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Access a hurdle for LBI beach job

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Ted Jedziniak still doesn't understand why the state and federal government need him to sign an easement.

Jedziniak, an oceanfront homeowner in Ship Bottom, said it's not that he has a problem with the massive beach-replenishment project planned for most of Long Beach Island. But even after a lengthy meeting of state and federal officials and island residents earlier this month, Jedziniak said his questions about why the government needs access to his property and that of about 800 other oceanfront property owners on the island still haven't been answered.

"They can put the sand, but why do they have to have an easement?" Jedziniak asked.

Before they can continue with the 50-year replenishment project, the state Department of Environmental Protection and the federal Army Corps of Engineers say they need the easements both to have access to the beach during the work and also because the state has an obligation to provide the public with access points to the beach.

Jedziniak is not alone in his concerns. The meeting he attended at St. Francis of Assisi Catholic Church was packed with frustrated Long Beach Island residents.

But state and federal officials say the need for easements always makes for a controversial start to beach-repair projects when a sizeable portion of the oceanfront is in private hands.

"Generally speaking, this is one of the issues that comes up the most," Army Corps spokesman Ed Voigt said. "This would not be the first time that we have citizens who are concerned about access and easements."

If property owners do not sign the easements, state officials have raised the possibility of eminent domain proceedings, a process that would be up to the various municipalities to initiate, although officials are quick to add they want to avoid that scenario. And in past New Jersey beach-replenishment projects, the issue of easements has rarely led to legal action.

For instance, when Atlantic City and Ventnor beaches in Atlantic County were repaired last year, Ventnor Administrator Andrew McCrosson said officials needed easements from many property owners in his city. McCrosson said between one-quarter and one-third of oceanfront land there is in private hands.

At first, McCrosson said property owners were uneasy about granting the access, but after local officials discussed the project with them, they were able to acquire the easements without resorting to eminent domain proceedings.

"The mayor and the governing body were able to convince the property owners regarding the benefits of the beach program versus exclusion from the beach program," McCrosson said.

The Ventnor administrator said he also thought the fact that the city put the issue of participation in the program to a vote, in which a large majority of residents supported the project, helped convince property owners to allow the easements. Margate and Longport elected not to participate in the same project, however, and the Absecon Island project remains controversial.

Ocean City also has had extensive replenishment work over the past 15 years. The Cape May County town did take a handful of property owners to court during a replenishment project in the early 1990s because they refused to allow access, but City Engineer George Savastano said more recent work there has not resulted in eminent domain proceedings.

Still, obtaining all the required easements might be a little bit more challenging on Long Beach Island, state and federal officials say. For one thing, five separate municipalities are involved in the project.

"LBI is a little more interesting, because you've got a little bit more of a patchwork quilt," said Voigt, the Army Corps spokesman.

However, Dave Rosenblatt, director of DEP's Office of Engineering and Construction, said that also could help buy some time. The state is dealing with each municipality separately, Rosenblatt said, meaning that while officials intend to begin work in Ship Bottom and Surf City next year, they will have more time to talk with property owners on other parts of the island.

But Rosenblatt said the easements are essential if the work is to occur.

"People have private property rights on the beach, and we need to be able to do construction, we need to have access for construction purposes, we need to be able to put sand on the property," he said.

Rosenblatt said the state intends to meet with residents of Surf City and Ship Bottom early in 2006. But for now, Jedziniak and many other oceanfront property owners are still waiting to be convinced.

"For all of us, a lot of us, this is the culmination. This is where we put our assets, and you're going to take it because you think it's right," Jedziniak said.

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