

MEMO

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TO : Mayor & Commissioners

FROM : Ed Walberg

DATE : August 2, 2018

RE : Boardwalk Construction  
Atlantic Ocean Beach  
Margate City  
Atlantic County, New Jersey

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Mayor & Commissioners,

The following is a summary of the investigation into the construction of a boardwalk along the Atlantic Avenue Beach :

- Telephone calls to the NJDEP Land Use (2 calls) and to NJDEP CAFRA (1 call) have been made. To date we do not have a record of response.
- A telephone call to Bill Dixon at the NJDEP was made to check on the feasibility of the project. During a Dune project meeting I had an off the record conversation with him. He indicated that he had spoken with NJDEP personnel and was told it was highly unlikely that a boardwalk could be built on the beach. He also indicated that no one would say no without going through the formal permit process. He also believes that the City would need to go through the Army Corps permitting process since the Corps funded the Dune project.
- A letter was sent to Collen Keller, Assistant Director of Coastal & Inland Regulation and Urban Growth- Redevelopment at the NJDEP on April 9, 2018. To date we have not received a response. A copy of the letter is attached.
- Attached is a memo we internally prepared indicating the route to take to get the process moving.
- Attached is a memo we internally prepared regarding the NJDEP regulations with regard to beaches. A cost estimate was also prepared for the boardwalk construction with pine decking. Please note that the estimate does not include electric work or lighting or any crossovers from the ocean side of the boardwalk to the beach. A copy of the estimate is attached to the memo.



**REMINGTON  
& VERNICK  
ENGINEERS**

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April 9, 2018

Colleen Keller, Assistant Director  
Coastal & Inland Regulation and Urban Growth - Redevelopment  
State of New Jersey  
Department of Environmental Protection  
Division of Land Use Regulation  
Mail Code 501-02A  
P.O. Box 420  
Trenton, NJ 08625-0420

CORRESPONDENCE

**Re: City of Margate City  
Atlantic County, New Jersey**

Dear Ms. Keller:

Numerous residents of the City of Margate City have requested that the City Commissioners investigate the viability of constructing an elevated boardwalk on Margate City's Atlantic Ocean Beach. The City is requesting guidance from the NJDEP whether the construction of an elevated boardwalk would be permitted.

Should you have any questions or need further information, please do not hesitate to call me in our Pleasantville office at 609-645-7110.

Very truly yours,

**REMINGTON & VERNICK ENGINEERS**

Edward J. Walberg, P.E., P.P., C.M.E.

**Cc: Mayor & Commissioners  
Richard Deaney, Administrator  
Johanna Casey, R.M.C.**

MEMO

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Ed,

Regarding the boardwalk this is probably the route to take with the NJDEP. See below for Pre-application conferences with the NJDEP:

### **Part 1: Pre-Application Conferences**

The owner/developer of a site may request a Pre-Application Conference (Pre-App) with the Department. Conferences can be useful for a number of reasons; to clarify design conflicts, determine regulatory compliance, and determine if any unforeseen regulatory issues might be discovered. The Department may also provide recommendations for design changes which would help to minimize disturbance in environmentally sensitive areas and help the project achieve compliance with the regulations. These recommendations are not binding on the Department, nor do they represent any guarantee of a permit or waiver approval. Requests for a pre-app must be made in writing and must include the following:

1. A project description;
2. A plan view of the project;
3. A tax lot and block designation of the site;
4. The location of the project site, including the municipality and county;
5. A copy of any [LOI](#) issued for the site. If no LOI has been issued, the general location of freshwater wetlands, transition areas, and State open waters;
6. A copy of the appropriate United States Soil Conservation Service map(s) (non-DEP link "[USDA Web Soil Survey](#)") locating the project; and  
A United States Geological Survey quadrangle map showing the site.
7. The Department encourages prospective applicants to obtain any relevant applicability and/or an [LOI](#) prior to requesting a Pre-App.

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RE : Boardwalk Construction  
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Margate City  
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Ed,

Based upon the information I found in N.J.A.C. 7:7 Coastal Zone Management Rules, it appears that a boardwalk would not be permitted on the Atlantic Ocean Beach in Margate. In section 7:7-9.22 Beaches it is indicated :

Development is prohibited on beaches, except for development that has no prudent or feasible alternative in an area other than a beach, and that will not cause significant adverse long-term impacts to the natural functioning of the beach and dune system, either individually or in combination with other existing or proposed structures, land disturbances, or activities. Examples of acceptable activities are:

1. Demolition and removal of paving and structures
2. Dune creation and related sand fencing and planting of vegetation for dune stabilization, in accordance with N.J.A.C. 7:7-10;
3. The reconstruction of existing amusement and fishing piers and boardwalks;
4. Temporary recreation structures for public safety such as first aid and lifeguard stations;
5. Shore protection structures which meet the use conditions of N.J.A.C. 7:7-15.11(g);
6. Linear development which meets the rule on location of linear development, N.J.A.C. 7:7-14.1;
7. Beach maintenance activities which do not adversely affect the natural functioning of the beach and dune system, and which do not preclude the development of a stable dune along the back beach area. These activities, which include routine cleaning, debris removal, mechanical sifting, maintenance of access ways, and Department approved dune creation and maintenance activities, must be carried out in accordance with the standards found at N.J.A.C. 7:7-10;
8. Post-storm beach restoration activities involving the placement of clean fill material on beaches, and the mechanical redistribution of sand along the beach profile from the lower to the upper beach. These post-storm activities, which are different than routine beach maintenance activities, must be carried out in accordance with the standards found at N.J.A.C. 7:7-10;
9. The following development in Atlantic City provided it meets the standards of N.J.A.C. 7:7-9.47:
  - i. Development on or over existing ocean piers;
  - ii. Pilings necessary to support development proposed on or over existing ocean piers; and
  - iii. Development on or over the Boardwalk; and
10. The maintenance of an engineered beach to the beach berm design template through the transfer of sand from the upper beach berm to the lower beach berm, from the lower beach berm to the upper beach berm, and/or alongshore provided:
  - i. It is demonstrated through pre- and post- construction surveys overlaid on the beach berm design template, that:
    - (1) The existing beach berm is not consistent with the beach berm design template; and

- (2) The proposed transfer of sand will not result in the grading any portion of the beach below the beach berm design template;
- ii. A New Jersey licensed professional engineer certifies that sand transfer will not compromise the beach system;
- iii. The sand transfer:
  - (1) Is conducted in accordance with the State Aid Agreement between the Department and a municipality or county; and
  - (2) Complies with the management plan for the protection of State and Federally listed threatened and endangered species, as approved by the Department's Division of Fish and Wildlife and the USFWS;
- iv. The sand transfer does not impact any existing dunes, unless the transfer complies with the dune rule, N.J.A.C. 7:7-9.16; and
- v. Any sand transferred as part of the maintenance of the beach berm design template shall be moved only within the shore protection project and shall be placed within the existing engineered dune in accordance with N.J.A.C. 7:7-9.16(d).
- (c) Public access shall be provided in accordance with the lands and waters subject to public trust rule, N.J.A.C. 7:7-9.48, and the public access rule, N.J.A.C. 7:7-16.9.

(d) Rationale: Undeveloped beaches are vital to the New Jersey resort economy. Unrestricted access for recreational purposes is desirable so that the beaches can be enjoyed by all residents and visitors of the State. Public access will be required for any beaches obtaining State funds for shore protection purposes. Beaches are subject to coastal storms and erosion from wave action and offshore currents. Public health and safety considerations require that structures be excluded from beaches to prevent or minimize loss of life or property from storms and floods, except for some shore protection structures and linear facilities, such as pipelines, when non-beach locations are not prudent or feasible.

Many of New Jersey's beaches, especially those along the Atlantic Ocean, have been nourished through the State's Shore Protection Program. These engineered beaches are designed to a specific height, width, slope, and length, in accordance with a beach berm design template. Engineered beaches are subject to erosive forces of waves, winds, and tidal currents; in many instances, eroded material is moved and deposited in areas within the project area in such a way that the beach grows beyond the design template and thus the beach no longer conforms to the shore protection project design. For engineered beaches to provide the storm damage reduction and shore protection for which they were designed, the beach berm design template must be maintained throughout the entire project area. Municipalities are encouraged to maintain the project design to the maximum extent feasible between project renourishment cycles. However, maintenance of the engineered beach must not reduce any portion of the beach to less than the beach berm design template.

I would recommend requesting a pre-application conference with the NJDEP to review the regulations to see how they will interpret the regulations.

I have also attached the preliminary cost estimates for the boardwalk.

**PROJECT NAME:**  
MARGATE BOARDWALK

**ENGINEER'S ESTIMATE**

**CLIENT:**  
CITY OF MARGATE

**3-Apr-18**

#	DESCRIPTION	UNITS	PLAN QUANTITY	IF AND WHERE DIRECTED	CONTRACT QUANTITY	EST. UNIT PRICE	AMOUNT
<b>BASE BID</b>							
1	TIMBER PILES, ACQ TREATED	LINEAR FOOT	49,000	0	49,000	\$25.00	\$1,225,000.00
2	10.75" X 12" PARALLAM CAPS	LINEAR FOOT	29,500	0	29,500	\$42.00	\$1,239,000.00
3	7" X 19" PARALLAM STRINGER (WOOD PARALLAM)	LINEAR FOOT	200,000	0	200,000	\$34.00	\$6,800,000.00
4	ALUMINUM RAILING	LINEAR FOOT	17,600	0	17,600	\$120.00	\$2,112,000.00
5	PINEWOOD DECKING	SQUARE FOOT	264,000	0	264,000	\$15.00	\$3,960,000.00
						<b>Subtotal</b>	<b>\$15,336,000.00</b>
						<b>20% contingencies</b>	<b>\$3,067,200.00</b>
Does not include street end pedestrian ramps						<b>Total</b>	<b>\$18,403,200.00</b>

**PROJECT NAME:**

MARGATE BOARDWALK (Ramps)

**ENGINEER'S ESTIMATE**

**CLIENT:**

CITY OF MARGATE

**3-Apr-18**

#	DESCRIPTION	UNITS	PLAN QUANTITY	IF AND WHERE DIRECTED	CONTRACT QUANTITY	EST. UNIT PRICE	AMOUNT
<b>BASE BID</b>							
1	TIMBER PILES, ACQ TREATED	LINEAR FOOT	28,700	0	28,700	\$25.00	\$717,500.00
2	2" x 10" BEAMS	LINEAR FOOT	5,740	0	5,740	\$8.00	\$45,920.00
3	2" x 8" JOIST	LINEAR FOOT	10,800	0	10,800	\$6.00	\$64,800.00
4	ALUMINUM RAILING	LINEAR FOOT	5,740	0	5,740	\$120.00	\$688,800.00
5	PINEWOOD DECKING	SQUARE FOOT	14,350	0	14,350	\$15.00	\$215,250.00
						<b>Subtotal</b>	<b>\$1,732,270.00</b>
						<b>20% contingencies</b>	<b>\$346,454.00</b>
						<b>Total</b>	<b>\$2,078,724.00</b>