	COMPLIANCE WITH COASTAL RESOURCE REGULATIONS	23
VI.	IMPLEMENTATION STRATEGIES	28
VII.	CONCLUSION	34
VIII.	APPENDIXES	
IX.	SOURCES	

This report was prepared under contract with the New Jersey Department of Environmental Protection, Division of Coastal Resources, Bureau of Coastal Planning and Project Review with the financial assistance of the U.S. Department of Commerce, National Oceanic and Atmospheric Administration, Office of Oceanic and Atmospheric Administration, Office of Ocean and Coastal Resource Management, under the provisions of Section 306 of the federal Coastal Zone Management Act, P.L. 92-583, as amended.

I. INTRODUCTION

Schellengers Landing Island is a microcosm, a little world unto itself, consisting of a diversity of uses and interests including boat yards, fish processing facilities, tourist oriented attractions, seafood restaurants, charter fishing boats and single family homes.

Schellengers Landing Island is also a series of contrasts and contradictions: prospering businesses and the reminders of failed businesses; expensive pleasure boats berthed in excellent marina facilities and residences in the poorest of conditions; carefully planned, landscaped and lighted public areas contrasting with properties displaying no concern for aesthetics.

The common denominator shared by virtually all of the inhabitants, property and business owners alike, as well as the visitors to the area, is a dependence on the economic and recreational opportunities created by the waterfront and the adjacent waterways.

Historically, functionally and aesthetically, the fishing industry complements the tourism industry. The island is the primary route into Historic Cape May City, and visitors are drawn to the area to shop, sightsee on

excursion boats, fish on charter boats and enjoy family outings in privately owned boats. Restaurants on the island offer a wide variety of fresh seafood, and the highly visible marinas and boat yards further enhance the nautical ambiance. Marine related businesses such as supply houses, boat dealerships and bait shops are also indirectly dependent upon the proximity of the waterways.

Therefore, it is natural for a community that depends on its waterfront and adjacent waterways for economic viability to plan ways to protect its waterfront resources while utilizing their assets to the highest advantage.

These needs are not unique to the Back Harbor Wharf area or Schellengers Landing Island. Across the country, waterfront communities are rediscovering the beauty and function of their waterfronts and are revitalizing these areas to achieve beneficial economic returns and an increase in community pride and awareness.

The successes of Baltimore's Inner Harbor and New York City's Battery Park, along with many smaller-scale projects, have inspired community leaders and property owners to assess and determine the highest and best use of their valuable natural resource: the waterfront.

In recognition of the need to study and recommend improvements to Schellengers Landing Island, the New Jersey Department of Environmental Protection's Division of Coastal Resources, Bureau of Planning and Project Review has awarded a Local Planning Grant to the Township of Lower to prepare a Back Harbor Wharf Revitalization Plan. This is one of many grants which has been awarded to communities throughout the State for the purposes of studying ways to improve and or protect coastal resources. The acceptance of this funding source by a municipality for a study does not require that any recommendations generated by the study be implemented. The municipality may decide to approve a plan for improvements, modify it, or reject it.

II. PURPOSE

The purpose of this report as described in the Scope of Work authorized by the Division of Coastal Resources Bureau of Coastal Planning and Policy Review "is to develop a master plan for an area known as Back Harbor Wharf, a sixteen acre site, to promote commercial and marine development waterfront access".

Additionally, the Scope of Work states that "The Back Harbor Wharf Revitalization Plan will serve to enhance the water oriented use of the study area in conformance with the Rules on Coastal Resources and Development (N.J.A.C. 7:7E-1.1 et seq.), especially the following Special Areas: Shellfish Beds, Prime Fishing Areas, Submerged Vegetation, Navigation Channels, Marine Moorings, Intertidal and Subtidal Shelters, Filled Water Edge, Natural Water Edge, Wetlands, Wetlands Buffer, Public Open Space, and the Resource Policies for Marine Fish and Fisheries, Water Quality, Public Access to the Waterfront, Scenic Resources and Design, and Traffic".

III. INVENTORY AND ANALYSIS

Schellengers Landing Island, in the Township of Lower, is located in the western end of Cape May Harbor and is surrounded by Cape Island Creek (Spicer Creek) and the Cape May Canal on the south, west, and north.

Marked channels lead pleasure and working boats to the island and its many marinas and docks. State Highway 9 leading into Cape May bisects the island into eastern and western sections. Thousands of visitors to Cape May pass through the island every year, and a common assumption is that Schellengers Landing Island is part of Cape May.

PRESENT DEVELOPMENT CHARACTERISTICS

The entire Schellengers Landing Island area evokes a "fishing village" atmosphere due to the marina emphasis, the commercial fishing facilities, and the variety of seafood restaurants and marine related businesses such as supply houses and bait shops.

This "fishing village" atmosphere is created by the size and scale of the existing structures, their varied uses, and their facade treatments.

A photographic survey taken in August, 1987 of most of the existing structures is included in the Appendix to this report. The poor condition of most of the structures in the Back Harbor Wharf area is evident from the photographs.

The lands of the island are zoned MD-Marine Development and MGB-Marine General Business. Although there are many single family homes on the island, new residential structures are not a permitted use under current zoning regulations. Rental cabins (motels) exist and are permitted by ordinance, but their quality is not sufficient to attract a consistent tourist trade.

ENVIRONMENTAL RESOURCES

An inventory map with an accompanying narrative describing the environmental features and constraints of the study area is also included in the Appendix. This inventory map of Schellengers Landing Island was prepared using aerial photos, tax maps, recent surveys for site development plans and information received from the Division of Coastal Resources

The issues surrounding waterfront development in environmentally sensitive areas are complex. New Jersey is the most densely populated state in the nation and there are enormous pressures on its coastal zone to accommodate

development while preserving the natural beauty of its shoreline and the productivity of its estuary systems. In recognition of these competing needs and demands, the Division of Coastal Resources of the New Jersey Department of Environmental Protection (DEP) has developed the New Jersey Coastal Management Program under Section 306 of the Federal Coastal Zone Management Act, and has established detailed policies designed to encourage the wise use of New Jersey's limited coastal resources.

COMPATIBILITY OF EXISTING DEVELOPMENT WITH COASTAL RESOURCE POLICIES

The Environmental Inventory contained in the Appendix shows the location of areas such as wetlands which present constraints to development. It also maps and describes areas of special concern such as "natural water edge" and "filled water edge". These areas are directly affected by policies of the Division of Coastal Resources.

In general, much of the existing development on Schellengers Landing Island is compatible with the "Resource Policies" as contained in the Rules on Coastal Resource and Development Policies (N.J.A.C.7.7E-1.1 et. seq.). The "Filled Water Edge" (7.7E-3.16) policy states that all filled waterfront areas should be developed with water dependent uses. Development on all Filled Water's

Edge site development must also comply with the Public Access Resource Policy (7.7E-8.11). This policy requires public access to the waterfront. Public access means the ability of all members of the community at large to pass physically and visually to, from and along the ocean shore and other waterfronts.

With the exception of residential uses, most of the existing Bay development on Schellengers Landing Island is water dependent and does offer some public access to the waterfront. Recommendations to improve public access are discussed in the following section of this report.

The Natural Water Edge - Flood Plains Policy (7.7E-3.18) prohibits most development unless the use is water dependent. New development or reconstruction must be in conformance with performance standards established in the Flood Hazard Area Resource Policy.

The Wetlands (7.7E-3.25) policy of the Rules on Coastal Resource and Development generally prohibits development in wetlands. Schellengers Landing Island possesses no existing direct development of wetlands. However, the Wetlands Buffers (7.7E-3.26) policy prohibits development within three hundred (300)feet of wetlands unless it can be demonstrated that the proposed development

will not have a significant adverse impact and "will cause minimum feasible adverse impact" through the use of mitigation where appropriate (1) on the wetlands, and (2) on the natural ecotone between the wetlands and the surrounding upland. There is existing development of Waterfront Buffer areas on Schellengers Landing Island.

Other "special" areas of concern for which the Division of Coastal Resources has developed policies are identified on the Environmental Inventory Map and are discussed in the accompanying narrative in the Appendix. The present development of Schellengers Landing Area does not adversely affect these areas and is in compliance with Division of Coastal Resource policies. These areas include Shellfish Beds, Prime Fishing Areas, Submerged Vegetation, Navigation Channels, Marine Moorings, and Intertidal and Subtidal Shallows.

CURRENT TRAFFIC AND PARKING CONDITIONS

In addition to waterfront issues, significant traffic congestion and parking problems exist on Schellengers Landing Island.

The focus area of this report is the western portion of Schellengers Landing Island on the sixteen (16) acre section referred to as the "Back Harbor Wharf" area.

However, it should be noted that traffic congestion and parking problems in this area are compounded by problems on the remainder of the island. There is a significant shortage of public parking space during the peak season in the Back Harbor Wharf area. Although there are designated parking lots and areas for commercial fishing and excursion boat patrons, site visits indicate that persons using these facilities also park on other businesses' lots and on non-commercial land. They have also been observed double parking next to cars parked at street curbs.

Seasonal traffic circulation problems in the Back Harbor Wharf area and studied since at least 1967. Wilber Smith and Associates, Consulting Engineers from New Haven, Connecticut, have studied Schellengers Landing Island's traffic congestion and have made recommendations for improvements (see excerpt from their report in the Appendix). And as recently as 1985, the Cape May County Planning Administration also offered recommendations for improvements to the system (see excerpt of site title in the Appendix).

The inventory and analysis described in this section of this report address existing physical and environmental conditions, land uses, compliance with

regulatory policies and previously identified problems. Taken together, these elements constitute what urban planners refer to as a "needs assessment." It is clear that viable alternatives for the redevelopment of Schellengers Landing Island and specifically the Back Harbor Wharf area are necessary.

The next section of the text, entitled "Problems and Recommendations," will address the needs which have been determined by the analysis of existing conditions. Recommendations for improvements will be made in the form of goals and objectives. Strategies for implementation of the goals and objectives are also discussed.

IV. PROBLEMS AND RECOMMENDATIONS

As defined in the previously mentioned Scope of Work for this project, (see page 4) recommendations must be developed that redevelop and revitalize the study area (Back Harbor Wharf), in the form of a Master Plan, so that "compatibility with the waterfront orientation of the area is enhanced, public access to the waterfront is maximized, and traffic concerns are accommodated to the greatest extent consonant with the first two objectives. Pedestrian access to the waterfront from the road system and public parking shall be addressed by the plan. Architectural facade treatment options and recommendations to further the overall objectives shall also be included."

Good land use planning is a result of the careful determination of goals. These goals represent general policies formulated in response to perceived problems determined in a "needs assessment". Additionally, a statement of goals attempts to anticipate future conditions. After goals have been established, a set of objectives may be formulated for the purpose of identifying strategies for the implementation of each of the goals. This section will address the issues summarized above by offering goals, objectives, and recommendations. Possible strategies for implementation will be discussed in Section

VI, entitled "Implementation Strategies".

The following issues and problems are not prioritized, but are listed in order of their estimated feasibility. The determination of "feasibility" is based on the evaluation of a municipality's normal ability to implement recommendations.

There are many unknown factors that can render an objective "unrealistic" in a short range context. However, in the preparation of a Master Plan it is not unusual to project the realization of goals and objectives as many as twenty (20) years into the future. Many of the issues and problems listed below share similar recommendations, implementation strategies, and the satisfaction of one issue often results in improvements to other issues.

TRAFFIC

DESCRIPTION OF PROBLEM:

Traffic congestion and circulation problems have been cited in planning reports dating back to 1967. Citizens' comments during the course of this study reveal that traffic and parking issues are held to be the most serious problems facing the island during the peak (summer) season. Traffic backs up on Highway 9 over the Cape May Canal Bridge, and both vehicles and pedestrians have difficulty

crossing Route 9.

GOAL:

Vehicular circulation must provide for the efficient movement of people and goods, into, about, and through the area.

OBJECTIVES: (Corresponds to the conceptual Redevelopment and Revitalization Plan in the Appendix)

1. Connect Wilson Avenue with Wissahickon Avenue. This will provide a missing roadway linkage, allowing traffic to travel north and south without having to cross Highway 9.
2. Synchronize the traffic light at the intersection of Schellengers Landing Road and Highway 9 with the traffic light at Third Street. This will provide an opportunity for traffic to make left turns and will allow pedestrians to safely cross the street.
3. Widen Highway 9 to provide for a left turn lane for vehicles turning west onto Schellengers Landing Road. Left turns at this intersection should be regulated by the traffic light mentioned in item 2 above.
4. Construct a street linkage between the bridge loop and the parking area of the Lobster House. This would allow the efficient movement of automobiles onto Highway 9 north.

PARKING

DESCRIPTION OF PROBLEM:

The inadequacy of public parking areas causes double

parking and other unsafe practices during the peak season. Existing parking areas are generally poorly defined. During the peak season, there are insufficient parking areas to accommodate tourists.

GOAL:

Safe, effective, and aesthetically pleasing parking areas must be provided for essential public areas.

OBJECTIVES: (corresponds to conceptual drawing map in the Appendix)

1. Acquire and consolidate neglected property for public parking areas.

2. Redefine the parking area located to the east of the Lobster House parking area. The quality of the Lobster House parking lot should serve as the standard for this area and others on Schellengers Landing Island.

3. On-street parking should be encouraged on Wissahickon Avenue. This objective will work in conjunction with the traffic improvement recommendation for connecting Wilson Avenue and Wissahickon Avenue.

4. Encourage the redesign of building sites fronting Highway 9 to allow for reverse parking. The concept of reverse parking has achieved great success in dense, retail areas of New Jersey. Sections of Long Beach Island and the Stokes Road business corridor in Medford are but two examples. By placing the parking area behind the buildings, the unsightly appearance of automobiles in front

of the building is avoided and safety hazards are often removed as well.

A redevelopment plan for the long range improvement of the area on the western side of Route 9 would encourage existing property owners and/or future owners to comply with site development requirements that would utilize reverse parking techniques to create additional public parking areas as well as upgrade the facades. Many of the existing structures in this area could be improved by the simple addition of facade treatments; examples of recommended facade improvements are offered in the Architectural Facade Treatments Section, page 22.1 - 22.7 in conjunction with recommended design standards in the Appendix. The granting of cross-easements facilitates the creation of parking areas. Additionally, as in other successful shore communities, areas underneath the buildings could be utilized to supply additional parking.

PEDESTRIAN ACCESS

DESCRIPTION OF PROBLEM:

Pedestrian mobility is virtually impossible during peak season due to the lack of designated walkways, traffic crossings, and destination points.

GOAL:

Improved pedestrian circulation is essential to the

safe and efficient movement of people throughout the island and the provision of access to the water's edge.

OBJECTIVES: (correspond to conceptual Redevelopment and Revitalization Plan in the Appendix)

1. Provide traffic signalization for a crosswalk traversing Route 9. (See item 2 in the earlier Traffic section above.)

2. Sidewalks should be required as a condition of site plan approval in all areas of the island.

3. Boardwalks or walkways along the water's edge in accordance with DEP's policy regarding public access could be a condition of development approvals.

4. Public access fishing piers should be provided to allow physical and visual public access to the waterfront.

5. Provide a pedestrian overpass across Highway 9. A long range plan for this purpose could be implemented through the redevelopment of buildings with second story galleries (porches).

6. Provide overhead "catwalks" crossing side streets in areas where redevelopments results in two (2) story structures. This also represents a long range plan.

WATERFRONT ORIENTATION

DESCRIPTION:

There is inadequate public access to the waterfront areas of Schellengers Landing Island.

GOAL:

All members of the community at large should be able to pass physically and visually to, from, and along the ocean shore and other waterfronts. (N.J. DEP's Public Access Policy (7:7E-8.11)

OBJECTIVES: (correspond to the conceptual Redevelopment and Revitalization in the Appendix)

1. Provide a public pier at the northern end of Wissahickon Avenue. According to tax records, the adjacent sand beach area is owned by the State of New Jersey.
2. Provide interpretive nature trails through areas of existing vegetation to the vegetation on the western side of the island.
3. Acquire necessary property and/or easements to develop a public pier extending into Cape May Harbor on the eastern side of the island. This would provide a scenic view from both the land and the water; at present a "No Dumping" sign marks the land's end at
4. Provide a linear waterfront walkway where possible around the Island. This could be promoted through development approvals.
5. Improve Wissahickon Avenue and Fifth Street to

facilitate circulation and waterfront access by the public.

6. Residential land use should be a conditional use, rather than a non conforming use in existing residential areas. This would encourage private sector investment in the community. See the conceptual map in Appendix for an illustration of how the Viking Motel area could accommodate motel and townhouse units with interior court parking.

7. Motel development should be revitalized to encourage use of the island by overnight tourists as opposed to day trippers. Specifically, the Viking Cabins Motel should be redesigned with an attractive two (2) story facade facing Route 9. This would provide a focal point for the island, especially of it were provided with reverse parking. (See conceptual map in the Appendix).

ARCHITECTURAL FACADE TREATMENTS

DESCRIPTION OF PROBLEM:

The inconsistency of quality and the poor condition of some of the structures on the island undermines and destroys the character and ambience of others. Problems with parking, signage, fencing, refuse areas, lack of adequate landscaping and general maintenance of buildings contribute to the overall lack of aesthetics that causes Schellengers Landing Island to compare poorly with its immediate and successful neighbor, Cape May City. However, public comments indicate that the development requirements of Cape May City should not be imposed upon Schellengers Landing Island property owners or developers. Such restraint might also be justified by the fact that there are no significant historical buildings in the area worthy of this degree of protection.

GOAL:

General aesthetic standards should be established and enforced as property ownership changes and new development or redevelopment approvals are sought. Private sector initiative, when directed by Land Development Ordinance requirements, will gradually upgrade the appearance and efficiency of the community and protect the existing character of quality development.

OBJECTIVES:

1. Marine General Business (MGB) and Marine Development

(MD) zones should be consolidated into a single Waterfront District Zone. This zone would allow Residential Development as a conditional use in existing residential areas. It is essential that limited residential development be encouraged to stimulate investment by the private sector and provide the catalyst for the redevelopment and revitalization of the area. At present, mixed uses maintain a precarious balance. If light industrial uses become too numerous, residential and tourism oriented businesses will suffer. Conversely, an excess of residential development would exclude necessary waterfront commercial and light industrial uses.

2. Sign requirements of the Land Development Ordinance should be revised so that signs will enhance rather than detract from the appearance of the Island.

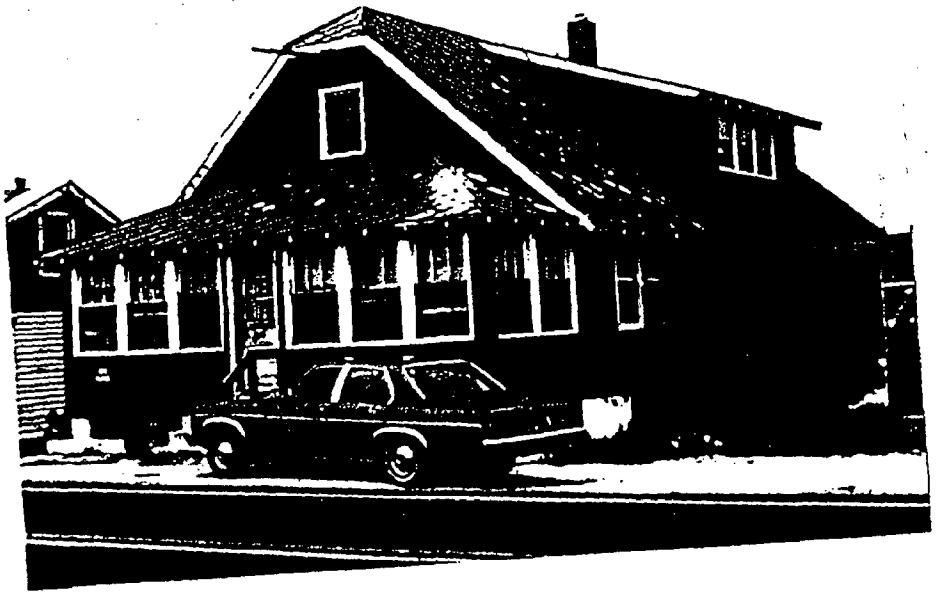
3. Design Standards should be incorporated into the Land Development Ordinance so that future development will be of consistent quality and compatible with the spirit and intent of the revitalization effort. Photographs illustrating how new construction may incorporate elements of village character are provided on pages 22.8 - 22.10 to illustrate ways which the establishment of waterfront zoning districts with appropriate design standards can be successful.

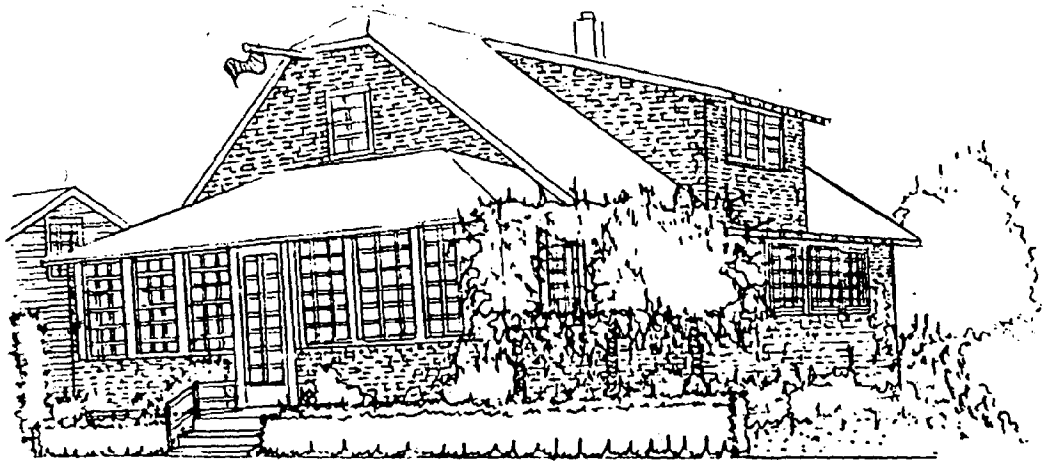
4. The implementation of design concepts which have been used with success in similar waterfront communities should

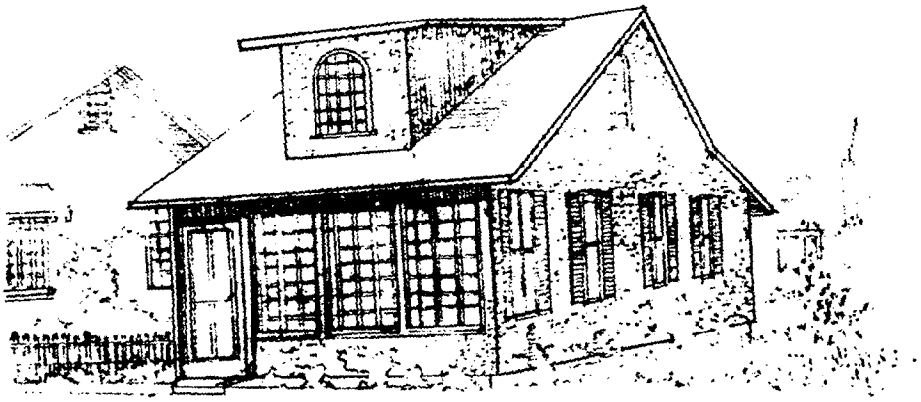
be encouraged. These include:

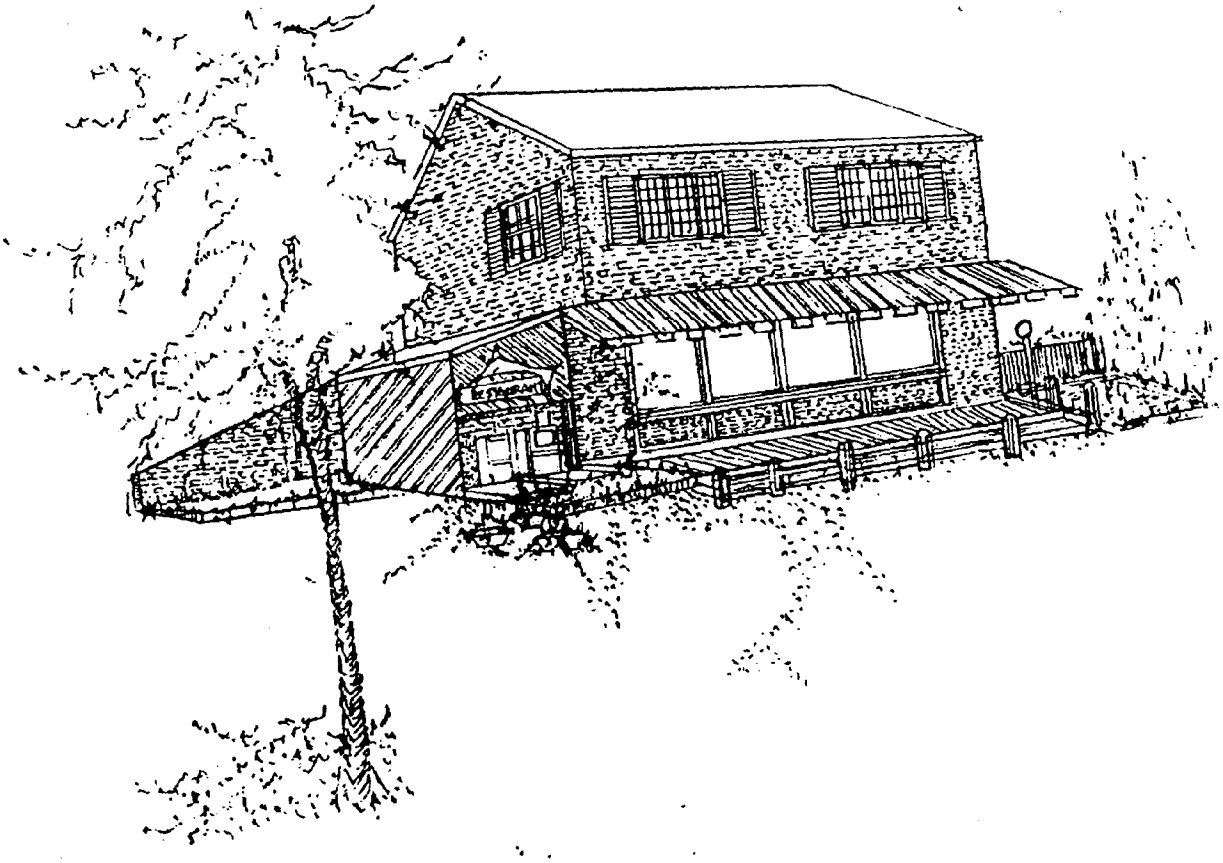
- Multi-tiered commercial projects and mixed residential projects creating "in and out" space.
- Focal points such as gazebos or pavilions.
- Ground floor parking with businesses and residences above.
- Reverse parking.
- Underground utilities.
- Facade treatments with detail and variety using complimentary design elements such as textures, canopies, unique window treatments, flags, etc. (Examples of Facade Treatments follow on pages 22.1 - 22.7 for illustrative purposes only.)

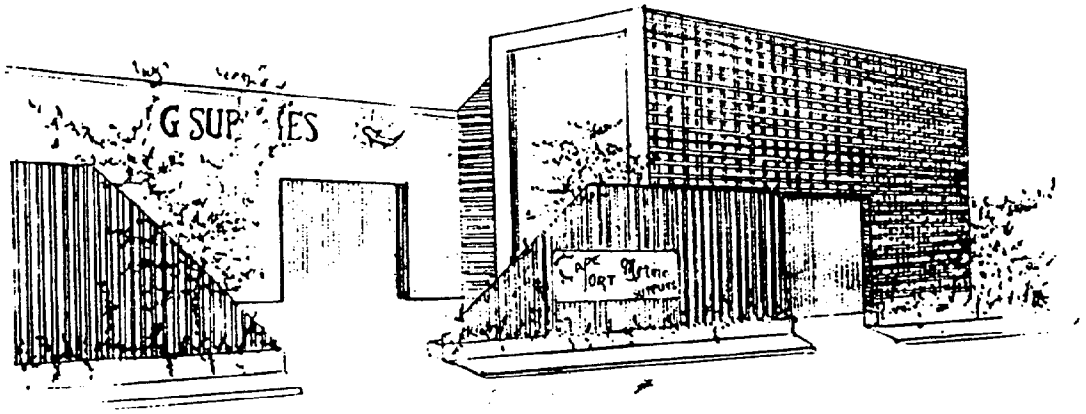
As discussed previously an effective development and revitalization plan for the long range improvement of the area would encourage existing property owners to comply with site development requirements that would encourage the use of design concepts such as reverse parking areas, cross-easements and facade features that in order to create an aesthetically interesting as well as functional business atmosphere.



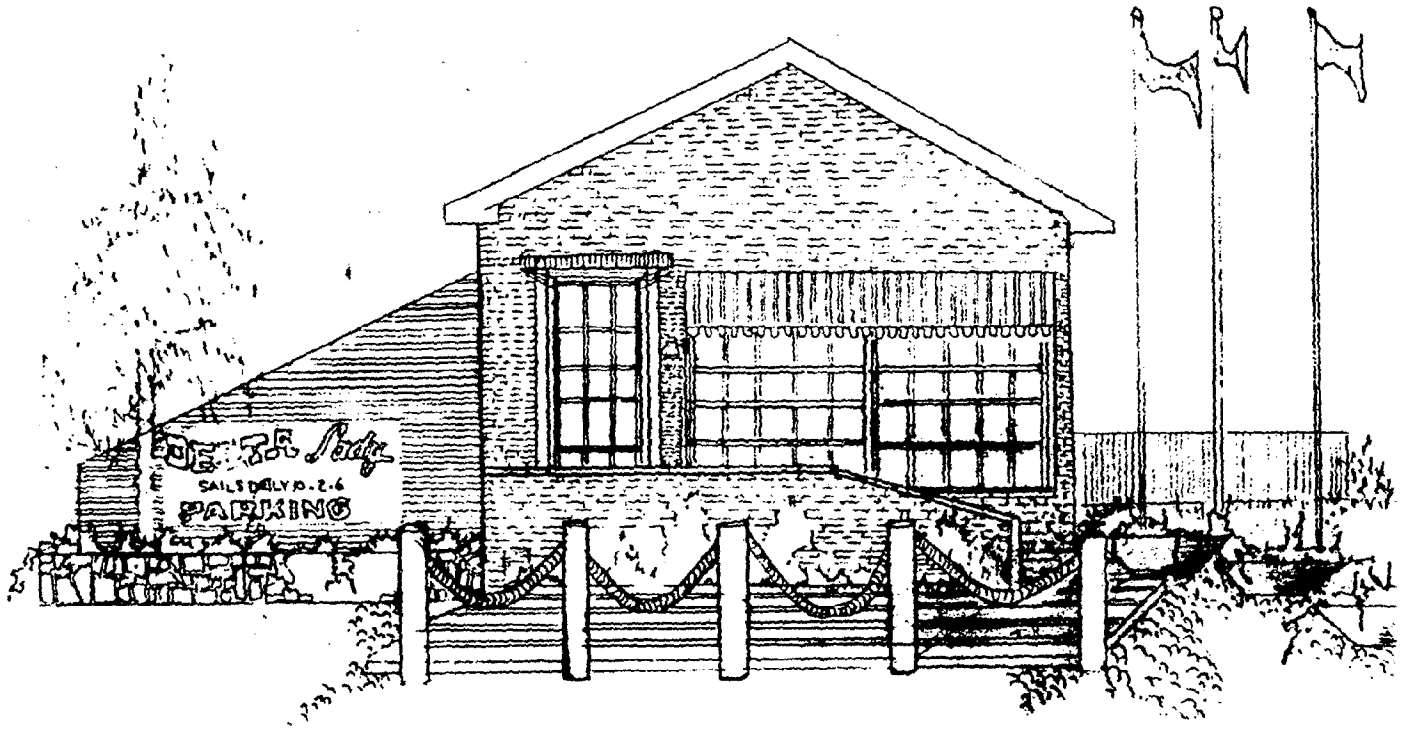


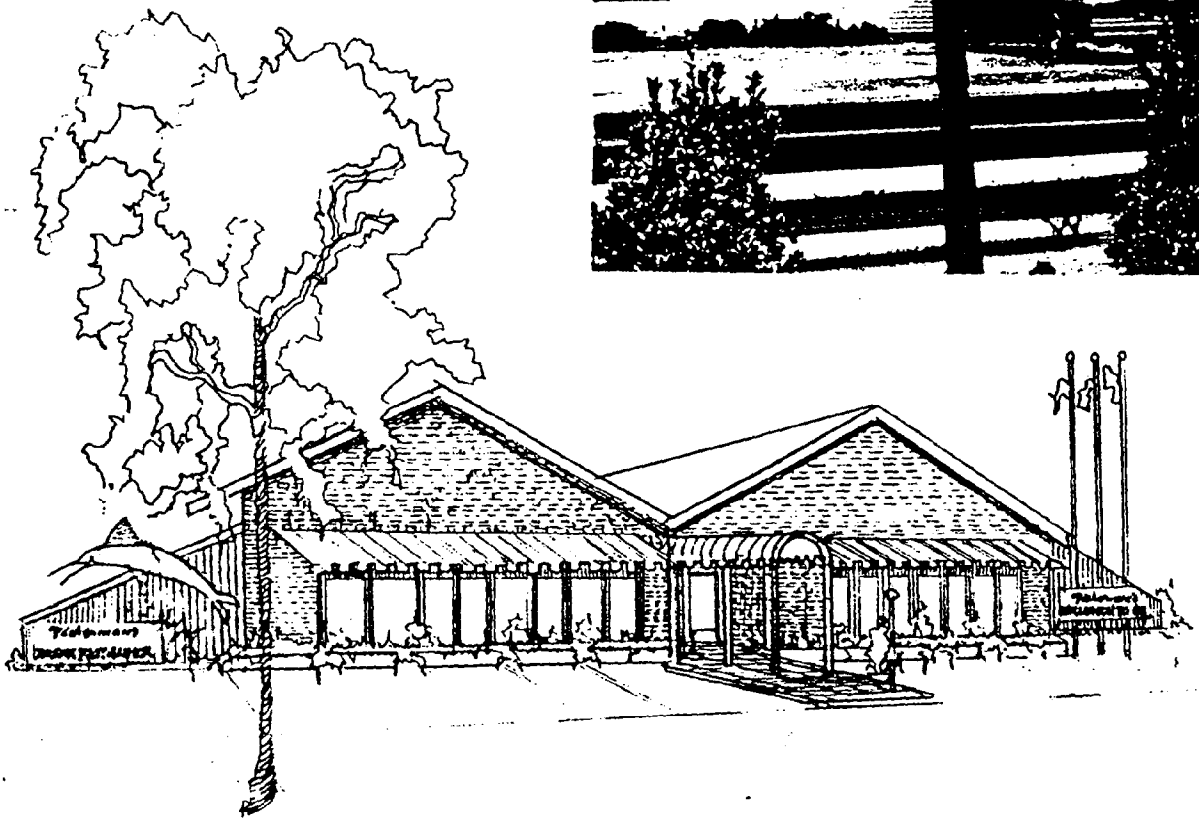




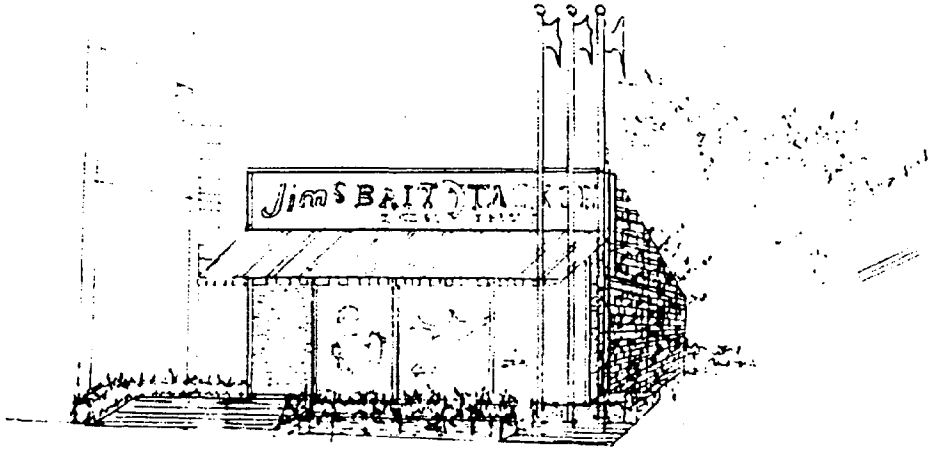


3 HR. Sailing Adventure!
Aboard the...
DELTA Lady
SAILS DAILY 10a.2p.6p
PARKING

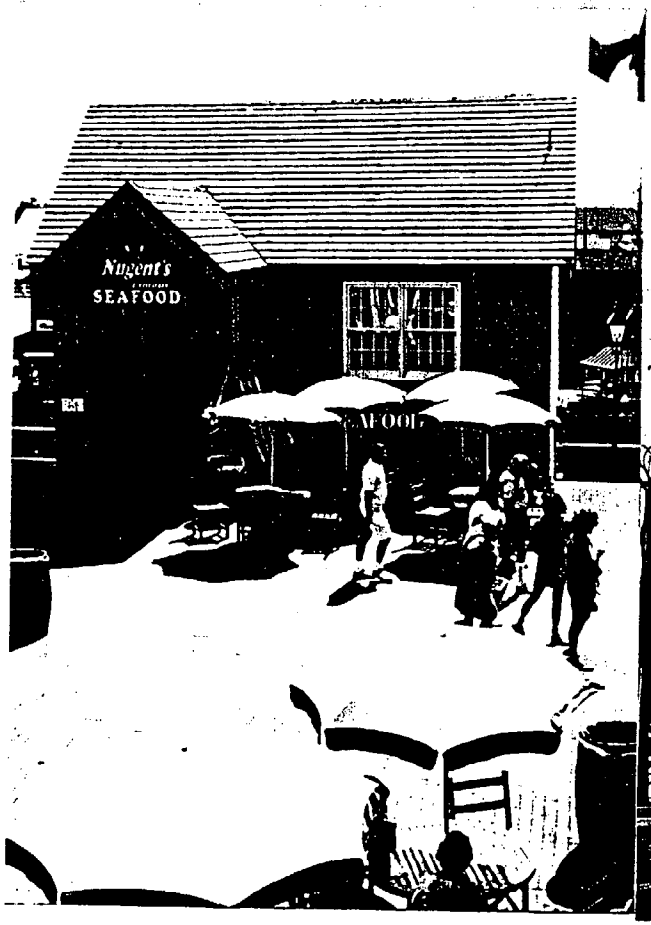

SAILS DAILY 10-2-6
PARKING

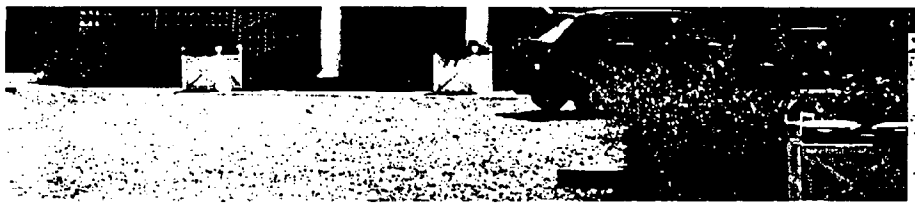


Jim's BAIT & TACKLE


Jim's BAIT

The following series of photograghs illustrate contemporary interpretation of classic building styles compatible with "Fishing Village" style architecture and illustrate the previously discussed Design Concepts.





bandian

V. COMPLIANCE WITH COASTAL RESOURCES REGULATIONS

The recommendations of this waterfront revitalization plan for the Back Harbor Wharf Area and Schellengers Landing Island have been designed to be generally compatible with the intent of the New Jersey Coastal Management Program. (See Appendix B.) However, individual activities, whether proposed by local governments or private individuals, may require a permit from the D.E.P. if the location and/or activity is regulated under any of the following statutes:

WATERFRONT DEVELOPMENT (N.J.S.A. 12.5-1 et seq.)

(a) The waterfront area regulated under the above statute within the Schellengers Landing Island study area includes any tidal waterway, natural or man-made, and all lands lying thereunder, up to the mean high water line.

The following development activities will require a permit in that portion of the waterfront area at or below mean high tide:

1. The removal or deposition of sub-aqueous materials (for example, dredging or filling);

2. The construction or alteration of a dock, wharf, pier, bulkhead, breakwater, groin, jetty, seawall, bridge, piling, mooring dolphin, pipe-line, cable, or other similar structure.

3. The mooring of a floating home for more than

thirty (30) consecutive days. Floating homes in use within the waters of this state prior to June 1, 1984 shall not require a permit (see N.J.A.C. 7:7-2.1(b) for a definition of floating home).

WETLANDS (N.J.S.A. 13:9A-1 et seq.)

(a) Wetlands permits are required for almost all activities in coastal wetlands delineated and mapped pursuant to the Wetlands Act. The Wetlands maps which cover the Schellengers Landing Island study area are the following:

MAP NO.	MAP NAME
042-1932	Skunk Sound
042-1926	Spicer Creek
035-1926	Cape Island Creek

Wetlands permits are divided into two (2) categories:

1. Type "A" Wetland permits are required for:

(1) The cultivation and harvesting of naturally occurring agricultural or horticultural products. This provision shall not apply to the continued production of commercial salt, hay or other agricultural crops on lands utilized for these purposes on or before April 13, 1972;

(2) The excavation of an individual mooring slip;

(3) The maintenance or repair of bridges, roads, highways, railroad beds or the facilities of any utility or municipality. This provision shall not apply to emergency

repairs necessitated by a natural disaster or a sudden and unexpected mechanical, electrical or structural failure. Written notification of such repairs shall be provided to the Division within seven (7) days after their initiation:

(4) The construction of catwalks, piers, docks, landings, footbridges and observation decks.

2. Type "B" Wetland permits are required for:

(1) The installation of utilities;

(2) Excavation of boat channels and mooring basins;

(3) The construction of impoundments;

(4) The construction of sea walls;

(5) The diversion or appropriative use of water;

(6) The use of pesticides, except those applied to the skin or clothing for personal use;

(7) Driving or causing to pass over or upon Wetlands, any mechanical conveyance which may alter or impair the natural contour of the Wetlands or the natural vegetation.

(8) Filling, excavation or the construction of any structure.

(c) The following activities are <u>prohibited</u> on regulated Wetlands;

1. Placing, depositing or dumping any solid waste, garbage, refuse, trash, rubbish or debris;

2. Dumping or discharging treated or untreated domestic sewage or industrial wastes, either solid or liquid;

3. Applying any pesticide on areas containing significant stands of high vigor Spartina alterniflora (Saltmarsh cordgrass), Zizania aquatica (Wildrice), Typha sp. (Cattail), and Scirpus americanus (common threesquare) as shown generally on Wetlands maps;

4. The storage or disposal of pesticides;

5. The application of persistent pesticides;

(c) The Wetlands Order promulgated by the Commissioner of Environmental Protection in April 1972, any amendments thereto, and these rules shall be applicable only in those areas shown waterward of the upper Wetland boundary on the DEP Wetlands Maps. The Wetlands area boundaries effective as of the date of this plan are shown on the Schellengers Landing Environmental Inventory Map (Appendix B to this report).

CAFRA (Coastal Area Facility Review Act) (N.J.S.A. 13.19-1 et seq.)

(a) A CAFRA "facility" includes any of the facilities designed or utilized for the purposes enumerated in N.J.S.A. 13:19-3(c), including "Public facilities and housing"; "Sanitary landfills"; "Waste treatment plants"; "Road, airport or highway construction"; "New housing developments of twenty five (25) or more dwelling units or equivalent"; and "Expansion of existing developments by the addition of twenty five (25) or more dwelling units or equivalent".

Any person proposing to undertake any development or activity in or near the waterfront area may request in writing a written determination whether the proposal is subject to any of the above statutes, from the Division of Coastal Resources, Bureau of Coastal Enforcement and Field Services, P.O. Box 188, Pomona, New Jersey 08243, (609)652-0004.

VI. IMPLEMENTATION STRATEGIES

Implementing recommended improvements requires the cooperation of private property owners and the assistance of various governmental agencies including the Township of Lower itself, the State Department of Transportation and the State Department of Environmental Protection Division of Coastal Resources. Additionally, Federal government participation may be solicited if funding opportunities are available.

Public improvements to the area such as traffic signalization, walkways, and piers could cause an immediate dramatic improvement and act as a catalyst for private sector improvements to follow. Throughout the nation, "public-private partnerships" have enjoyed success in the accomplishment of shared development goals.

However, even without direct governmental assistance as a catalyst for redevelopment, the market effects of supply and demand will gradually change the area. When market conditions prevail, the limited resource of waterfront property or property close to waterfronts generally commands continually escalating prices. The cost of the land is then the factor which generally dictates the quality and the use of the new development or

redevelopment.

The enactment and enforcement of zoning requirements and design standards such as those cited in the Appendix will insure that the island evolves into an area with a cohesive and compatible mixture of uses and architecture while retaining its special character.

The following listing illustrates funding opportunities that may be available to assist the Township in providing public improvements to improve the Island and enhance private sector initiative.

GREEN ACRES

Green Acres grants and loans may be used for the acquisition and development of lands and waters for public outdoor recreational purposes. These funds are available to municipalities or counties. Lands acquired or facilities constructed with Green Acres funds must be open to the general public.

LWCF

Recreation grants are available through the Land and Water Conservation Fund administered by the National Parks Service of the U.S. Department of the Interior. Funds granted under this program can be used on a fifty (50)

percent local matching basis for acquisition of land for park or recreational use and for recreation facilities including elements of pleasure craft marina facilities. Designated areas and projects for development must be reflected in the State Comprehensive Outdoor Recreation Plan (SCORP).

NOAA/FISH & WILDLIFE SERVICE

Capital improvements funding is often available to support and encourage recreational fishing through a program administered jointly by the National Oceanic and Atmospheric Administration (U.S. Department of Commerce), and the Fish and Wildlife Service (U.S. Department of the Interior) under the Fish Restoration and Management Act (the so-called "Dingell-Johnson Act" amended by the Wallop-Breaux Act). Under this program, pooled proceeds from specific excise taxes are collected by the federal government and allocated to state governments on a formula basis, requiring a state match of twenty five (25) percent of the federal funds in each state. Under the amendment, more tax proceeds are available and marine fisheries and their anglers are eligible.

EDA

The Economic Development Administration administers a program of grants for development facilities (public works)

under Title I of the Public Works and Economic Development Act of 1965. Eligibility requirements are stringent when funds are available. Additionally the project must be in an EDA-designated Redevelopment District.

CDBG

Community Development Block Funds, administered through the Department of Housing and Urban Development have been utilized for capital improvement projects including acquisition. Participation in this program requires certification that the project will benefit at least fifty one (51) percent of the Township's low and moderate income citizens.

UDAG

Urban Development Action Grants through the Department of Housing and Urban Development have been utilized in the funding of "Public-Private" development or redevelopment endeavors. When available, these funds are extremely competitive and must evidence benefits for the Township's low and moderate income citizens.

Possible additional funding sources include the following:

1. The Office of Coastal Programs, National Oceanic and Atmospheric Administration, (NOAH) U.S. Department of

Commerce offers grants to participating coastal states relating to the use of coastal water-related resources and makes funds available to local and substate regional public entities.

2. The Saltonstall-Kennedy Act Grants of the National Marine Fisheries Service, NOAH, U.S. Department of Commerce, funds research and development activities of individuals and groups relating to fisheries and fisheries utilization with sixty (60) percent of available funds going for direct industry assistance activities, and forty (40) percent to support activities of the National Marine Fisheries Service.

3. The Design Arts Program of the National Endowment for the Arts has offered grants to fund projects in furtherance of improving design quality, including architects' fees and construction costs, with a $30,000 limit per project for design demonstrations.

4. Loan Guarantees to finance on-shore fishing industry facilities are available through NOAA, U.S. Department of Commerce, under Title XI of the Merchant Marine Act of 1936, to support the U.S. Flag fishing fleet. Guarantees of up to eighty seven point five (87.5) percent of the take-out financing for construction or renovation of holding, icing, processing and other commercial on shore facilities servicing the fishing industry have been available.

5. Loan Guarantees to finance new plant and equipment and working capital have been available through the EDA, U.S. Department of Commerce, under Title II of the Public Works and Economic Development Act of 1964 to create jobs and economic activity in areas designated as suffering from high unemployment. These consist of guarantees of up to eighty (80) percent of bank loans to primarily industrial borrowers to assist in creating new facilities or adding to existing capacity where new jobs will be created.

6. Grants to create revolving funds for loans to finance new plant and equipment and working capital have been available through the EDA, U.S. Department of Commerce, under Title IX of the Public Works and Economic Development Act of 1965; to restore employment and economic activity to areas suffering from long-term economic decline. Grants are made to non-profit entities, usually with substate regional jurisdiction, to combine with a twenty five (25) percent local match to create a revolving fund administered by the grantee to loan on favorable terms to industrial and commercial borrowers to assist in creating new facilities or add to existing capacity where new jobs will be created.

Although many federal funding programs exist, appropriations vary with each program year budget. Additionally, specific requirements for participation in the programs are identified with each "Notice of Fund Availability".

VII. CONCLUSION

The purpose of this report has been to objectively analyze and evaluate the existing conditions of Schellengers Landing Island with emphasis on the Back Harbor Wharf area.

Problems have been cited and solutions offered to address the issues of traffic circulation, pedestrian mobility, public access to the waterfront and general aesthetic and functional improvements.

The effective redevelopment or revitalization of an area is contingent upon many factors. Primarily, property owners and policy makers must acknowledge that there is a need for improvement. Further, there must be a consensus of opinion concerning the ways and means and the time frame for redevelopment and revitalization to occur.

Whether or not redevelopment is a rational procedure affirmatively undertaken by property owners and policy makers, change is inevitable. Changes in Schellengers Landing Island can occur in many ways. The changes could be subtle ones such as the gradual improvement or decline in the appearance of properties. Changes could be traumatic if a storm or other natural disaster struck, or

they could be drastic if market conditions and changes in ownership were to dictate the highest and best uses of the land and waterfront resources. Change could even be forced to occur through a government agency mandate requiring more public access to the waterfront and more protection of environmental resources through permitting procedures.

The existing precarious balance among many land uses must be maintained and strengthened if Schellengers Landing Island is to continue to exist with its present mix of uses. Otherwise, if light industrial uses come to dominate the island, tourism will be negatively affected. Conversely, if residential properties become the most cost effective land use, there will no longer be room for light industrial or commercial fish processing facilities.

The community has in its power the ability to plan and direct its own destiny and to establish policies affecting how change should occur.

Professional analysis and recommendations for changes as well as opportunities are offered in this report. Whether or not any of the recommendations developed in this revitalization plan are pursued, it is hoped that the production of this report will at least serve as a catalyst to inspire positive public participation in the planning process.

VIII. APPENDIXES

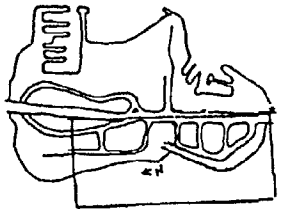
APPENDIX A	PHOTO SURVEY OF STUDY AREA
APPENDIX B	ENVIRONMENTAL INVENTORY MAP
APPENDIX C	ENVIRONMENTAL CONSTRAINTS AND COASTAL RESOURCES COMPLIANCE NARRATIVE
APPENDIX D	RECOMMENDED ZONING REQUIREMENTS AND DESIGN STANDARDS
APPENDIX E	EXCERPTS FROM PREVIOUS TRAFFIC REPORTS
APPENDIX F	CONCEPTUAL DESIGN REVITALIZATION AND REDEVELOPMENT PLAN

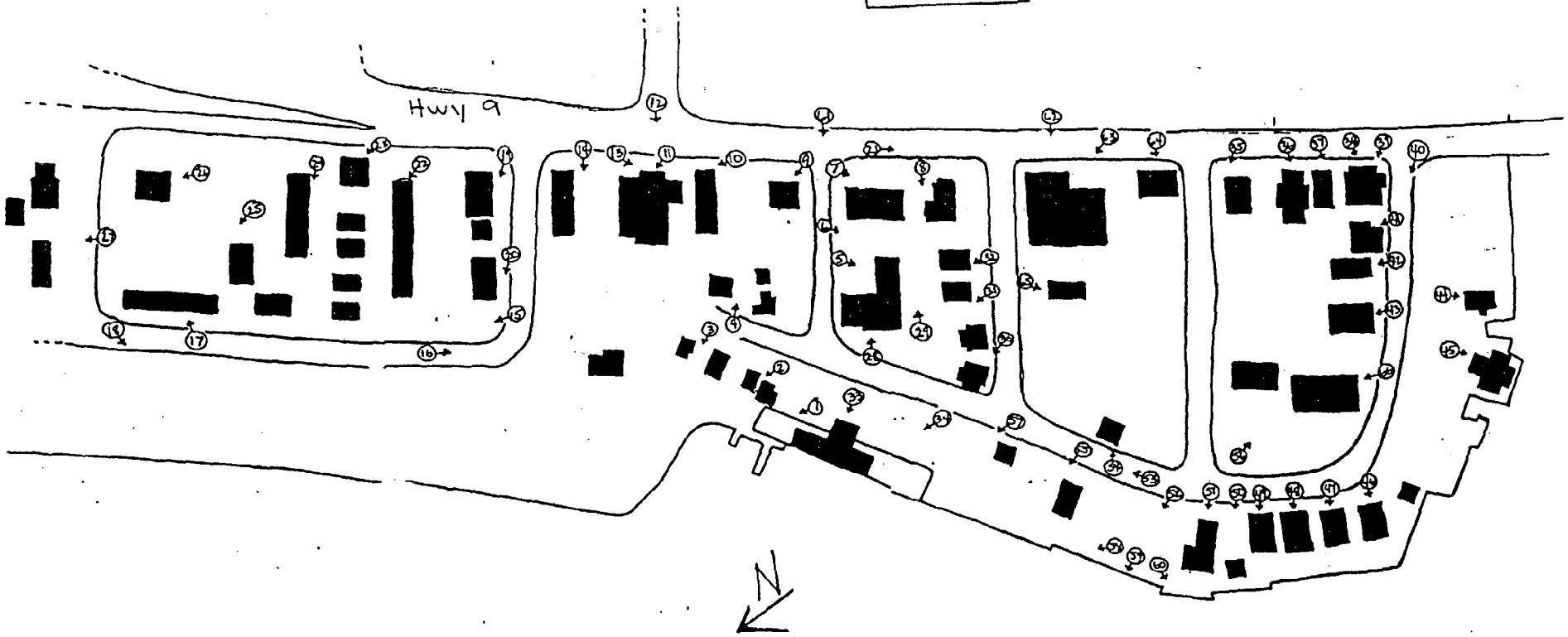
APPENDIX 'A'

PHOTOGRAPHIC INVENTORY OF MOST STRUCTURES

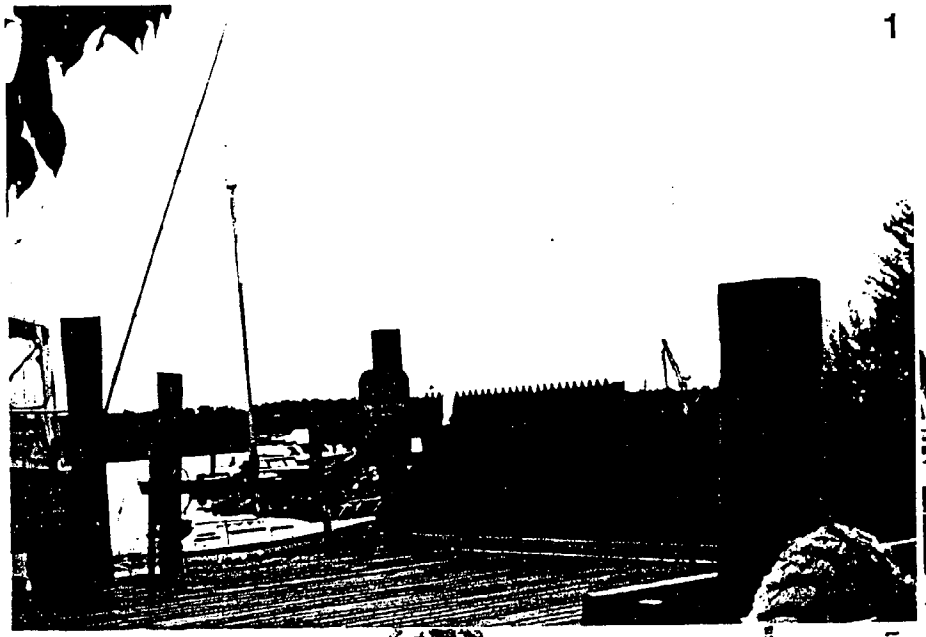
FOCAL AREA: BACK HARBOR WHARF

(west side of Hwy 9)





1



2

3

Mayer's TAVERN

4

5

6

7

CAPTAINS
&
COVE
Captains
Cove
breakfast lunch

8

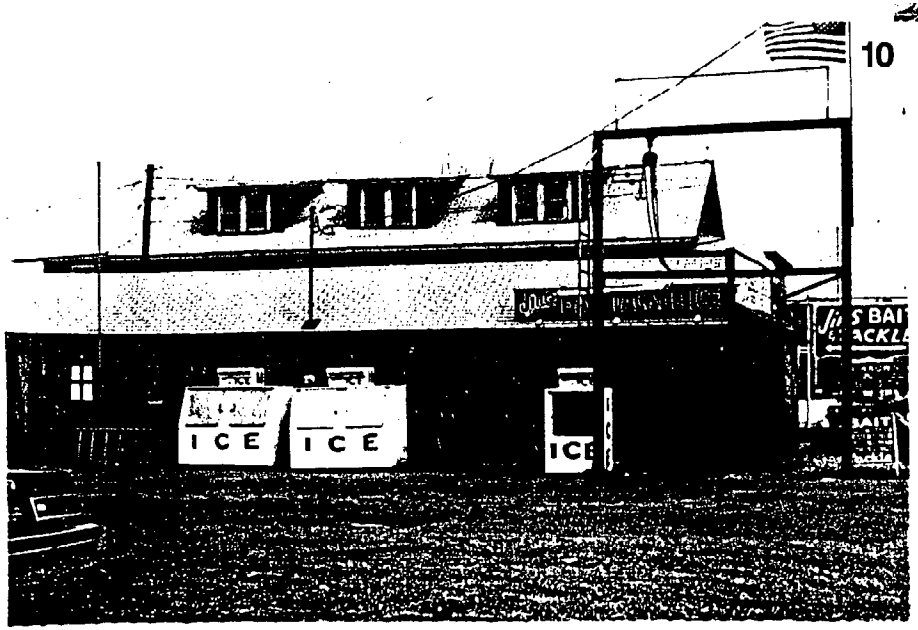
9

COFFEE
SHOP
LUNCHEON
AND
BREAKFAST
The
COFFEE
SHOP
BREAKFAST
LUNCH
LUNCH TO GO

11

12

10

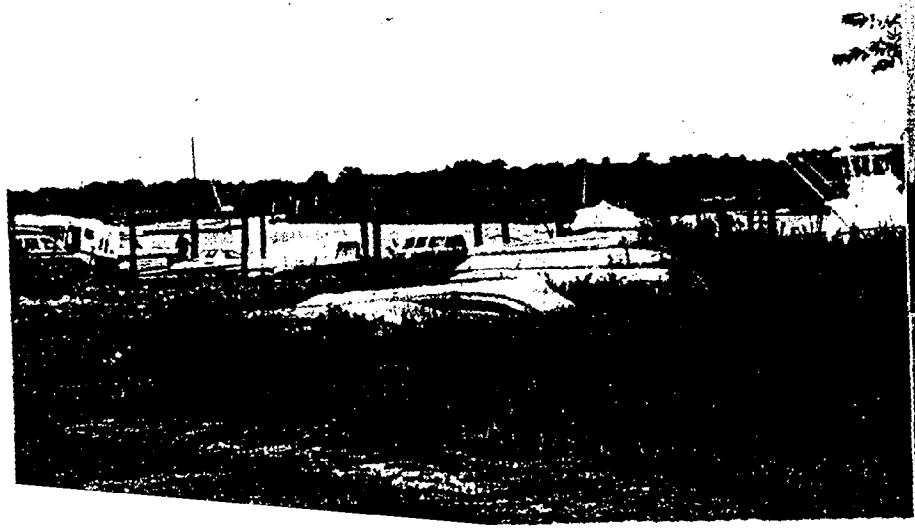


13

14

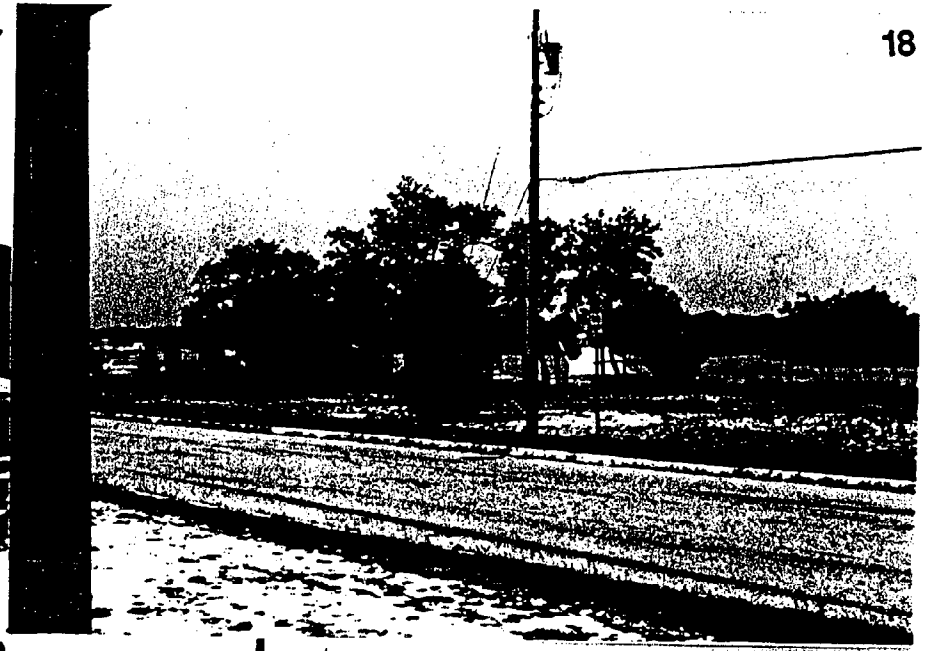
15

16



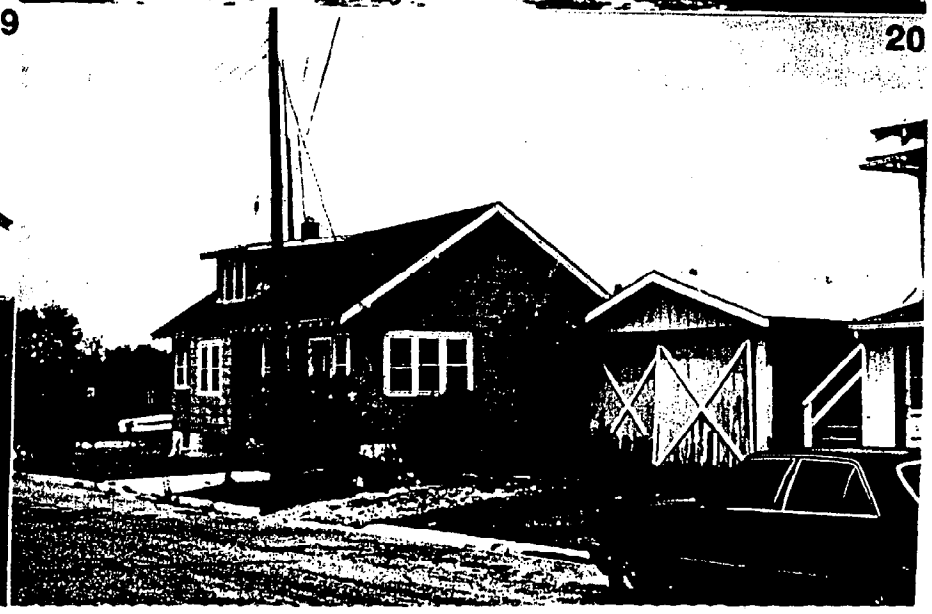
17

18

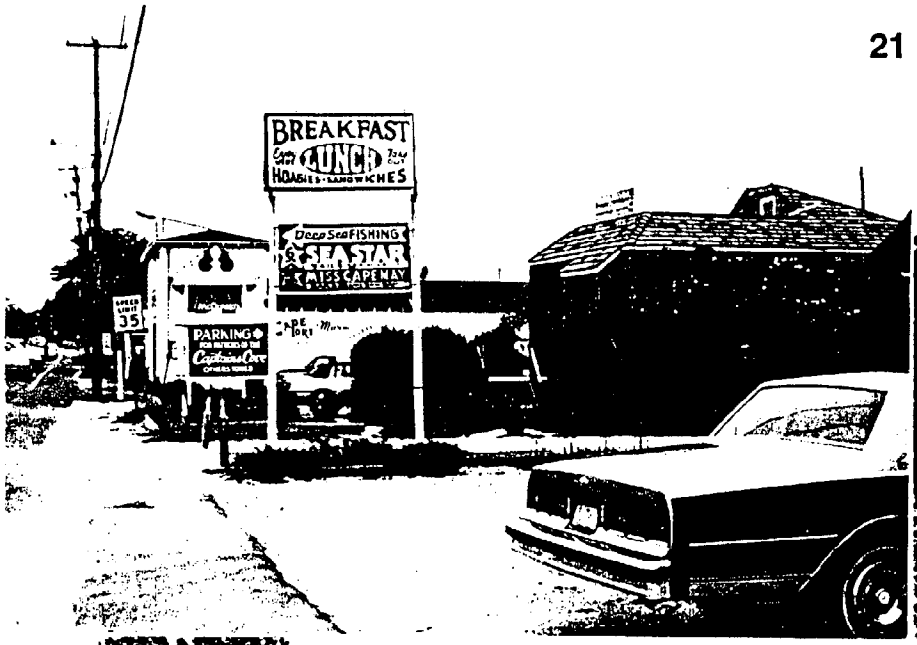


19

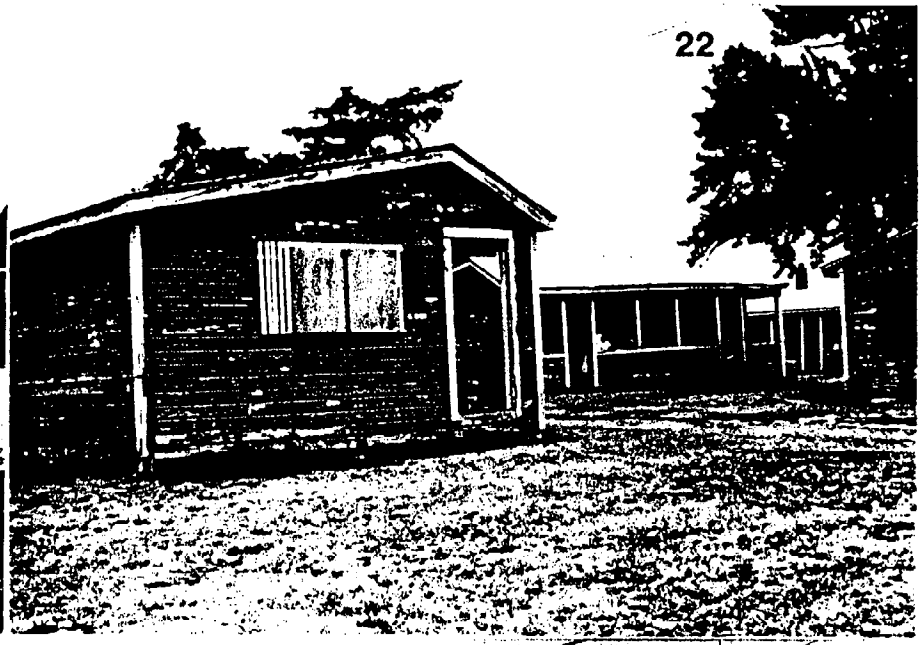
20



21



22

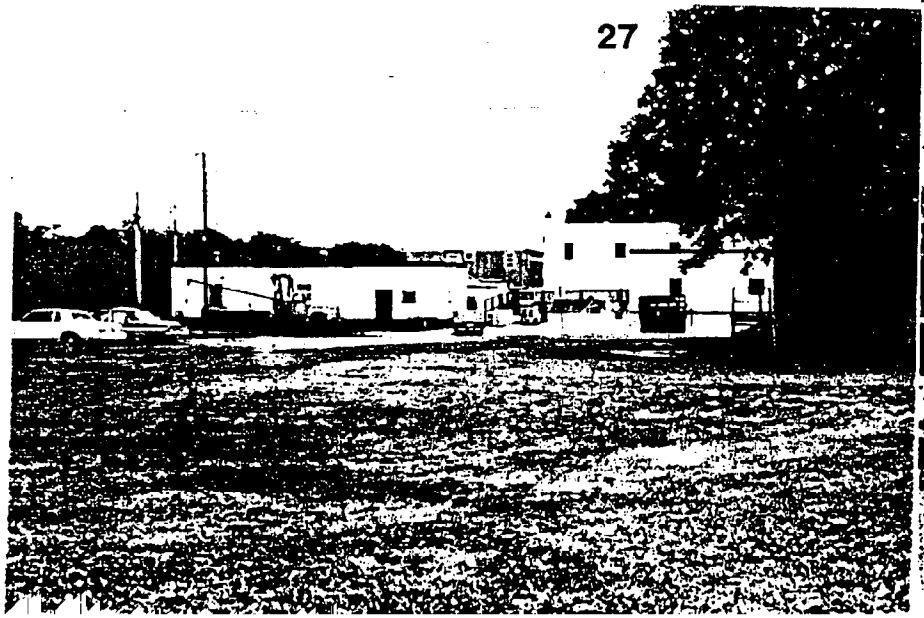


23

24

25

26


27

28

29

30

31

32

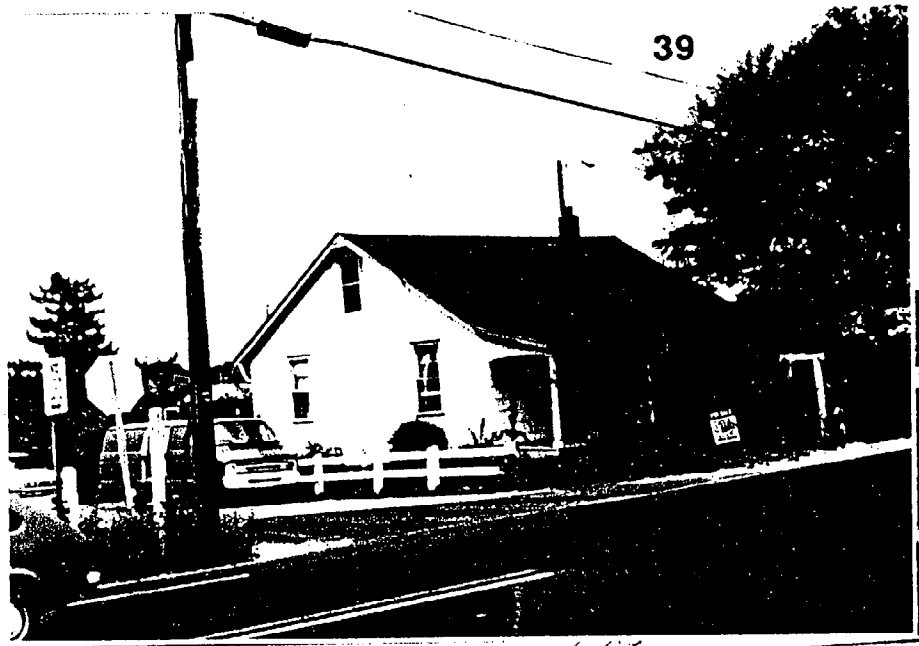
33

34

35

36

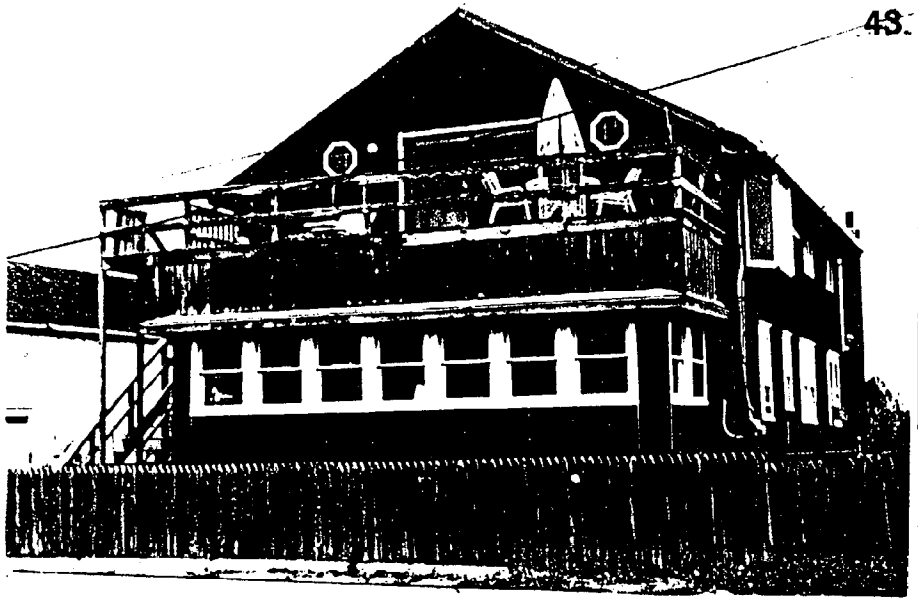
37


39

40

41

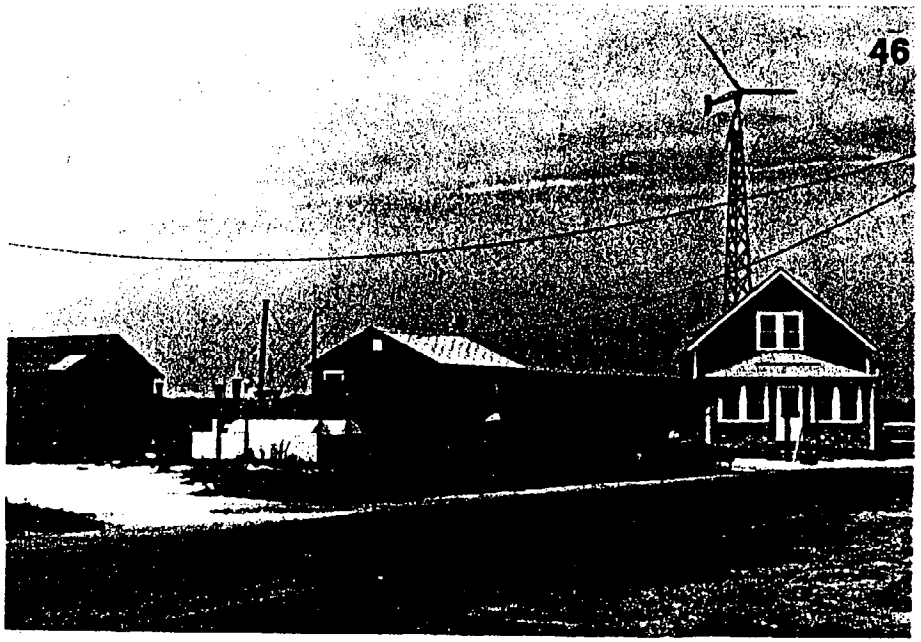
42



43.

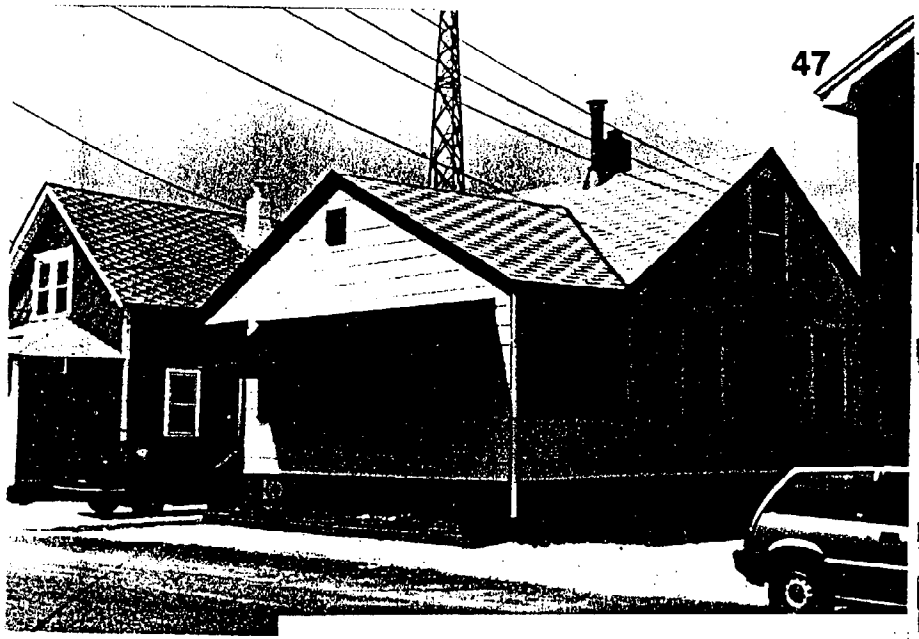
44.

45



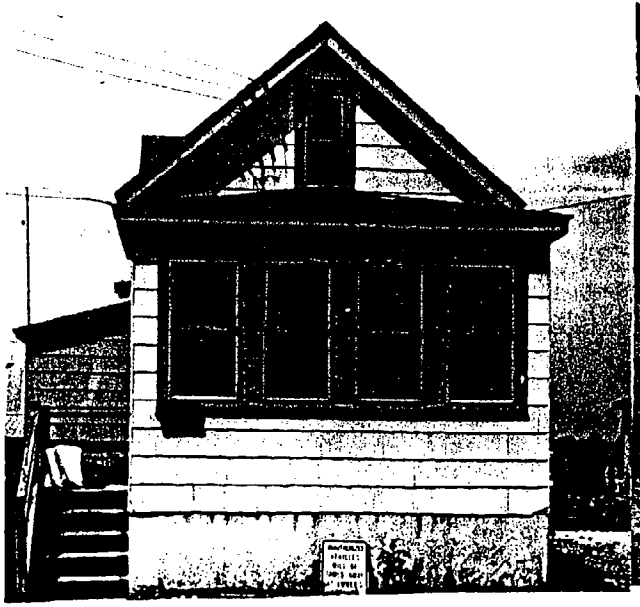
46

47



48

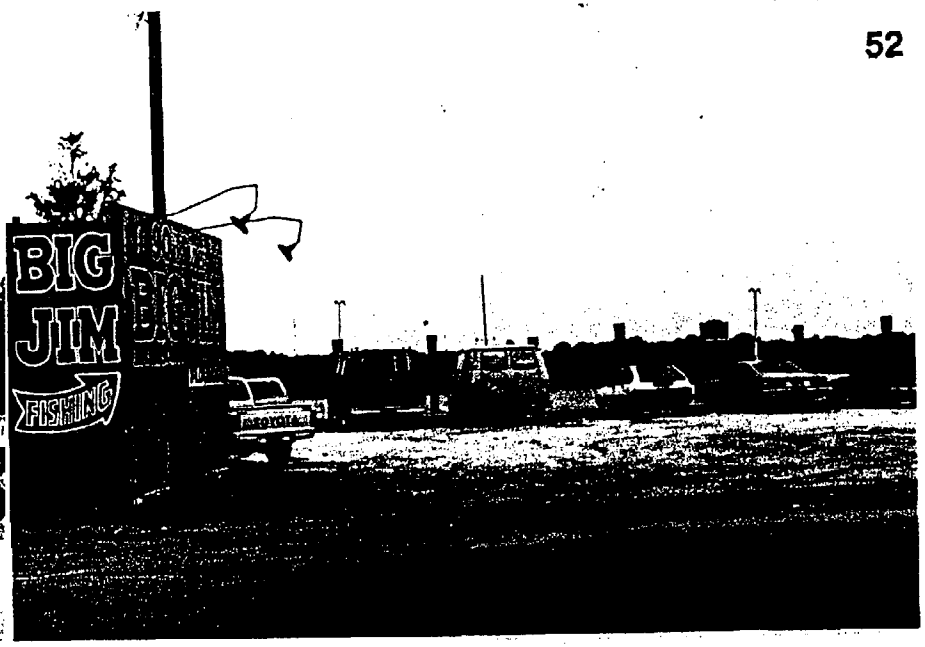
49



50

51

52



53

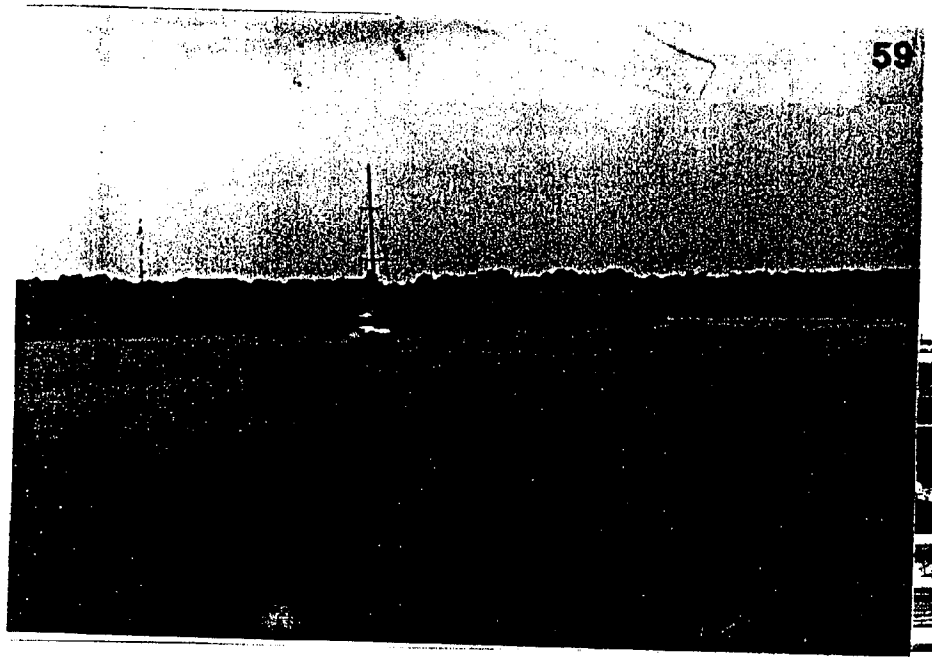
54

55

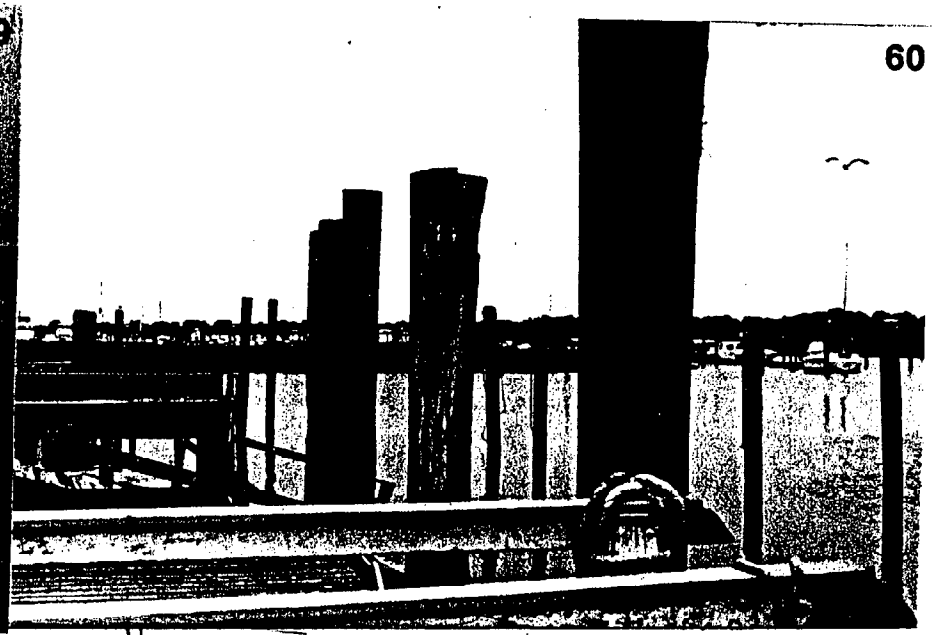
56

57

58



59



60

61

62

63

COMMERCIAL FISHING SUP LIES

64

65

3 HR. Sailing Adventure
Aboard the...
DELTA Lady
SAILS DAILY 10 - 2 - 6 -
PARKING
NO PARKING ANY TIME

66

APPENDIX C

ENVIRONMENTAL CONSTRAINTS AND COASTAL RESOURCES COMPLIANCE

The substantive policies of the Department of Environmental Protection regarding the use and development of coastal resources are extensive and comprehensive.

Policies have been developed that regulate development in Special Areas, General Water Areas, General Land Areas and specify use of coastal resources.

Of special significance are the Special Areas policies contained in Subchapter 3, "Rules on Coastal Resources and Development," (N.J.A.C.7:7E-1.1 et seq.) as of February 3, 1986.

These Special Areas are forty-five (45) types of coastal areas which merit focused attention and special management policies. The special areas are divided into Special Water Areas (Section 7:7E-3.2 through 7:7E-3.15), Special Water's Edge Areas (Section 7:7E-3.16 through 7:7E-3.30), Special Land Areas (Section 7:7E-3.31 through 7:7E-3.33), and Coastwide Special Areas (Section 7:7E-3.34 through 7:7E-3.45).

There are specific Special Areas which may be impacted by further development or redevelopment of Schellengers Landing Island and which may require further study to ascertain that impact:

7:7E-3.2 Shellfish Beds

Shellfish Beds are estuarine bay or river bottoms (tidelands) that are productive for hard clams, soft clams, eastern oysters, bay scallops, or blue mussels. A productive bed is one which has a history of these species, or is leased by the State of New Jersey for shellfish culture, or is a State Shellfish Management Area.

Any development which would result in the destruction of presently productive Shellfish Beds is prohibited (unless in the national interest). Development that would result in contamination of Shellfish Beds is also prohibited.

Dredging adjacent to Shellfish Beds is discouraged and maintenance dredging of existing navigation channels is

conditionally acceptable.

The overlay map accompanying this report illustrates environmental features and special areas of concern and indicates that the waters surrounding Schellengers Landing Island contain hard clams. However, the Bureau of Shellfisheries in the Division of Fish, Game and Wildlife has condemned the area for direct commercial harvest of clams. An area within the Cape May Harbor is classified as "special restricted" for clam harvesting requiring that any harvesting of clams be severely limited and conditioned upon reclamation factors.

7:7E-3.4 Prime Fishing Areas

Prime Fishing Areas include tidal water areas and water's edge areas which have a history of supporting a significant local quantity of recreational or commercial fishing activity. The area includes all coastal jetties and groins and public fishing piers or docks.

The water areas surrounding Schellengers Landing Island do not qualify as Prime Fishing Areas.

7:7E-3.6 Submerged Vegetation

Estuarine water areas supporting rooted vascular seagrasses such as widgeon grass (Ruppia maritima) and eelgrass (Zostera marina) are included in this special area of concern. Eelgrass beds are limited to shallow portions of the Shrewsbury River, Barnegat Bay and Little Egg Harbor. Widgeon grass is for the most part limited to shallow areas of upper Barnegat Bay. The New Jersey Submerged Aquatic Vegetation Distribution Atlas (Final Report), February, 1980, conducted by Earth Satellite Corporation, does not indicate that submerged vegetation of these types exist in the immediate area of Schellengers Landing Island.

7:7E-3.7 Navigation Channels

Navigation channels are essential for commercial and recreational surface water transportation, especially in back bays where water depths are very shallow. Channels play an important ecological role in providing estuarine circulation and flushing routes, and migration pathways and wintering and feeding habitat for a wide diversity of finfish, shellfish and waterfowl.

Navigation channels, access channels and anchorages form a network of areas that have a depth sufficient to enable marine trade to operate at the limiting depth of the channel. If one part of the system is not maintained, the entire system might be unable to function.

New or maintenance dredging of existing navigation channels is conditionally acceptable providing that the condition under the new or maintenance dredging policy is met (see Section 7:7E-4.10(e) and (f). Development which would cause terrestrial soil and shoreline erosion and siltation in navigation channels shall utilize appropriate mitigation measures. Development which would result in loss of navigability is prohibited.

Navigation channels include water areas in tidal rivers and bays presently maintained by DEP or the Army Corps of Engineers and marked by U.S. Coast Guard with buoys or stakes, as shown on NOAA/National Ocean Survey Charts: 12214, 12304, 12311, 12313, 12314, 12416, 12317, 12318, 12323, 12324, 12326, 12327, 12328, 12330, 12331, 12332, 12333, 12334, 12335, 12337, 12341, 12343, 12345, 12346 and 12363. Navigation channels also include channels marked by buoys, dolphins and stakes, and maintained by the State of New Jersey, and access channels and anchorages. Navigation channels are approximately parallel to the river bed. Access channels are spurs that connect a main navigation channel to a terminal. Anchorages are locations where vessels moor within water at or near the water's edge for the purpose of transferring cargo, or awaiting high tide, better weather or fuel and terminal availability.

Schellengers Landing Island is surrounded by waterways containing navigational channels: Cape Island Creek (also called Spicer Creek), Schellengers Creek, Cape May Canal (and is accessed by Cape May Inlet) from Atlantic Ocean, Cape May Canal from the Delaware Bay, and from the Intracoastal Waterway via Jarvis Sound.

Hazards to navigation include submerged pilings and fixed bridges. The bridge over the Cape May Canal has a horizontal clearance of eighty (80) feet with a vertical clearance of fifty-five (55) feet, and the bridge over Schellengers Creek has a horizontal clearance of 38 feet and a vertical clearance of four (4) feet. Submerged pilings are indicated between Utches Marina and the entrance to the commercial harbor.

3.10 Marina Mooring Areas

7:7E-3.15 Intertidal and Subtidal Shallows

Intertidal and Subtidal Shallows means all permanently or twice-daily submerged areas from the mean high water line to a depth of four (4) feet below mean low water.

Intertidal and Subtidal Shallows play a critical role in estuarine ecosystems. They are a land-water ecotone, or ecological edge where many material and energy exchanges between land and water take place. They are critical habitats for many benthic organisms and are critical forage areas for fishes and many migrant waterfowl. The sediments laid down in intertidal and subtidal flats contain much organic detritus from decaying land and water's edge vegetation, and the food webs in these areas are an important link in the maintenance of estuarine productivity. Preservation is, therefore, the intent of these policies, with limited exceptions to allow for needed water-dependent uses and submerged infrastructure.

Development, filling, new dredging or other disturbance is generally discouraged but may be permitted in accordance with the Use Policies of the Division of Coastal Resources.

Submerged infrastructure is conditionally acceptable, provided that (1) there is no feasible alternative route that would not disturb intertidal and subtidal shallows, (2) the infrastructure is buried deeply enough to avoid exposure or hazard, and (3) all trenches are backfilled with naturally occurring sediment.

7.7E-3.16 Filled Water's Edge

The water's edge along New Jersey's shore, bays, and rivers is a highly valued, yet limited, resource. Waterfront locations offer a rare combination of natural features and opportunities for waterborne commerce and recreational boating. Though an estimated thirty-seven (37%) percent of the State's 753 miles of shoreline along the navigable waterways is Filled Water's Edge, two-thirds of these locations are already developed. The particular requirements of an average sized marina or port facility further narrows the Filled Water's Edge potentially suitable for such development to approximately three (3%) percent, or 19 miles, of the State's entire water's edge (NJDEP, Policy Assessment, 1983).

Filled Water's Edge areas, though relatively scarce, are less environmentally sensitive than undisturbed water's edge areas. The buffering functions of the water's edge have already been lost through excavation, filling and the construction of retaining structures. The Filled Water's Edge, therefore, provides the best opportunity for intense use of the waterfront. Accordingly, certain kinds of development are allowed up to the limit of fill.

Filled Water's Edge areas are defined as existing filled areas lying between wetlands of water areas and either the upland limit of fill, the first paved public road or railroad landward of the adjacent water area, whichever is closer to the water. Some existing or former dredge spoil disposal sites and excavation fill areas are Filled Water's Edge. The waterfront area is defined as a contiguous area at least equal in size to the area within one hundred (100) feet of navigable water measured from the Mean High Water Line. This contiguous area must be accessible to a public road and occupy at least thirty (30%) percent of the navigable waters edge.

On Filled Water's Edge sites with direct access to navigable waterways (i.e. not extensive intertidal shallows, mudflats, or wetlands), the waterfront portion must either be developed with a water dependent use or left undeveloped for future water dependent uses according to the Division of Coastal Resources Policies. Other Division of Coastal Resources policies regarding Filled Water's Edge are as follows (excerpted from N.J.A.C. 7:7E-1.1 et seq., "Rules on Coastal Resources and Development":

"On Filled Water's Edge sites without direct access to navigable water, the area to be devoted to water related uses will be determined on a case-by-case basis.

On Filled Water's Edge sites with an existing or pre-existing water dependent use, that is, one existing at any time since July 1977, development must comply with the following additional conditions:

(1) For sites with an existing or pre-existing marina, development that would reduce the area currently or recently devoted to the marina is acceptable if:

- for every two (2) housing units proposed on the Filled Water's Edge the existing number of boat slips in the Marina Mooring area (7:7E-3.10) is increased by one and at least seventy-five (75%) percent of the total number of slips (existing and new) remain open to the general public. Removal of uplands to create slips is acceptable.

- marina services are expanded in capacity and upgraded (i.e. modernized) to the maximum extent practicable, and

- in water or off site boat storage capability is demonstrated or upland storage is provided to accommodate at least seventy-five (75%) percent of the marina's boats, as determined by maximum slip capacity, twenty-six (26) feet in length and longer, and 25% of the marina's boats less than twenty-six (26) feet in length.

(2) For sites with an existing or pre-existing water dependent use other than a marina, development that would reduce the area currently or recently devoted to the water dependent use or adversely affect it is discouraged."

On the remaining non-waterfront portion of these sites additional area devoted to water dependent or water oriented uses may be required as a special case at locations which offer a particularly appropriate combination of natural features and opportunity for waterborne commerce and recreational boating. On large Filled Water's Edge sites, of about ten (10) acres or more, where water dependent and

water oriented uses can co-exist with other types of development, a greater mix of land uses may be acceptable or even desirable. In these cases, a reduced waterfront portion, i.e. less than that provided by a 100 foot setback, may be acceptable provided that non-water related uses do not adversely affect either access to or use of the waterfront portion of the site.

On all Filled Water's Edge sites, development must comply with the Public Access Resource Policy (7:7E-8.11).

This policy encourages the provision of public access to the waterfront to the maximum practical extent. Public access means the ability of all members of the community at large to pass physically and visually to, from and along the ocean shore and other waterfronts.

Development that limits public access and the diversity of waterfront experience is discouraged. It is preferred that a linear waterfront strip or waterfront path system be provided as a condition of waterfront development approval where practical and appropriate.

7:7E-3.25 Wetlands

Wetlands are areas regulated under the Wetlands Act of 1970 (N.J.A.C. 13:9A-1 et seq.). All coastal wetlands situated in the Raritan Basin, south along the Atlantic Ocean and north along Delaware Bay and River are subject to the Wetlands Act.

Wetlands are also areas where the substrata is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

In general, development of all kinds is prohibited in wetlands, unless DEP can find that the proposed development meets the following four (4) conditions:

1. Requires water access or is water oriented as a central purpose of the basic function of the activity (this policy applies only to development proposed on or adjacent to waterways.) This means that the use must be water-dependent as defined in N.J.A.C. 7:7E-2.2;

2. Has no prudent or feasible alternative on a non-

wetland site;

3. Will result in minimum feasible alteration or impairment of natural tidal circulation (or natural circulation in the case of non-tidal wetlands); and

4. Will result in minimum feasible alteration or impairment of natural contour or the natural vegetation of the wetlands.

The Division of Coastal Resources in N.J.A.C. 7:7E-1.1 et seq. has determined that:

"The environmental values and fragility of coastal wetlands have been officially recognized in New Jersey since the passage of the Wetlands Act of 1970 (N.J.S.A. 13:9A-1, et seq.) Coastal wetlands are the most environmentally valuable land areas within the coastal zone.

Coastal wetlands contribute to the physical stability of the coastal zone by serving as: (i) a transitional area between the forces of the open sea and upland areas that absorb and dissipate wind-driven storm waves and storm surges, (ii) a flood water storage area, and, (iii) a sediment and pollution trap.

Also, wetlands naturally perform the wastewater treatment process of removing phosphorous and nitrogenous water pollutants, unless the wetlands are stressed.

The biological productivity of New Jersey's coastal wetlands is enormous and critical to the function of estuaries and marine ecosystems."

Wetlands mapped by the Department of Environmental Protection and the National Wetlands Inventory of the U. S. Department of the Interior are designated on the overlay map for Schellengers Landing Island.

7:7E-3.26 Wetlands Buffers

All land within three hundred (300) feet of Wetlands (as defined by N.J.A.C. 7:7E-3.26) and within the drainage area of those Wetlands comprises an area within which the need for a Wetlands Buffer shall be determined by the Division of Coastal Resources.

Development is prohibited in a Wetlands Buffer unless it can be demonstrated that the proposed development will not have a significant adverse impact and will cause minimum feasible adverse impact, through the use of mitigation where appropriate (1) on the Wetlands, and (2) on the natural ecotone between the Wetlands and the surrounding upland. The precise geographic extent of the required actual Wetlands Buffer will be determined by the Division of Coastal Resources at Schellengers Landing Island on a case by case basis as coastal permit applications are reviewed for individual projects.

7:7E-3.38 Public Open Space

Public Open Space constitutes land areas owned and maintained by State, Federal, County and Municipal agencies or non-profit private groups (such as conservation organizations and homeowner's associations) and dedicated to conservation of natural resources, public recreation, or wildlife protection or management. Public Open Space also includes State Forests, State Parks, and State Fish and Wildlife Management Areas and designated Natural Areas (N.J.S.A. 13:1B-15.12a, et seq.) within DEP-owned and managed lands.

The policy of DEP Division of Coastal Resources is as follows (as excerpted from N.J.A.C. 7:7E-1.1 et seq., "Rules on Coastal Resources and Development".):

"1. New or expanded public or private open space development is encouraged at locations compatible or supportive of adjacent and surrounding land uses.

2. Development that adversely affects existing public open space is discouraged.

3. Development within existing public open space, such as campgrounds and roads, is conditionally acceptable, provided that the development complies

with the Coastal Resource and Development Policies and is consistent with the character and purpose of the public open space, as described by the park master plan when such a plan exists.

4. Provision of barrier free access to public open space is encouraged."

Public Open Space exists on Schellengers Landing Island as New Jersey State exempt property as indicated on the overlay map of Schellengers Landing Island.

Other environmental or natural features impacting Schellengers Landing Island include:

7:7E-3.20 Beaches

Beaches are defined as gently sloping unvegetated areas of sand or other unconsolidated material that extend landward from the mean high water line to either the vegetation line, a retaining wall or the foot of the dunes. Beaches are found on all tidal shorelines including ocean, bay and river shorelines.

The DEP Division of Coastal Resource's policy prohibits most development on beaches and encourages public access and barrier free access to beaches and the water edge. Additionally, any development that unreasonably restricts public access to beaches is prohibited.

A small natural beach area exists on Shellengers Landing Island adjacent to Cape Island (Spicer) Creek; specifically in the area where the creek joins the Cape May Canal. The upland area is apparently the property of the U. S. Corps of Engineers. At present, public use of the beach is minimal.

7:7E-3.36 Endangered or Threatened Wildlife or Vegetation

A review of the "Atlantic Coast Ecological Inventory" produced by the U.S. Fish and Wildlife Service does not indicate the presence of endangered or threatened wildlife or vegetation on Schellengers Landing Island.

Soils

The Soil Survey of Cap May County indicates that the soil found on Schellengers Landing Island is "Fill Land."

Fill Land consists of areas that have fill material an average of several feet in thickness.

Fill Land is sandy, basically infertile and have low available water capacity.

Environmental Impact Statement Requirements

The preparation of an Environmental Impact Statement (EIS) is required when applying for a CAFRA or a Type B Wetlands Permit, as well as when applying for local approvals. The preparation of every EIS should be guided by the Coastal Resource and Development Policies of the Department of Environmental Protection, Division of Coastal Resources (N.J.A.C. 7:7E 1,1 et seq.) as of February 3, 1986.

These policies include:

- Location Policies, which require the locating and mapping of various specific location types
- Special Areas Policies which include forty-five (45) types of coastal areas divided into Special Water Areas (Section 7:7E-3.2 through 7:7E-3.15), Special Water's Edge Areas, (7:7E-3.16 through 7:7E-3.30), Special Land Areas (7:7E 3.31 through 7:7E-3.33), and Coastwide Special Areas (7:7E-3.34 through 7:7E-3.45).
- Use Policies, which require documentation of compliance of any use with Division of Coastal Resources regulations
- Type B Wetlands Permits, which principally require establishing the location of Wetlands.

Additionally an EIS should identify the coastal resources that will be affected by the proposed project, and describe in detail the resulting effects of the development.

An EIS for a CAFRA permit must contain information needed to evaluate the effects of a proposed project on the environment of the coastal area including:

1. An inventory of existing environmental conditions at the project site and in the surrounding region, describing air quality, water quality, water supply, hydrology, geology, soils, topography, vegetation, wildlife, aquatic organisms, ecology, demography, land use, aesthetics, history, and archaeology.

2. A project description specifying what is to be done and how it is to be done during construction and operation;

3. A listing of all licenses, permits, or other approvals as required by law and the status of each.
4. An assessment of the probable impacts of the project upon all topics described in item #1 above.

5. A listing of adverse environmental impacts that cannot be avoided.

6. Steps to be taken to minimize adverse environmental impacts during construction and operation, both at the project site and in the surrounding region.

7. Alternatives to all or any part of the project, with reasons for their acceptability or unacceptability.

8. A reference list of pertinent published information relating to the project, the project site and the surrounding region.

An EIS for a Type B Wetlands Permit should describe and analyze all possible direct and indirect effects of the proposed activity on the site itself as well as on adjacent and noncontiguous area. The EIS should refer particularly to the effect of the project on public safety, health and welfare, the protection of public and private property, the protection of the public trust in the form of submerged lands and wildlife and marine fisheries, the protection, preservation, and enhancement of the natural environment, and the preservation of the ecological balance of wetlands. It should relate the ecological and physical characteristics of the proposed activity site to local vegetation, birds, mammals, tidal circulation, hydrology, meteorology, geology, soils, land use, recreation, and history In addition, it should describe and analyze:

1. The reasons that structures cannot be located on lands other than wetlands;

2. Temporary and permanent physical changes that would be caused by the proposed activity and the impact of these changes on the activity area and immediate environs;

3. Alternatives to the proposed action that would reduce or avoid environmental damage;

4. All measures to be taken during and after the completion of the proposed activity to reduce detrimental on-site and off-site effects; and
5. Adverse environmental impacts that cannot be avoided.

APPENDIX D

RECOMMENDED ZONING REQUIREMENTS AND DESIGN STANDARDS

The following represents a synthesis of requirements and standards found in other successful waterfront locations. It is our recommendation that the MD-Marine Development and the MGB-Marine General Business be consolidated into one zone - Waterfront District.

Purpose: The purpose of this district is to provide for a waterfront mixed-use district in which is established and maintained certain specific land uses, buildings, and structures that derive greatest benefit from their proximity to open water areas and to foster the orderly development of said water front areas in ways that enhance and protect both the environmental sensitivity and economic importance of the Township's Waterfront.

Permitted uses: A building or land shall be used only for the following purposes:

a. Restaurants

b. Retail uses

c. Marine sale and supply

d. Public recreation and cultural uses

e. Executive, administrative, and professional offices

f. Personal service establishments including but not limited to beauty parlors, barber shops or other similar businesses

g. Marinas

h. Lounges and nightclubs

i. Retail manufacturing provided not more than ten (10) persons shall be so employed such as craft shops, net or lobster trap making

j. Public buildings and facilities

k. Hotels, Motels

Permitted accessory uses:

a. Warehousing, storage and distribution facilities when located on the same premises as and in connection with permitted office uses provided, however, that such facilities shall not exceed fifty (50) percent of the total gross floor area of the structures(s)

b. Marine service when said service is performed in conjunction with marine sales or supply and provided said service is clearly incidental to the principal

use.

c. Coin operated vending machines provided said machines are located within a building

d. Open-air pavilions (gazebos)

Permitted Conditional uses: In order to provide for certain uses which, because of their unique characteristics, require special planning review and consideration to determine the compatibility of said uses with the neighboring properties.

a. Marine related manufacturing

b. Private recreational uses

c. Private clubs, associations, lodges and similar uses

d. Warehousing and storage uses including storage of products and materials which storage may be open only if it is determined to be compatible with and, where necessary, sufficiently screened from adjoining properties.

e. Marine related wholesaling and processing

f. Multi-family residential projects in existing residential areas such as apartments, townhouses and flats provided the project consists of no more than twelve (12) units and adheres to the design standards following

g. Single family detached in existing residential area.

h. Parking facilities if said facilities are to be located between a principal structure and the water's edge.

i. Fill material when located between the principal structure and the existing grade.

Height requirements: No structure of any kind except signs as otherwise provided, shall exceed forty-five *45) feet in height, but in no case shall a structure contain more than three (3) stories with the first story as a parking garage only.

Yard and Area requirements: To maximize the potential for design and open space, zero lot lines are permissible except for multi-family areas provided that at least one side set back equals fifteen (15) feet to provide access for emergency safety equipment and personnel and the distance between buildings is twenty (20) feet.

Lot size: 5,000 square foot minimum

Lot Frontage: 1/3

Minimum Square Footage Interior Area:

1st floor 720

multi-story 1160

Accessory Buildings: 15' any side lot line

Parking Setback and Loading Regulations:

a. Parking beneath buildings or structures is encouraged for residential uses
b. Reverse parking for commercial businesses is encouraged
c. Off-street parking or loading shall not be permitted within the first fifteen (15) feet of any front yard.

Fences:

a. No chain link fences shall be permitted within the Waterfront District
b. All fences shall maintain as a minimum a thirty-five (35) percent transparency except fences specifically intended for screening.
c. Fences shall not exceed four (4) feet in height unless utilized for security or screening purposes in which case said fence may not exceed seven (7) feet in height

within the buildable area of the lot.

Sign requirements:

a. All signs

1. No sign shall be placed or maintained within the Waterfront district except as herein provided
2. No sign, except an unlighted sign for lease, sale or rent of property and not exceeding twelve (12) square feet in area; traffic and other regulatory signs, legal notices and the like shall be placed without review and permit.

b. Types of signs prohibited: The following types of signs are specifically prohibited:

1. A sign or structure which directs attention to a business commodity, service, activity or entertainment not conducted or principally sold or offered upon the premises on which the sign is located.
2. Signs attached to the vertical face of the building which extend above the juncture of the facade and roof of the building.
3. Signs attached to any portion of the roof.
4. Signs employing flashing, rotating or blinking

lights

5. Revolving signs or beacons, streamers, pennants and/or whirling devices.
6. Portable signs of any type
7. The overall length of a sign attached to or painted on the wall of a building shall not exceed twenty-five (25) percent of the length of said building, but in no case shall the overall length of said sign exceed ten (10) feet. The overall height of a sign attached to or painted on the wall of a building shall not exceed twenty (20) percent of the height of the wall of said building, but in no case shall the overall height of said sign exceed ten (10) feet.
8. Free standing signs when located within the buildable area of a lot

c. Informational and regulatory signs: The following types of signs displayed for the direction, safety, convenienced or information of the public are permitted:

1. Signs of duly constituted governmental bodies, including traffic or similar regulatory signs, legal notices or other signs required to be maintained or posted by law or other regulation.

2. Utility signs not over four (4) square feet in area identifying parking area entrances and exits, off street loading areas and the like.

3. Memorial plaques, cornerstones, historical markers and the like

4. Name plates or address signs not to exceed two (2) square feet

5. Temporary announcement signs including contractor's signs on construction site not to exceed thirty-two (32) square feet in area indicating the names of persons associated with or events conducted upon the premises.

d. Business signs. Sign(s) indicating the name(s) of the business(es) of service(s) operated on the premises are permitted, provided that the total of such sign(s) shall not exceed one (1) square foot in total surface area for each linear foot of the greatest dimension of the structure up to a maximum of one hundred (100) square feet per principle structure.

e. Sale or rent signs. Sign(s) advertising that the premises are for lease, sale or rent are permitted provided that each real estate firm shall be limited to one (1) such sign not to exceed twelve (12) square feet in area on each lot or parcel of property for which

such firm has a bona fide listing and that such sign shall be removed from the premises within (10) days subsequent to the leasing, sale or rental of such premises.

f. Development signs. One company sign not to exceed fifty (50) square feet in area may be affixed to each lot or parcel of property to designate that such property is to be occupied at a future date by the business or use designated.

DESIGN STANDARDS

These design guidelines are intended to act as a guide in directing new construction to maintain and promote the character and quality of the area and to enhance the "Fisherman's Village" ambiance of the area. These standards allow the area to evolve in quality. These standards are defined as concisely as practical, in order to set a prevailing tone, however, in some cases, aesthetic factors are difficult to quantify, and in these cases aesthetic judgment of the planning board members and/or their consultant must prevail.

Building Materials:

Finished building materials shall be one of the following:

Wood: (Weatherboard,.board and batten or shingles)

Wood Stain Colors: (silver-grey, tans and browns, dark reds or dark greens)

Concrete: (Natural finish)

Glass: (Reflective glass shall not be allowed)

Roofs: All buildings shall have hipped, gabled and/or shed roofs with a minimum pitch of six (6) in twelve (12). Highly reflective or brightly colored roofs shall not be allowed.

Shutters: Operable wooden shutters are encouraged

Awnings: Metal awnings shall not be allowed. Canvas awnings are encouraged

Equipment/refuse storage: All building equipment (such as air conditioning condensers) and all refuse storage shall be screened from pedestrian view by an opaque screen of an appropriate height.

Lighting: No low pressure sodium lights shall be allowed.

Signs: Only wooden signs shall be permitted with

indirect focused lighting. The maximum height of a sign attached to a building shall be no higher than one (1) foot below the point where the roof line meets the wall.

Fences: The maximum height of fences except for security and screening of equipment and refuse storage shall be four (4) feet. All fences shall have a minimum of thirty-five (35) percent transparency. Chain link fences shall not be allowed. Wooden picket fences shall be encouraged.

Landscaping: Earth berms shall not be allowed. Plantings should be in accordance with Township standards.

APPENDIX E - PREVIOUS PLANNING REPORTS

RECEIVED AUG 17 1987.

File

Wilbur Smith and Associates

WILSMITH CONSULTING ENGINEERS

155 WHITNEY AVENUE
New Haven, Conn. 06504

April 18, 1967

Mr. Kenneth Holmstrup
Director of Public Works
Board of Chosen Freeholders
County of Cape May
Cape May Court House, New Jersey 08210

Dear Mr. Holmstrup:

We are pleased to transmit our report on the immediate action traffic operations improvement program for Cape May County, prepared in accordance with our agreement. Through analyses of data collected during field studies and investigations, recommendations have been prepared for improving traffic and highway conditions along selected routes in the County.

We would like to express our appreciation for the cooperation and assistance provided by your staff, Mr. John Gibson, members of his staff, and members of the different governmental agencies for their review and comments.

We are grateful for the opportunity of undertaking this important project for you.

Respectfully submitted,

Wilbur S. Smith

Registered P.E.
New Jersey No. 10470

The segment of U.S. Route 9 between the northern end of the Cape Island Creek Bridge and Schellengers Landing Road has four streets intersecting from the west with block lengths along U.S. Route 9 of approximately 150 feet. In addition, there are several ingress and egress points to the parking areas provided by the charter fishing boat operations based in this area. Other factors that contribute to the traffic congestion and increase the accident potential are the restricted sight distances caused by the topography of the land and location of existing structures, and the narrow pavement and right-of-way width of Route 9. Motorists on Schellengers Landing Road destined for the Cape May City area find it difficult to turn left during the peak hours since during these periods peak flows on both U.S. Route 9 and Schellengers Landing Road coincide.

The one block local service streets intersecting Route 9 from the west should be converted to one-way streets. The recommended traffic flow directions are shown in Figure 7. First Avenue, the road immediately north of the Cape Island Creek Bridge, should be made one-way in a westerly direction, with the other streets alternating, that is, Second Avenue would be one-way eastbound, Third Avenue would be one-way westbound, and Fourth Avenue would be one-way eastbound. One of the major determining factors in developing the one-way street pattern was the extremely limited sight distance at Route 9 and First Avenue; another was the need to limit the number of approaches to Route 9.

Since the Schellengers Landing Road problem occurs only at peak periods, a sound solution should be one that is limited to the peak periods. This type of regulation would facilitate the peak movements but would not unduly restrict traffic during the off-peak periods. Under peak conditions left-turning maneuvers should be prohibited for traffic entering Route 9 from Schellengers Landing Road, thus requiring traffic on this road to turn right and proceed in a northbound direction.

Motorists going south to the beaches in Cape May City would turn right onto the East Service Road for Route 9 at the approach to the bridge over the Canal. The road loops under the bridge approach and merges with the southbound traffic flow at the junction of the West Service Road and Route 9, as depicted in Figure 8. The right turn from Schellengers Landing Road can normally be accomplished without difficulty. The additional distance traveled would be relatively small; however, the accident potential and the overall delay should be reduced.

Implementation of this improvement would require traffic signing to prohibit the left turns at the intersection of Schellengers Landing Road and U.S. Route 9 and directional signing to guide the motorists onto the service roads and back again to Route 9 during peak hours in the summer season.

Sea Shore Road and the Cape May Canal Bridge

The basic deterrent to traffic flow at this location is the Cape May Canal Bridge, a swing bridge. The bridge was constructed by the Corps of Engineers as a temporary facility over 20 years ago. The vertical clearance provided by the bridge is relatively low and very few boats of any size can pass under the bridge, which means that it must be swung open to accommodate most boat traffic using the Intracoastal Waterway.

In 1965, the Cape May Canal Bridge was opened on 5,582 different occasions and the total time open was 428 hours 28 minutes as noted in Table 9.

CAPE MAY COUNTY PLANNING BOARD

April 4, 1985

MEMO

TO: NEIL O. CLARKE
J. R. McCARTHY
JAMES STUMP
FRED COLDREN

FROM: WOODY JARMER

SUBJECT: SCHELLENGERS LANDING - TRAFFIC

This is not the first time thought has been given to improvement of traffic flow in this area. Additional public improvements and future development on the west side of Schellengers Landing will add to the problem. This memo suggests some alternatives as "food for thought".

The basic thrust would be to reduce left hand turns in the area. The enclosed maps show some of the alternatives.

1. Alternative Access - A major point of congestion is access to this area. An extension of the bridge "U" turn as an alternative to the left turn (2) would be difficult at best due to land acquisition and new construction costs for local government.

2. Left Turn Lane - This alternative could be implemented by the State. A light could work on demand to hold up north bound traffic but let south bound traffic pass. South bound traffic from the Lobster House area could be required to use the bridge underpass.

3. Center Divider - Such a divider would require north bound traffic to use the bridge underpass for access to the west side and south bound traffic to use the Cape May "U" turn (4) for access to the east side.

After you have reviewed the above, any comments would be appreciated. Also let me know if you think a meeting would be order.

IX. SOURCES

"Rules on Coastal Resources and Development," N.J.A.C. 7:7E-1.1 et seq., New Jersey Department of Environmental Protection, Division of Coastal Resources.

Soil Survey of Cape May County, New Jersey, February, 1977, U.S. Department of Agriculture.

"Shellfish Growing Water Classification Charts," 1986-1987, New Jersey Department of Environmental Protection.

"Distribution of Shellfish Resources," U.S. Department of the Interior Fish and Wildlife Service, Bureau of Sport Fisheries and Wildlife.

"Atlantic Coast Ecological Inventory," U.S. Fish and Wildlife Service, 1980.

Maps of Special Areas and Resources, "Pilot Study of Lower Cape May County," 1978.

New Jersey Coastal Development Handbook, New Jersey Department of Environmental Protection, Division of Coastal Resources, 1983.

Navigational Chart - Cape May Harbor, National Oceanic and Atmospheric Administration, National Ocean Service.

U.S.G.S. quadrangles maps.

Survey and Site Development Plans for Schellengers Landing Island, Lower Township Planning Department.

"National Wetlands Inventory," U.S. Department of the Interior.

Bureau of Tideland's Division of Coastal Resources.

N.J. Department of Environmental Protection wetlands maps

DATE DUE

GAYLORD No. 2333 PRINTED IN U.S.A.

NOAA COASTAL SERVICES CENTER LIBRARY
3 6668 14108 3958