

# ....."THE SENTINEL".....

A Newsletter of the

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Association***

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## *News Flash*

In a decision that could have far-reaching implications for beach replenishment efforts along the Jersey shore, a state appeals court panel Monday upheld a hefty award for a Harvey Cedars couple who contended that building dunes to restore the beach diminished the value of their oceanfront home.

The \$375,000 jury award to Harvey and Phyllis Karan is the largest of all the cases where beachfront property owners clashed with officials in the affluent Ocean County borough on Long Beach Island and likely could mean trouble for future beach replenishment projects, experts said.

"There is a very strong likelihood this will end beach replenishment as we know it in the state," said Lawrence Shapiro, the Ocean Township attorney representing Harvey Cedars. "People will see a money grab. People may say 'I'm not going to give an easement because I could get money.'"

In dire need of wider beaches for storm protection, Harvey Cedars joined with the state Department of Environmental Protection and the U.S. Army Corps of Engineers for a \$25 million beach replenishment project that built 22-foot high dunes on the oceanfront in 2009 and 2010.

As part of the project, Harvey Cedars was required to obtain 82 easements from the oceanfront homeowners. Shapiro said the borough had trouble getting most of the easements after offering homeowners \$300 each. The borough moved to condemn 15 of the easements, prompting three unresolved court cases, Shapiro said. About five of the condemnation cases settled for a "substantial" amount, in the range of \$150,000 to \$160,000, Shapiro and Mayor Jonathan Oldham said.

The Karans said they lost value in their home, which is assessed at \$1.7 million, because the dunes block most of their "formerly spectacular ocean view." They wanted \$500,000; the borough's real estate expert, as he did in the other cases, said the loss was worth \$300.

Harvey Cedars, a town with 337 year-round residents and a \$2.9 million budget, set aside \$1.1 million for its share of the beach replenishment project but would be on the hook for another \$500,000 to pay for the easements, Shapiro said.

In the Loveladies and North Beach sections of town, where the lots are bigger than those in Harvey Cedars, jury awards in those cases would likely be higher than the Karans', he said.