

# N.J. Town Wants Wider Beaches, Some Homeowners The View

By Wayne Parry, August 3, 2008 (Associated Press)

HARVEY CEDARS, N.J. -- Take a wealthy New Jersey beach town that desperately wants wider beaches, add one relentless ocean that washes away the sand, mix in a handful of property owners who don't want to lose their million-dollar ocean views and breezes, and you have Harvey Cedars.

Parts of it are literally falling into the sea.

About 15 homeowners are holding up a beach replenishment for their entire borough out of concern about hurting their property values -- even as waves lap at the foundations of other people's homes.

The project, which involves pumping sand from offshore onto the beach using huge dredges, can't be done until all 82 oceanfront homeowners sign easements allowing the U.S. Army Corps of Engineers to use parts of their property to do the work. The land would be kept as public property forever.

After three years of cajoling, negotiating, and asking holdouts to consider the common good, the borough is changing tactics. It passed an ordinance recently, allowing it to use eminent domain to take the land needed for the easements if negotiations fail. No deadline was given for talks to conclude.

"It's imperative that we do something and do it now," said Mayor Jonathan Oldham. "I'd say 95 to 98 percent of the people want this. To sit and wait until homes wash into the ocean is not an option."

Not everyone shares the urgency, however. Victor Groisser is a gastroenterologist whose family has owned a beachfront house in Harvey Cedars for 40 years. He is one of the 15 holdouts who has refused to sign an easement, citing higher sand dunes that would block his ocean views, and what he considers an overly broad permission for government to do what it wants on his land.

"We care about a way of life," he said. "We have a nice view. If they build (dunes) higher, it would go."

An appeals court recently upheld a decision that said nearby Surf City couldn't force oceanfront owners there to sign easements for a similar beach project without first exhausting other options, including eminent domain. That involves a government taking land needed for a public purpose after paying fair compensation for it.



*(AP Photo/Mel Evans) Arlene Pollack, 77, stands on emergency dune and beach replenishment near her home, left, and two others on the Atlantic Ocean in Harvey Cedars, N.J., Monday, July 14, 2008. The borough trucked in 3,000 cubic yards of sand on an emergency basis to protect the homes there during the first week of July -- but two-thirds of it has already washed away.*

Harvey Cedars, part of Long Beach Island, is about a mile long, and two blocks wide. It has 475 permanent residents, but its summer population swells to about 12,000.

Its narrow spit of sand is on a barrier island about 30 miles north of Atlantic City between the Atlantic Ocean and Barnegat Bay. Like much of the island, it was pummeled by the nor'easter of 1962, losing 350 homes and half its tax base.

Aerial photos of the aftermath of that storm hang on the walls of Harvey Cedars' meeting room in Borough Hall, showing houses washed into the bay, and entire blocks wiped off the map.

Environmentalists -- and some government officials -- say it was a mistake to allow development on barrier islands, which by their very nature shift shape and location over time due to storms and natural erosion.

Now that multimillion-dollar homes have been built at the water's edge there, government has little choice but to protect what's already there. Groisser's home has a 75-foot beach behind it, providing a wide buffer zone of protection against wind-driven waves and the erosion they cause.

But Arlene Pollack's does not. The 77-year-old woman lives on a section of beachfront that has taken a pounding from some comparatively mild storms. Her neighbor two doors down saw all the sand washed away from behind his home, and the ocean was crashing against one of the main pilings supporting the building.

"I don't know the statute on paying taxes on your home if it's in the ocean," said Pollack, who was among the first to sign an easement for the replenishment project.

The borough trucked in 3,000 cubic yards of sand on an emergency basis to protect the homes there during the first week of July -- but two-thirds of it has already washed away. Erosion has created steep cliffs in some spots that the locals have dubbed "Harvey Cedars Bluffs."

"This is a Band-Aid, and a very expensive one at that," Oldham said of the emergency truckloads of sand.

The federal government would pay 65 percent of the cost of the estimated \$13 million project. The state would pay 25 percent, with the remainder coming from the municipality and Ocean County. Oldham said Harvey Cedars' share was calculated three years ago at about \$500,000 -- or, just under \$6,100 per homeowner -- but that number has surely risen since then, he said.

At a contentious public hearing recently, residents railed against the homeowners who still refuse to sign the easements, which typically involve from 10 to 50 feet of beach.

"It's not fair for a handful of people to jeopardize everyone else's property in the borough," said Debbie Austin, a 58-year Harvey Cedars resident.

Ken Porro, a lawyer for two oceanfront property owners in Harvey Cedars, said his clients would sign easements if the dunes could be made slightly lower, and they were assured they would be compensated for their lost property.

"When you look at oceanfront property, there are three things any property owner is interested in," he said. "Number one and the most important is the view of the ocean. Number two is access to the ocean, and number three is the breeze, which is an important factor. A lot of people don't like to use their air conditioning. They say the evening breeze off the ocean is something special."

Putting dunes as tall as 29 feet that are 50 feet wide in behind homes would reduce property values by 40 percent, Porro said.

"If you have a million-dollar property, it's now worth \$600,000," he said.

But Wendy Mae Chambers, a resident of Harvey Cedars and New Orleans, broke down in tears as she said a May nor'easter that chewed up so much of Harvey Cedars' beach foreshadowed what could happen to residents.

"A storm is going to come and there's not going to be any sand in front of their homes, and they're going to die like a drowned rat," she said. "That May 10th storm was a gift; please heed the warning."

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