



WINTER 2006

VOLUME 3, ISSUE 1

## Chelsea Property Group Route 66 Designer Outlet Mall Derailed

**Courtney K. Atkins**  
*Development Director*

In what can only be termed a historic moment on Monday, January 9, 2006, the Neptune Township Committee voted unanimously in favor of two Resolutions which effectively derail the plans of Chelsea Property Group, a \$50 billion a year international developer of designer outlet malls, to construct such a mall on property off Route 66 between the Asbury Park Press and the Garden State Parkway. The Shark River Cleanup Coalition strongly urged such action by the Neptune Committee. Over one hundred Coalition members answered Executive Director Brian Hegarty's call to appear at the Committee meeting. The plan for the mall and a related necessary overpass over Route 66 envisioned development within the 300 foot buffer a tributary of the Shark River Brook, which is

protected by the state Category One classification which, Neptune and the Coalition worked so hard to obtain in June 2005. The Shark River part of the source of drinking water for hundreds of thousands of area residents.

The first Resolution declared a 2001 agreement entered into by Neptune Township, Tinton Falls Borough, and three other parties, including Joven Center, Inc. (Chelsea's predecessor in interest) to build the overpass and develop surrounding roadways null and void. Citing over a dozen reasons, including the apparent efforts by Chelsea to develop within the 300 foot Category One buffer, the Neptune Committee determined that the 5 party agreement was in breach of contract, and therefore, dead.

The second Resolution requested the New Jersey Department of Transportation to expire and revoke two Highway Access Permits needed to build the overpass and develop the mall property because the traffic data



PHOTO BY ED LIPPINCOTT

The proposed area for the outlet mall resides on Route 66, neighboring the Asbury Park Press building.

they were issued under is dated and no longer valid.

The combined effect of the two Resolutions along with related litigation by the Coalition and the Asbury Park Press should effectively stop the development of the mall property as it is currently envisioned. This is a

tremendous victory for the Shark River Cleanup Coalition as led by Executive Director Brian Hegarty. Mayor Tom Catley said, "I think it's important for us to speak with one voice to the developer, because obviously the developer is not listening to us, but we're going to make sure he hears us loud and clear now."

## A Message from 2006 President Ed Lippincott

"The way a team plays as a whole determines its success. You may have the greatest bunch of individual stars in the world, but if they don't play together, the club won't be worth a dime." Babe Ruth

Brian, who now serves as Executive Director, as well as the rest of the Board of Directors.

We welcomed two new board members this year. John Brennan, an attorney from Spring Lake Heights, and Kirsty Fulton, an Environmental Consultant who lives right in Shark River Hills. Furthermore, the SRCC welcomes Courtney Atkins into our Coalition as Development Director. Courtney brings her ideas, experience and boundless energy to help us meet our ambitious fundraising goals for 2006 and beyond. With all this talent and our experienced Board already in place my job is already a little easier.

Unfortunately, our watershed continues to be threatened by poorly planned development and non-point source pollution. For this reason we count on your continued support in the coming years. We accomplished terrific victories in 2005, but our work to protect and restore the Shark River and our drinking water supply still isn't finished.

We continue to challenge the Outlet Mall regarding their defiance to C1 protection. The SRCC will also keep an eye on Belmar and Neptune as they begin Seaport Redevelopment projects. We remained focused on enforcing the new storm water regulations to protect our watershed.

Moreover, we look forward to some outdoor programs this summer with river and kayak tours and of course our river cleanups. Our 3rd Annual Riverfest will be held this year on Saturday, April 8th at Sunset's Restaurant right here on the river. Our annual celebration of the Shark River watershed is going to be a great party with a raffle prize auction, great food, open bar and of course our terrific \$10,000.00 Jumbo 50/50. This is our big event of the year and one you don't want to miss. It wouldn't be much of a celebration without your participation!

As we kick off the coming year, we hope you will continue to join us in our mission to protect and improve the Shark River for present and future generations. We need your help and the support of your friends to continue to protect the river we love. This job is too big for any one person, but together we can really make a difference. I look forward to working together with all of you.

# Legal Corner: Chelsea Attempts to Duck C1 Regulations

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

Since coming onboard with the Coalition in the beginning of December, I experienced a baptism by fire. Executive Director, Brian Hegarty already substantially prepared a form of motion to the Tinton Falls Planning Board to move the Board to Vacate Chelsea Property Group's ("Chelsea") site plan approvals for the Premium Outlet Mall on State Highway 66.

It appears that in an effort to avoid the Category One ("C1") 300 foot buffer requirement for a Shark River tributary running through the proposed mall site, Chelsea revised its storm water runoff discharge structures in plans Chelsea submitted to the New Jersey Department of Environmental Protection. The idea was to eliminate the necessity of a stream

encroachment permit which Chelsea did not obtain prior to the June 20, 2005, the effective C1 date for the Shark River. As Chelsea obtained site plan approval prior to that date and now did not need a DEP permit, they apparently thought they could be grandfathered in and develop in the 300 foot buffer. However, Tinton Falls previously adopted its Storm water Runoff Ordinance ("Ordinance") which contains a provision that any post approval revision to an approved site plan voids the approval and requires Chelsea to comply with the entire Ordinance and the 300 foot buffer.

Hegarty also found a provision in the Planning Board Rules that permit any interested party to move the Board by letter to vacate approvals. This we did on December 8,

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2005. Our letter caused considerable consternation with both Chelsea and the Board. President, Ed Lippincott and I attended the Board's December 14, 2005 meeting. Our application was not on the Agenda. When I attempted to inquire during the Voice of the Public session when our application would be heard, the Board didn't want to hear about it. They contended it was a litigation matter that they would only discuss in closed door Executive Session. I responded that this was a new development not in litigation and their Rules contemplate public action and they were violating the Open

Public Meeting Act. They proceeded nevertheless. I then informed them that if they did not notify us by their December 28, 2005 meeting what action they intended to take on our application we would fairly assume they would take no action and we would proceed accordingly. No action was taken on December 28.

We served a Notice of Intention to Commence Suit against Chelsea, to the DEP Commissioner, State Attorney General and Tinton Falls Clerk as required under the New Jersey Environmental Rights Act. On January 21, 2006 we can commence suit.



**Riverfest**  
APRIL 8, 2006  
at **Sunsets RESTAURANT**  
A celebration for our river  
Open Bar!  
Food!  
10,000 Jumbo 50/50  
Raffle!  
Tons of Prizes!  
Auction  
6-10pm  
302 S. Concourse Ave, Neptune, NJ Call 732.681.0059 for info

## Captain Al's Critter Corner



PHOTO BY ED LIPPINCOTT

### Atlantic Brant

Latin scientific name: *Branta bernicla hrota*

A member of the goose family, Brant usually weigh 3 lbs. or less and are much smaller than their cousins, the Canadian Goose. Brant's distinctive features are small white bars around the neck and their fast wing beats similar to a duck. Brant typically choose one mate for life, unless their mate is lost and begin to breed around the age of three. Brant migrate to the Arctic Circle to breed typically during the June to September months. This is enough time to lay the eggs, incubate them, and raise them to flight stage before heading back along the Atlantic Coast to winter. According the NJ Division of Fish and Wildlife, the 2002 brant surveys estimate the population of wintering brant number around 181,000 birds. About 70% of wintering brant occur in New Jersey. Take some time to check out the brant this winter on Shark River.

# NJ Clean Marina Program

**Scottie Franklin**  
Board of Directors

Historically, marinas have been singled out as serious waterway polluters. Historically, there are many valid reasons that contribute to this accusation. The handling of antifouling coatings, fueling activities, dealing with multiple categories of petroleum products, inappropriate power washing systems and fish waste disposal are all factors which contribute to less than environmentally sound yards. The last fifteen years produced a dramatic change for the best in how boating facilities handle their operations. Much of the improvement has been the result of stringent best

management practice requirements implemented by the Environmental Protection Agency (federal) and the Department of Environmental Protection (state).

New Jersey's marina industry challenges itself to go a big step further. The New Jersey Clean Marina Program is entirely voluntarily, but more than twenty facilities have

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pledged to work toward meeting the requirements. Many others requested and received the guidebook and materials

to do the same. The regime is tough, but operators have come to realize that clean water is an essential requirement to the success of their businesses.

Main One Marina, located in Avon on the Shark River is dedicated to this program. If you are a boater, please ask if your facility is doing the same.

## 2006 Membership Drive

**James McNamara**  
Vice President

The 2006 SRCC New Membership drive is in full swing. This month SRCC will be putting the finishing touches on its planned January new membership mailer. This mailer will be different in that we will be emphasizing the need to battle sprawl. Recent political campaign studies show that the biggest issue voters are concerned with after property taxes is sprawl. Unfortunately the environment is near the bottom of this same list.

While past membership mailers have been successful with the focus of the letter on the environment, SRCC feels that our proven track record acting as watchdog to new development projects will build on its membership base because it is an issue that is important to voters.

One of the byproducts in our advocacy to protect our environment, preserve our drinking water supply and fight to preserve open space is also curbing sprawl. Sprawl not only makes the community in which we live more congested, it increases our property taxes in the form of more roads, schools, teachers, police, sanitation costs along with a host of other services.

In order to effectively ensure the safety of our watershed, it is necessary that locals in the area join the Shark River Cleanup Coalition. Through a team effort, we can speak as a united voice for the Shark River and its local tributaries. Making sure developers understand the serious nature of C1 is at the forefront of the SRCC's campaign to protect our watershed. If you are not already a member of the SRCC, I encourage you to join our efforts in water protection through becoming a member or/and volunteering. If you are already a member, please encourage a friend or neighbor to become a member and support a cause that affects our neighborhood directly.

## Shark River Cleanup Coalition Membership Application

The SRCC is a nonprofit 501(c3) corporation. All contributions are tax deductible as allowable by law.

### Please print

Name \_\_\_\_\_

Address \_\_\_\_\_

Telephone Number \_\_\_\_\_

E-Mail Address \_\_\_\_\_

### Enclosed is my check for:

Student, Junior or Senior (under 18 or over 65)	\$25 per year _____
Individual member (\$1 per week)	\$52 per year _____
Family Membership (\$10 per month)	\$120 per year _____
Sponsoring Family Membership (\$1 per day)	\$365 per year _____
Business Donor	\$250 per year _____
Business Sponsor ( free 1 year ad on website)	\$500 per year _____
Donation only (any amount)	_____

**Make checks payable to SRCC and mail to: PO Box 2241 Neptune City, NJ 07754  
Phone 732-681-0059 New Jersey Charity registration Number CH 2165700**

# Meet Our New President Chef Ed

**Courtney K. Atkins**  
*Development Director*

Ed Lippincott, a.k.a., "Chef Ed," is a lifelong resident of Belmar with a degree in culinary arts. He got his first taste of environmental activism through the Boy Scouts Project SOAR (Save Our American Resources) with Belmar's Troop 40. Ed's relationship with SRCC started when his restaurant Chef Ed's Seaside Grill became a business member. Soon, Ed started getting more involved with SRCC through volunteer work with past board member Bud Doyle. Ed's commitment to protect and serve our watershed soon became clear, as Ed became more involved with SRCC.

Becoming a board member of



PHOTO BY BRIAN HEGARTY

Ed Lippincott is an avid surfer with a knack for fine food.

the group was a natural progression for Ed, who spends his free time bird watching, surfing, fishing and organic gardening. Ed is a member of NJ Audubon, and is never far from a pair of binoculars or a field guide.

During the downtime of searching for a perfect wave or the greatest food, Ed spends his time as SRCC's 2006 President, which he was unanimously voted for by the Board of Directors. Ed brings his passion for clean water and his business skills to piloting SRCC through 2006 and beyond.

## 2006 Board of Directors

*Ed Lippincott, President*

*James McNamara, Vice President*

*Melissa Kaplan, Treasurer*

*Captain Al Modjeski, Secretary*

*Bill Sciarappa, Ph.D. Board Member*

*Brian F Hegarty, Board Member*

*John Brennan, Esq, Board Member*

*Kirsty Cronin, Board Member*

*Jeffery Hoffman, Board Member*

*Scottie Franklin, Board Member*

### Save the Date: July 24, 2006

1st Annual Golf Tournament  
Shark River Cleanup Coalition Classic

look out for more details...



Shark River Cleanup Coalition Inc.  
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