

## Dispute has LBI residents united

### Ready to forgo restoring beach

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STAFFORD — About 120 Long Beach Island oceanfront property owners — most in favor of beach replenishment — appear willing to allow a \$71 million sand-pumping project to die rather than sign open-ended easements that give government officials access to their property for perpetuity.

Kenneth A. Porro, a North Jersey attorney specializing in land use and owner of a summer home in Tuckerton, told island property owners that the easement government officials want signed opens the possibility of everything from a boardwalk to a casino being built on island beaches.

Mike Logan, a Long Beach Township property owner who organized the event Saturday at the Holiday Inn on Route 72, wants public opinion considered before the project gets under way.

"The non-negotiating and take-it-or-leave it attitude by government officials is not acceptable," Logan said. "This is America, not Iraq."

Porro expressed the opinion that no LBI property owner should sign the easement, which would allow work and public access to portions of beachfront that are privately owned.

"Any first-year law student would tell you not to sign the easement, any third-grader would tell you not to sign this easement," said Porro, who led a successful court fight against dune heights for Ocean City residents.

"There are no limits in this easement. The state can build whatever the heck they want. Anyone who signs this is a fool."

Lou Esposito, a beachfront homeowner, suggested the group tell federal and state governments they don't want the project in any form.

"We should tell them we don't want them in our towns," Esposito said. "Let it (the project) die. I will buy my own snow fence and let the dunes replenish themselves."

Logan clarified his position on the federally funded project, which not only includes beach nourishment but increased public access, restroom facilities and parking.

"I am in favor of maintenance and replenishment," Logan said. "The plan is faulty, but I believe we can negotiate with local and state officials on a plan we can all live with."

Logan, Porro and the property owners in attendance bashed the state Department of Environmental Protection for its condescending attitude toward island residents, its unwillingness to yield on access and restrooms, and for an easement that lists no details of the plan or its limitations.

"Nearly every word in the easement needs to be changed," said John Hage, representative of North Beach property owners.

Long Beach Township resident William Kunz called the DEP "the fly in the ointment."

"The arrogance of the DEP and the fact they treat residents of their own state the way they have is what bothers me," Kunz said.

Porro said he believes municipal officials would become allies of the property owners if they simply read the easement.

"Local mayors have been shown the plans or heard from municipal engineers about the work," Porro said. "The problem is, there are no parameters within the easement."

While coastal engineers and DEP representatives have talked about 22-foot dunes and 125-foot wide stretches of flat beach the length of the island, those numbers are not written into the easement language.

Also lacking is language specifying how the dunes and beaches will be maintained, by whom and for how long.

In his seven-year court battle with the DEP in Ocean City, Porro told residents, he found the state government does not fight fair.

"In Ocean City, the original plan called for the dune to be 20 feet wide by three feet high," Porro said. "But in some places, the dune is now 6 by 40 or 10 by 60. Ocean City refused to manicure the dunes back down to the original specifications.

"When Ocean City finally agreed to reduce the height of the dune, the DEP denied the permit application," he said. "The state Supreme Court has already said that replenishment projects and beach access do impact property values."

Esposito, who also owns property on LBI but off the beachfront, said that when oceanfront property increases in value, so do property values elsewhere on the island. Homeowners have expressed concerns that 22-foot dunes will result in diminished ocean views and decreases in property values. Municipal officials have said most of the dunes on LBI are already between 18 and 20 feet high.

Porro would like to negotiate with municipal, state and federal officials to put limitations on the scope of the project in writing such as limiting the amount of time workers would have access to public property to complete the work.

Porro pointed out the easement indicates property owners have been consulted about the project when in fact they have not.

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