



SPRING 2006

VOLUME 3, ISSUE 2

## May 6 River Cleanup Fills 2 Large Dumpsters with Litter and Debris

**Bill Sciarappa, Ph.D.**  
*Board of Directors*

On Saturday, May 6, 2006 over 50 volunteers participated in SRCC's river cleanup activities on the Shark River inlet, estuary, and receiving rivers.

Two thirty yard dumpsters, donated by the municipalities of Belmar and Neptune, were filled to the brim with a diversity of trash, litter, and debris. Ten teams of 4-5 people each scoured specific locations including: Memorial Park in Neptune City, the Marina area in Shark River Hills, East End Avenue Bridge, Heroy's Pond in Wall and Maclearie Park in Belmar. Three kayak teams were able to penetrate into remote areas inaccessible by foot, such as the backwaters of Musquash Cove, the western shoreline of Seaview Island and the Brighton Avenue Bridge intersection of Jumping Brook and the Shark River brook.

There was a wide diversity of trash retrieved, such as styrofoam coolers, plastic and glass bottles, aluminum cans, fast food containers, paper and

plastic bags, cigarette butts, fishing lines, buckets, nets, ropes, tires, and several large barrels. Some of the more unusual items included an abandoned pontoon boat, a destroyed wind sail and surf board, light bulbs, baby care products and a motorcycle helmet. This was a very messy job, to say the least, but everyone came away with a real sense of accomplishment.

In analyzing this data flow of non-point source pollutants, the Shark River Cleanup Committee sees clear evidence that anti-litter laws are not being followed by consumers. We urge drivers on the bridges, boaters on the water, and park goers to refrain from tossing their garbage into our precious water in order to keep things clean. Stop tossing thousands of cigarette butts into dry marsh reeds. Please have a garbage bag in your boat, car or picnic area. Use the trash and recycling receptacles that are easily available and obey the pooper scooper laws. We need to better regulate ourselves and have citizens keep an eye on their neighbors to prevent such litter.



PHOTO BY BILL SCIARAPPA

Volunteers of all ages joined together to clean up the river. Above a group of volunteers receive a visit from a friendly canine friend.

Don't hesitate to re-educate violators when you see them locally.

Thanks to the municipalities of Neptune, Belmar, Wall, Avon, and Neptune City for their support and participation, especially Mayors' Catley, Arnone and Pringle. An additional thanks to

Gabriel's Trattoria, Bradley Beach for donating pizza for the volunteers. We also extend our appreciation to those that volunteered their time on a Saturday to help clean up our river. Please look forward to another cleanup session in September.

## Legal Corner: Chelsea Declares Premature Victory

**John Brennan, Esq.**  
*Board of Directors*

The Shark River Cleanup Coalition ("Coalition") filed a lawsuit under the New Jersey Environmental Rights Act ("NJERA") against Chelsea Property Group would be developers of the Outlet Mall on Route 66, Neptune/Tinton Falls. The lawsuit alleged violation of the Tinton Falls Stormwater Ordinance. The essential facts are that Chelsea

This is a first in New Jersey and will be important going forward in protecting the watershed.

obtained final site plan approval in May 2005 before the June 2005 enactment of the Stormwater Ordinance and thought they were grandfathered in. However, they also needed a DEP permit to be grandfathered in under the DEP Regulations exemption for Category 1 ("C1")

protection for the Shark River Brook which became effective June 2005. C1 requires a 300 foot vegetative buffer for all tributaries of the Shark River Brook including the Reevey's Branch which runs through Chelsea's property. The Shark River Brook feeds the Glendola Reservoir, the source of our

drinking water. Chelsea was denied the DEP permit. Chelsea then revised their site plan several times to avoid the necessity of the DEP permit.

The Coalition argued that these revisions violated the Stormwater Ordinance which provides that if any prior site plan approval, "is **amended, revised** or expires, exemption shall be deemed void and the project in its entirety shall

**"Outlet Mall"**  
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## “Outlet Mall”

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comply with the rules of this ordinance.” This loss of the grandfather exemption would require Chelsea to comply with the 300 foot buffers under the C1 protection in the Stormwater Ordinance. We argued that the intent of the Ordinance was that revisions to the site plan were revisions to the approval. Chelsea countered that they had not revised their approvals, only their site plan. We replied that under land use law there is no such thing as a “revised approval” and therefore the Ordinance must mean “revised site plan”.

On May 1, 2006, a Monmouth County Superior Court judge dismissed the lawsuit declaring that the plain language of the Ordinance was “revised approval”. The Court did not address our argument about the intent of the

Ordinance or the fact there is not such thing as “revised approval”. On May 2, 2006 we filed an appeal with the Appellate Division of the Superior Court. We believe we have a strong argument on appeal.

We argued that the intent of the Ordinance was that revisions to the site plan were revisions to the approval.

The Freehold Court did determine some things favorable to us. It correctly presumed that the Coalition had standing under the NJERA to enforce municipal environmental ordinances. This is

a first in New Jersey and will be important going forward in protecting the watershed. Further, the Court rejected Chelsea’s argument that our Notice of Intention to Commence Suit under the NJERA was deficient. Chelsea argued we should have given all the factual particulars of our claim in the notice. The Court disagreed noting that the NJERA does not require a Notice of Claim, but only a Notice to Intention.

## Treasurer’s Message

Jeffrey Hoffman

Treasurer

They say that success in any endeavor is 1% inspiration and 99% perspiration. Maintaining and protecting the Shark River is obvious inspiration for all of us living within the watershed area. The perspiration and effort comes in the form of donations of your time and money. We are a non-profit corporation whose efforts are sustained by continuous and renewed participation of its membership. Thanks to your help we have achieved a lot, but the effort must continue. In many arenas we are fighting uphill battles which require money to sustain our efforts, against very powerful and well funded entities, whose interests are not always supportive of the SRCC’s goals of protecting Shark River and its feeding streams and brooks. So if you care about the health of the Shark River and the tremendous effect that unchecked development and sprawl has on it. There is much you can do.

#1 **Give the SRCC Money.** 100% of what you give goes directly to continuing our efforts to protect the Shark River.

#2 **Get involved!** Come to our fundraisers. Come to one of our Spring and Fall River Cleanups. Volunteer to help.

#3 **Get your neighbors involved!** Explain to them what we do for them and Ask them to join our efforts.

#4 **Become a Board member.** We are looking for qualified people who are looking for a serious commitment.

As individuals we can make a difference but together we can do something we cannot do alone. Thank you for your continued support.

## 2006 Board of Directors

Ed Lippincott, President

James McNamara, Vice President

Jeffrey Hoffman, Treasurer

Captain Al Modjeski, Secretary

Bill Sciarappa, Ph.D., Board Member

John Brennan, Esq., Board Member

Kirsty Cronin, Board Member

www.sharkriver.org

(732) 681.0059

## Brighton Ave Bridge to Open October 2006

James McNamara

Vice President

Heavy rains last October contributed to the weakening of the bulkheads underneath the Brighton Avenue Bridge causing the structure to be condemned. The heavy rains also caused a large sinkhole to develop in the roadway on the Wall Township side of the bridge. The bridge closure has forced frustrated

motorists to find alternate routes. According to Monmouth County, the Brighton Avenue Bridge was slated to be rebuilt anyway and construction plans for the new bridge were nearly complete when the bridge failed last October. Midlantic Construction of Manasquan is constructing the bridge, which will cost \$3.2 million. The new bridge will be a little wider with 13-foot wide lanes with a 3-½ foot wide shoulder on each side.

## Captain Al’s Critter Corner

### THE OSPREY

One of the largest birds of prey in North America, the Osprey eats almost exclusively fish. It is one of the most widespread birds in the world, found on all continents except Antarctica.

Osprey numbers declined drastically in 1950-1970s, from pesticide poisoning and eggshell thinning. After the ban on DDT, populations increased rapidly. Still listed as endangered or threatened in some states, especially in inland states where populations were small or extirpated after the pesticide years.

The Osprey readily builds its nest on manmade structures, such as telephone poles, channel markers, duck blinds, and nest platforms designed especially for it. Such platforms have become an important tool in reestablishing Ospreys in areas where they had disappeared. In some areas nests are placed almost exclusively on artificial structures.

The Osprey is a fish-eating specialist, with live fish accounting for about 99% of its diet. Barbed pads on the soles of its feet help it grip slippery fish. When an Osprey takes a large fish to its nest, it carries the fish headfirst to make it as aerodynamic as possible.

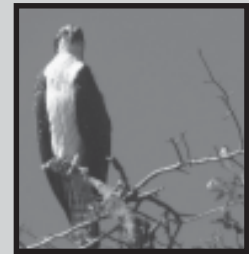


PHOTO BY NANCY SMITH

# Riverfest 2006

Although the morning seemed awfully rainy, the day cleared up for a sweet night on the Shark River, as the SRCC's third annual Riverfest event was held April 8, 2006 at 6p.m. at Sunset's Waterview Dining, Neptune. Guest speakers included Congressman Frank Pallone Jr., Assemblyman Sean Kean, and Mayor Kenneth Pringle, Belmar. Over 100 guests attended the event making Riverfest a success through good company, while at the same time raising money to help implement SRCC's 2006 Strategic Plan, which involves activism, river monitoring, educational outreach, and community events.

"It is because of all of our dedicated members that SRCC continues its mission to protect and serve our watershed. SRCC thanks all of those who helped make Riverfest a success," said Ed Lippincott, president.

## Riverfest Views

PHOTOS BY JIM MCNAMARA



PHOTO BY NANCY SMITH



# The Shark River Classic 2006

When: Monday, July 24, 2006

Where: Bella Vista Country Club, Marlboro, NJ

Times: 11 a.m. Check-in, hearty lunch reception, and putting tournament.  
12:30 p.m. - Tee Off Shot Gun

Dinner Awards Reception: Shark River Beach & Yacht Club  
*Cocktails begin at 6 p.m. Dinner begins at 7 p.m.*  
Prime rib dinner, stuffed baked potato, vegetable, dessert and coffee

Price: \$165.00 per golfer

Price includes hearty luncheon, cart and player set up, gift bag, green's fee, utilization of practice ranges, beer and hot dog cart set up on turn, followed by dinner awards reception.

Prizes will be awarded to the top 3 foursomes, as well as Closest to the Hole winner and Longest Drive winner.

Hole-in-One Opportunity : Mercedes Benz 2006

Additional contest opportunities throughout game, as well as 50/50 and Door Prize Raffles to be drawn at the awards dinner.

Call Courtney Atkins for more information at (732) 337-9032

Registration Deadline: July 3, 2006

Space is limited. Please RSVP today!

### *The Shark River Classic 2006 Registration*

Name \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

E Mail Address \_\_\_\_\_ Company Name (optional) \_\_\_\_\_

Phone (daytime) \_\_\_\_\_ Cell phone (optional) \_\_\_\_\_

Please include the following golfers in my foursome:

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_

- Please provide me with a foursome, or add to my incomplete group.
- My check includes registration fees for my entire foursome. (\$165 per golfer)

In addition to/or in lieu of golfing in the event, please include my business as:

- Tee Sponsor (\$125 donation - includes sign on a hole)
- Lunch Sponsor (\$250 donation - includes sign at luncheon)
- Dinner Awards Sponsor (\$500 donation - includes sign at dinner awards reception at SRBY&C )
- Gold Sponsor (\$1000 donation - includes sign at hole, luncheon, & dinner awards reception)
- I would like to donate door prizes including: \_\_\_\_\_

Business Name: \_\_\_\_\_

Business Address: \_\_\_\_\_

Phone number: \_\_\_\_\_

Email: \_\_\_\_\_ Contact: \_\_\_\_\_

- I, am unable to attend the event, but please accept my tax deductible donation of \_\_\_\_\_.

Return all checks and registration form to:

Courtney Atkins  
c/o SRCC Golf Tournament  
55 Tremont Drive  
Neptune, NJ 07753

Make All Checks payable to Shark River Cleanup Coalition.

# President's Message

**Ed Lippincott**  
*President*

These are exciting times for the Shark River. Summer birds are returning. It's time to start striper fishing again and before you know it the beaches will be crowded with tourists and traffic. It's time to really start enjoying the river again. Hopefully you've noticed that the river is cleaner. You're a big part of the reason why the river is cleaner.

Last year your donations and hard work made it possible for the SRCC to lobby for and receive Category One protection, the highest protection a water body can receive. We helped to make sure that the freshwater flowing into the Shark River Bay stays clean. With our twice-yearly river cleanups, we're making sure the saltwater areas remain clean and get cleaner every year as well. In the future we will continue to monitor our upstream neighbors to make sure they maintain the Shark River in its pristine form, and help the towns of Belmar and Neptune to redevelop their Seaports in ways that support businesses and help improve the water quality of the Shark River Bay.

Of course we will continue to oppose the Outlet Mall and their flagrant disregard for our watershed. Chelsea Properties may be a multi-billion dollar multinational corporation but this is our home and we want it clean. SRCC will continue to oppose this senseless and environmentally damaging project. But we'll need your help.

Your ongoing support, financially or otherwise is invaluable in order to reach our goal of a cleaner Shark River. We'll be monitoring Horseshoe Crabs again this year and supporting river tours and kayak trips as well as our Fall River Cleanup in late September or early October. Our next big fundraiser will be in July, a Golf Outing at Bella Vista Country Club. Get a foursome together and we'll see you on the links. We hope to see you out on the river this summer.

## Become a Member! Shark River Cleanup Coalition

Mail this form back to:  
SRCC  
PO Box 2241  
Neptune City, NJ 07754

Name \_\_\_\_\_  
Address \_\_\_\_\_  
Town \_\_\_\_\_  
Zip \_\_\_\_\_ State \_\_\_\_\_  
Phone \_\_\_\_\_  
Email \_\_\_\_\_

- \$25 Annual Junior/Senior Membership
- \$52 Annual Individual Membership
- \$120 Annual Family Membership
- \$365 Annual Sponsoring Family Membership
- \$250 Business Donor Annual
- \$500 Business Annual Sponsor (free ad on our website)
- Other amount

Members receive our newsletter and help keep our watershed safe through their support.

New Jersey Charity registration Number CH 2165700

(732) 681.0059  
[www.sharkriver.org](http://www.sharkriver.org)



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