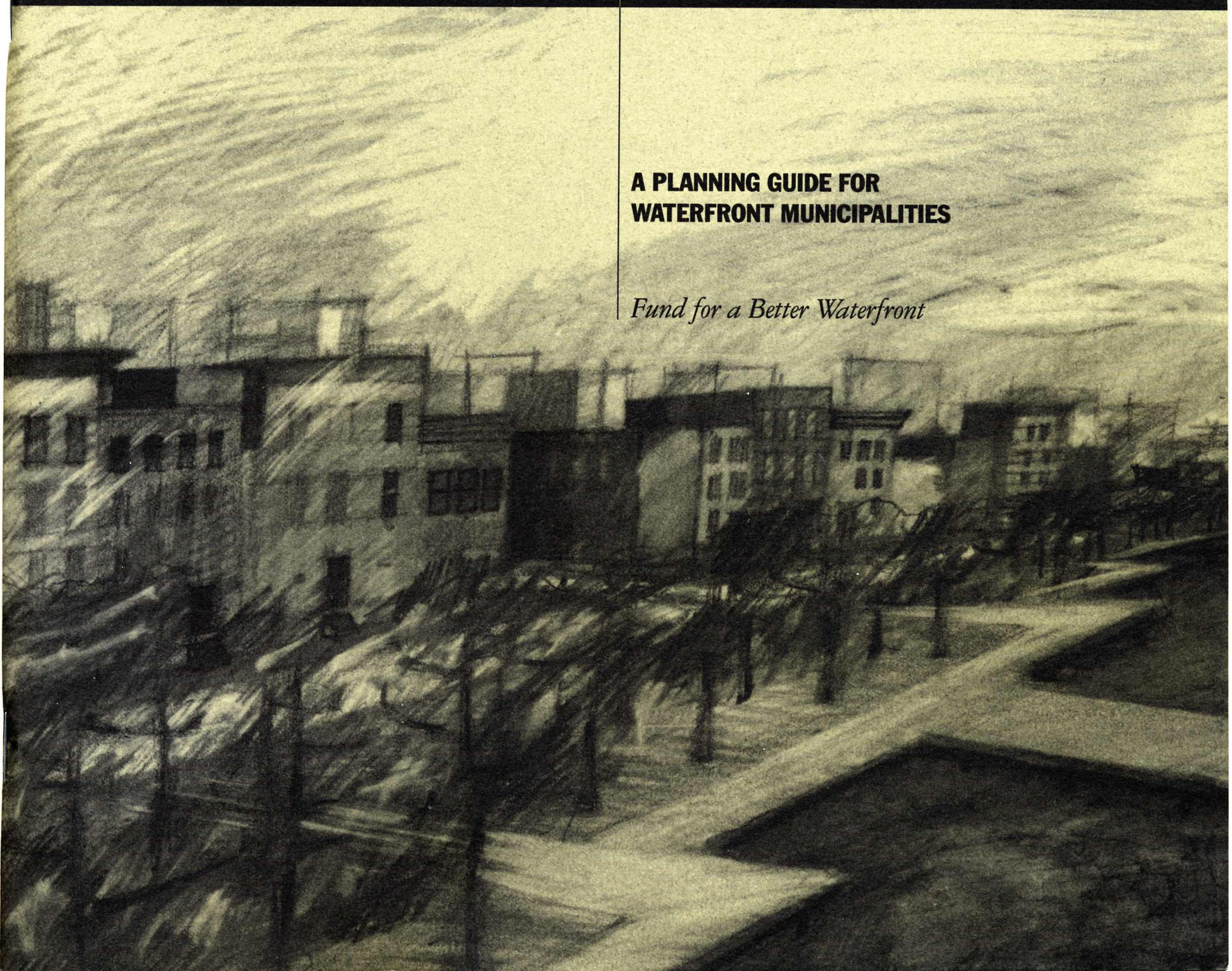
RECLAIMING THE WATERFRONT



A PLANNING GUIDE FOR WATERFRONT MUNICIPALITIES

Fund for a Better Waterfront

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Published by
the Fund for a Better Waterfront, Inc.:
Daniel Meeter, President
Marie Nardino, Secretary
Lynda Weinstein, Treasurer

Contributing Authors:
Anthony DePalma (Section One)
David Slade (Section Two)
Craig Whitaker (portions of
Sections Three through Five)

Editor:
Edward H. Fitzelle

Production:
Lorraine Lapenta

Design:
H. Dean Pillion

Photography:
Caroline Carlson, Michael Flanagan
and Ron Hine

Research:
Ron Hine

Reviewers:
Jim Kocis, Victoria Rospond,
Christopher Welsh, Robin Whitney
and Cassandra Wilday

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August 1996

INTRODUCTION

The sweet air coming into your house on a fine day, from water etched with waves as formal as the scales on a fish.

MARIANNE MOORE
THE STEEPLE-JACK

To paraphrase H. L. Mencken, nobody ever went broke overstating the price of waterfront real estate. Whether it is ocean beach, lake shore or river bank, the area where water meets land often has tremendous value for industry and commerce. For most of us, however, it is a place of enjoyment, a place where we feel stimulated to exercise and play, or where we feel at home enough to sit in the sun and read a book. It is where we walk for the sake of walking, play with our children or just watch the surface of the water and take in the breeze.

Of late, as shoreline industries decline and private development increases, those who seek to use the waterfront are too often in conflict. Members of the public who seek their legal right to enjoy the water's edge are often excluded by developers and landowners who are determined to make the shoreline a private affair. This battle between public and private interests has become especially evident where government has ceded its planning authority to private developers.

But local governments have the power to shape their waterfront's future. Through urban planning, municipalities can guide development in a fashion that benefits everyone. Local officials can protect the public's right to the water's edge, thus providing a community asset for generations to come. By securing continuous public open space at the waterfront and establishing a sensitive waterfront plan, municipal authorities will also enhance the value of the private upland areas.

This booklet details the problems encountered with today's waterfront developments and how to remedy them. **Section One** describes how difficult it is to access New Jersey's mandated Hudson River Waterfront Walkway. The public right to be there, however, has been well established by the courts, as explained in **Section Two**. The government's failure to plan and establish the public rights-of-way at the waterfront is the result of a trend clearly evident in this country since the 1940s. **Section Three** describes the well-established role of urban planning in earlier eras, as well as the decline of public planning over the past 50 years. The final two sections offer a resolution to the conflict between the competing interests of private developers and the public. Urban planning, and specifically the act of mapping and platting waterfront property, establishes a clear definition between what is public and what is private. These municipal planning tools provide the opportunity to reclaim the waterfront.

It is our hope that this booklet will be a guide to both public officials and citizens interested in protecting the water's edge for the benefit of all. An opportunity now exists that must be seized to secure the right of everyone to enjoy and use waterfront lands that are now ready for redevelopment.

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Section One: The River Beckons, But It's Not Easy To Get There *page 4*

Even If You Don't Build It, They Will Come



People will seek the shoreline to enjoy its special quality regardless of the obstacles before them. **Section One** contains an article by *The New York Times* reporter Anthony DePalma. In it, he describes how New Jersey residents have found their way to an undeveloped, abandoned industrial site along the Hudson River. Ironically, the State of New Jersey announced 16 years ago a plan for an 18 1/2 mile public walkway along the Hudson from the George Washington Bridge to the Bayonne Bridge. The progress toward building that walkway has been slow. Despite the state's requirements for unhindered public access, many of the sections built by private owners, as described in Mr. DePalma's article, are designed and maintained to keep the public out.

Section Two: The Public Trust Doctrine *page 10*

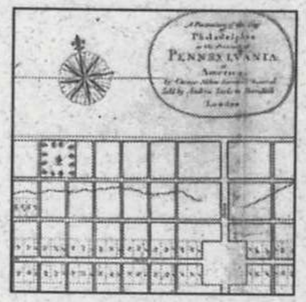
Something On Which Even Lawyers Can Agree



Think of a fisherman in a boat opposite privately owned land. If he drags his boat up onto the shore, is he trespassing? More than 1,500 years ago, this question first came before Roman magistrates. Variations on this question have been coming before European and American courts ever since. Most court opinions have ultimately reaffirmed what is called the Public Trust Doctrine. The heart of this doctrine is that navigable waters and lands flowed by the tides are held by the state in trust for the benefit of all people. The public has the right to enjoy these lands and waters for a wide variety of public purposes. **Section Two** presents an abridged version of *Putting the Public Trust Doctrine to Work*, a book by David Slade of the Coastal States Organization, which offers a comprehensive examination of this time-honored doctrine.

Section Three: THE RISE AND FALL OF PUBLIC PLANNING *page 16*

Public Planning Is Not Dead, Is It?



Most cities were planned before they were built. Municipal authorities commissioned surveyors and engineers to lay out streets, blocks and lots, city squares and public parks. As cities grew, orderly development improved the quality of life for all and actually increased the value of property. In recent years, however, the private sector has taken on much of this planning function. On the waterfront the results have not been good. Private interests have prevailed over the public's. It is time for municipal government to exercise its responsibility and again, reassert its right to plan.

Section Four: URBAN DESIGN PRINCIPLES *page 28*

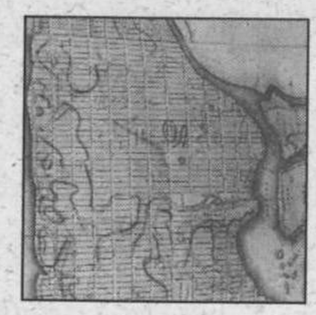
Stick To Your Principles... Of Urban Design



Understanding the principles that create successful waterfronts and workable urban environments leads to sound urban planning. A successful public waterfront must feel public. This occurs when a clear line is drawn between the public and private domains. This line is best drawn by a public street. Streets also provide the framework for public access to the waterfront. The layout of these streets determine the size of new blocks created and thus the framework for private development. The lot sizes, building heights, building setbacks, street and sidewalk dimensions, parking requirements and mix of uses are all critical in determining the character and liveliness of these new streets.

Section Five: MASTER PLANS, OFFICIAL MAPS AND PAPER STREETS *page 36*

You Need A Map To Get There



Cities have always had the power to establish within their boundaries what land is to be used for streets, parks and public purposes and what will be privately developed. Successful redevelopment of a city's waterfront may start from the simple act of mapping the public streets in an undeveloped parcel of land. This act permits a municipality to develop a proactive planning approach. The streets can be drawn long before they are actually built. These "paper streets" are powerful tools in shaping a developer's thinking. Official maps and waterfront plans are the key to securing a waterfront for the public's enjoyment for generations to come.

The River Beckons, But It's Not Easy To Get There

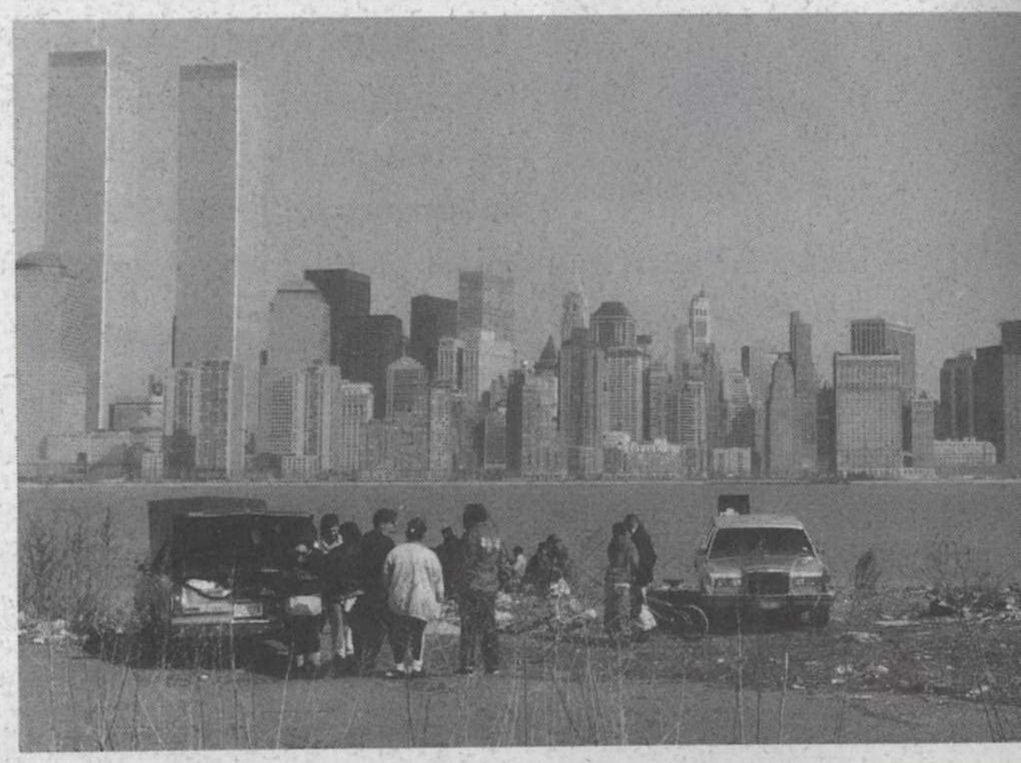
By Anthony DePalma

I do not know much about gods;
but I think that the river
Is a strong brown god — sullen,
untamed and intractable.

T.S. ELIOT
THE DRY SALVAGES

From The New York Times, *"About New Jersey," June 23, 1991.*
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On the sweet days of sunny June, when the air is light and the Hudson River shines metallic blue, Monn Paredes and his wife, Annie, like to make their way down to the water's edge in Jersey City to fish and crab and take in some fresh air.



Their favorite spot is a broad, weedy lot, once occupied by a State Department of Defense warehouse, that is wedged between the site of the old Colgate-Palmolive plant and the mouth of the Morris Canal. They throw out their crab cages and fishing lines from a 20-foot-long, makeshift dock and a connecting rickety walkway made of driftwood. Mr. Paredes, a semiretired factory worker from East Orange whose employer, a truck body manufacturer, just went out of business, said it wasn't he who had made the pier, but when nobody else is around, he uses it as if it were his.

**North of Morris Canal,
Jersey City, New Jersey.**

In spite of a rubble strewn shoreline, New Jersey residents find their way to the Hudson River to fish and relax.



"If somebody tells me to move, I just go," he said late one morning when the day was already heating up and he and his wife were trying to hide from the sun inside their white Chevrolet, the only bit of shade available.

It has been more than a decade since redevelopment of the Hudson River waterfront began amid much bragging about how the 18 miles from the George Washington Bridge to Liberty State Park — just south of the banks of the Morris Canal where Mr. Paredes sat — was some of the most valuable real estate in the world. It has also been a decade since the state promised that as the waterfront was re-created, people like the Paredeses would be able to get down to the river easily and enjoy the special space at the water's edge. The plan, then as now, was to force developers to build a public walkway in exchange for the right

Shelter Bay Club, Edgewater, New Jersey. An elegant portion of the Hudson River Waterfront Walkway was fenced off by a condominium association after residents complained of security problems.



to build condominiums and shopping malls on land touched by the tides that legally belongs to the state.

Planners and conservationists love river walkways and think of them as linear parks that can bring nature into the city. They consider the Esplanade and South Cove walkway at Battery Park City, just across the harbor from where Mr. and Mrs. Paredes sat in their Chevy, an ideal river walkway, one that is easy to get to, easy to walk on and easy to like.

The Battery Park City Esplanade is now half a mile long and will be twice that by this time next year. On the New Jersey side, less than a mile of walkway now exists in unconnected bits and pieces. No two parts of the New Jersey walkway match, several stretches are difficult to find and at least one segment in Edgewater has been blocked with a three-foot-high, chain-link fence and a "No Trespassing" sign.

It may not be fair to compare the two projects too closely. After all, Battery Park City was created as a landfill with a walkway as an integral part of the project from the beginning. In New Jersey, the walkway has had to be built in, on or around land that was already used for something else, without a penny from the state.

But some walkway supporters, like Andrew L. Strauss, a project manager for the Trust for Public Land, a national conservation organization with a Morristown office, say that what the Battery Park City Esplanade most clearly represents is a full-bodied commitment to public access that has never been made in New Jersey.

Mr. Strauss and others say the fate of the walkway was determined in the early 1980s, when the state rejected the notion of imposing a regional development authority like the Hackensack Meadowlands Development Commission to guide the waterfront's rebirth. Instead, the state, under Gov. Thomas H. Kean, allowed each of the eight cities and towns along the river to control its own section. The only concession to creating an overall plan was the walkway requirement.

The person most responsible for that idea is John R. Weingart, now director of the Division of Coastal Resources at the Department of Environmental Protection. To many people in the state, the walkway is Mr. Weingart's.

"At the time we felt it was a victory just to get everyone to agree to any sort of public access," Mr. Weingart said. "But by the time some of these sections were built, people either deliberately or through lack of attention just didn't understand what the regulations required."



Riva Pointe, Weehawken, New Jersey.
An imposing gate and stairway disguise the entrance to a public walkway on this residential pier development.

For that reason, the splendid symmetry of the Battery Park City promenade remains an unattainable standard in New Jersey. In its place is the mishmash of unmatched segments.

A new group, the Hudson River Waterfront Conservancy, formed with the help of the Trust for Public Land, tries to keep after developers and the state to make sure walkway regulations are enforced.

And that requires constant presence on the waterfront. On the same day that Mr. and Mrs. Paredes lounged near the makeshift Jersey City walkway, Mr. Strauss and Geraldine Wang, also a project manager at the Trust for Public Land, tried to hike across most of the built sections of the walkway. What they found was often discouraging. In Weehawken, near the Lincoln Tunnel, a section of walkway at the Riva Pointe condominium development had indeed been built, but was behind an imposing steel gate and up nine concrete steps.

"The designers took the state regulations and executed them brilliantly on behalf of the developer," Mr. Strauss said. "The public can't see the walkway from either end."

Nearby, in the Lincoln Harbor commercial development, is the most complete section of walkway, with uniform paving, adequate lighting, benches, landscaping and a bracing view of the river — proof, Ms. Wang and Mr. Strauss agreed, that construction through regulation, though flawed, can work.

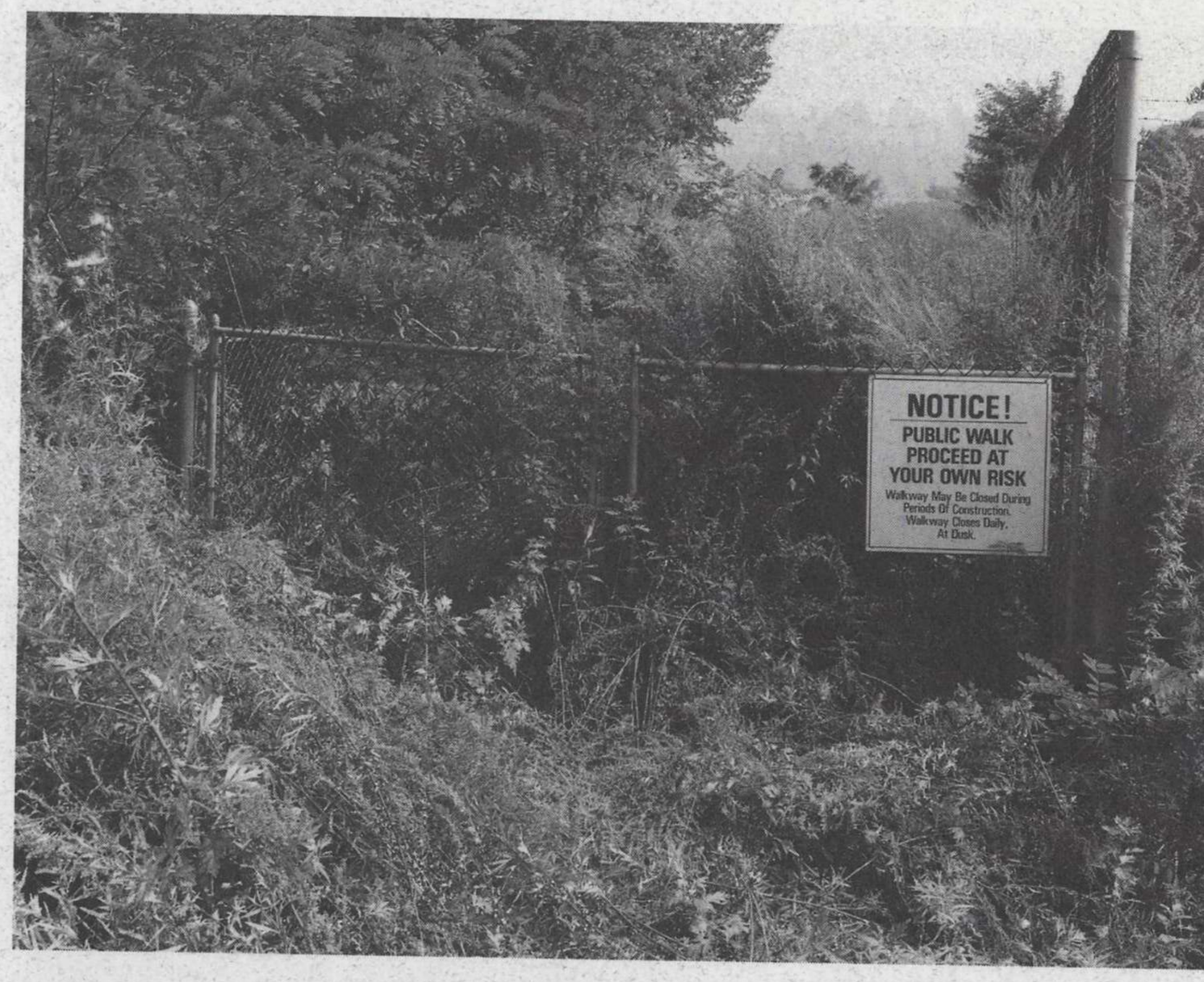
Much of the rest of their hike was the same balance of satisfaction and disappointment. Palisades General Hospital in North Bergen built a walkway but isolated it behind a large parking lot. The Yaohan shopping center in Edgewater built a walkway but did not include benches in one large section. The Marketplace, a strip center in Edgewater, has a walkway that abuts a drive-in bank teller window.

At the Grand Cove condominium project in Edgewater, Mr. Strauss and Ms. Wang were told they could not drive past the gates to use the walkway. But if they would drive a little farther up River Road to the post office and looked for a red stone trail, they could get to it. Sure enough, behind the weeds and an abandoned car was a trail leading to a walkway and a flock of Canadian geese.

They ended their hike on the segment at the Shelter Bay Club in Edgewater, a town-house complex where the guard also refused to let them through. But, he said, if they would go down a bit, they could enter through Edgewater Community Park. Mr. Strauss and Ms. Wang tried that, only to find the walkway blocked by a fence and a sign: "No Trespassing. Violators will be Prosecuted."

When Mr. Weingart of the Environmental Protection Department was told about the sign, he said that Shelter Bay had been notified on May 30 that it was in violation and had 30 days to remove the barricade. The owners have said that they closed the walkway after vandals destroyed shrubs and that they would not reopen it until the rest of the walkway was completed.

Now that the real estate market has slumped and development on the waterfront has slowed to a crawl, there is no telling how long it might take for the rest of the walkway to be built. Mr. Strauss says it could be as long as 50 years.



Roc Harbor, North Bergen, New Jersey.

Dense, overgrown weeds behind a gate with a "proceed at your own risk" sign prohibit entry into this portion of the Hudson River Waterfront Walkway.

"It's difficult to explain to people how you can create a walkway by regulation," he said. "They see buildings and want to know, 'Where's my walkway?' But we have to be patient. We have to persevere. We're just not going to get it all right away."

In the meantime, Mr. and Mrs. Paredes will continue to use their Chevy as a bench and enjoy the driftwood walkway built by people who were unable to wait half a century.

But look! here come more crowds, pacing straight for the water, and seemingly bound for a dive. Strange! Nothing will content them but the extremist limit of land. ...No. They must get just as nigh the water as they possibly can without falling in. And there they stand — miles of them — leagues! Inlanders all, they come from lanes and alleys, streets and avenues — north, east, south and west. Yet here they all unite! Tell me, does the magnetic virtue of the needles of the compasses of all these ships attract them thither?

HERMAN MELVILLE
MOBY DICK

The Public Trust Doctrine

By David Slade

Abridged from *Putting the Public Trust Doctrine to Work,* Coastal States Organization.
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Melville's leagues of inlanders rushing to the shore, as if drawn by magnet, are but the ancestors of the millions of Americans who today turn to "the extremist limit of land" — the beaches and shores of America's waterways. These lands and waters, historically used for commerce, navigation and fishing, are now the major residential and recreational areas of the nation. Beaches, resorts, marinas, harbors and the general lure of the waters bring people to the coasts in droves to fish, surf, bathe, sunbathe, sail, build, stroll and live their time-honored pursuit of happiness. Fortunately, coastal managers have a variety of legal tools to utilize in their effort to fairly allocate these finite coastal resources among the ever growing number of people. Interestingly, one of these tools arises from an ancient body of law — over 1,500 years old — known today as the Public Trust Doctrine.

The Public Trust Doctrine: What is It?

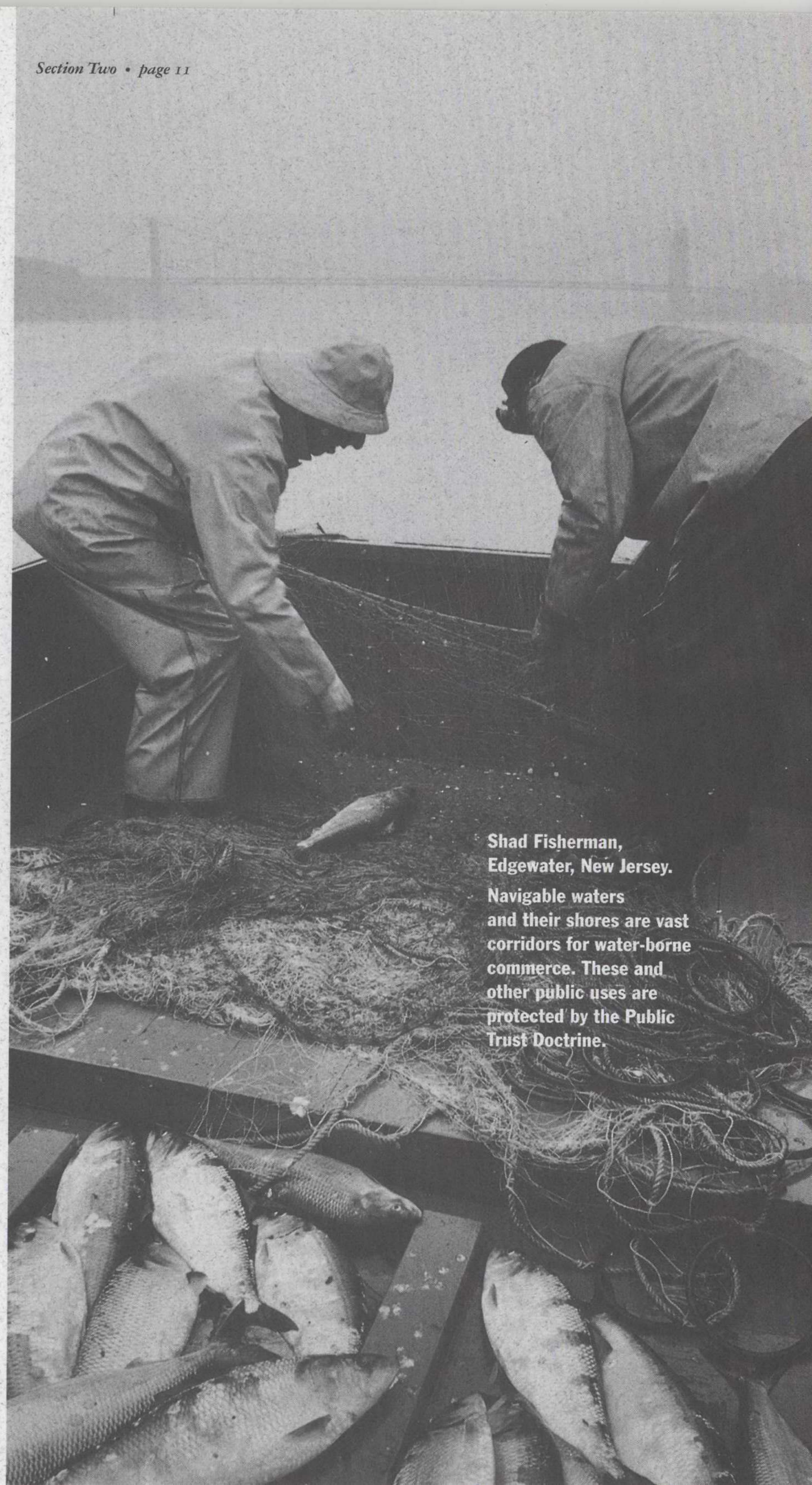
In 1820, a New Jersey man was collecting oysters along the shores when he was challenged as a trespasser by the upland property owner. The dispute reached the New Jersey Supreme Court, where a justice expressed surprise that the taking of:

> a few bushels of oysters would involve in it questions, so momentous in their nature, as well as in their magnitude; ...affecting the rights of all our citizens, and embracing... the laws of Nations and of England, the relative rights of sovereign and subjects, as well as the municipal regulations of our own country.[1]

Generally speaking, all navigable waters and the lands beneath these waters are subject to the Public Trust Doctrine. In the United States, there are 98,664 miles of trust shoreland. Along this tremendous length of shoreline, over 90 percent of the adjacent uplands are privately owned, raising difficulties for the public to access the trust shorelands below the ordinary high water mark.

The Public Trust Doctrine provides that public trust land, waters and living resources in a state are held by the state in trust for the benefit of all of the people. It also establishes the right of the public to fully enjoy public trust lands, waters and living resources for a wide variety of recognized public uses. The Public Trust Doctrine is applicable whenever navigable waters or the lands beneath are altered, developed, conveyed, or otherwise managed or preserved. From the beginning days of this country to the present, the Public Trust Doctrine has been recognized and affirmed by the United States Supreme Court, the lower federal courts and state courts.

Under American law, the public nature of shorelands is well recognized. Navigable waters have long been recognized as the equivalent of highways, being vast corridors for water-borne commerce. In the early days of the country, the immediate shores of these waters were needed in order to conduct that commerce. Sailors tied



Shad Fisherman, Edgewater, New Jersey.

Navigable waters and their shores are vast corridors for water-borne commerce. These and other public uses are protected by the Public Trust Doctrine.

their boats to trees for the night. Fishermen hoisted their skiffs far up the beach for the night and dried or repaired their nets on the beach. In short, the uses to which these lands were put were public in nature. The Public Trust Doctrine "is founded upon the necessity of preserving to the public the use of navigable waters free from private interruption and encroachment."[2]

As society and technology have evolved, the public's use of trust lands and waters has necessarily changed. Over the centuries, the Public Trust Doctrine has kept pace with the changing times, assuring the public's continued use and enjoyment of these lands and waters. Recognized public uses of trust lands today include fishing, bathing, sunbathing, swimming, strolling, pushing the baby stroller, hunting, fowling, recreational and commercial navigation, environmental protection, preservation of scenic beauty and perhaps the most basic use, being there. Strip away the inherent flexibility of the doctrine to assure public access to and use of trust lands, waters and living resources, and the doctrine would slowly whither away.

Origins of the Public Trust Doctrine

The Public Trust Doctrine dates back to the sixth century Institutes of Justinian which formed Roman civil law between 529 and 534 A.D. These Institutes remain the touchstone of today's Public Trust Doctrine. The public's right to full use of the seashore emanates from a commonly quoted section of Book II:

> By the law of nature these things are common to all mankind — the air, running water, the sea, and consequently the shores of the sea. No one, therefore, is forbidden to approach the seashore, provided that he respects habitations, monuments, and the buildings, which are not, like the sea, subject only to the law of nations.

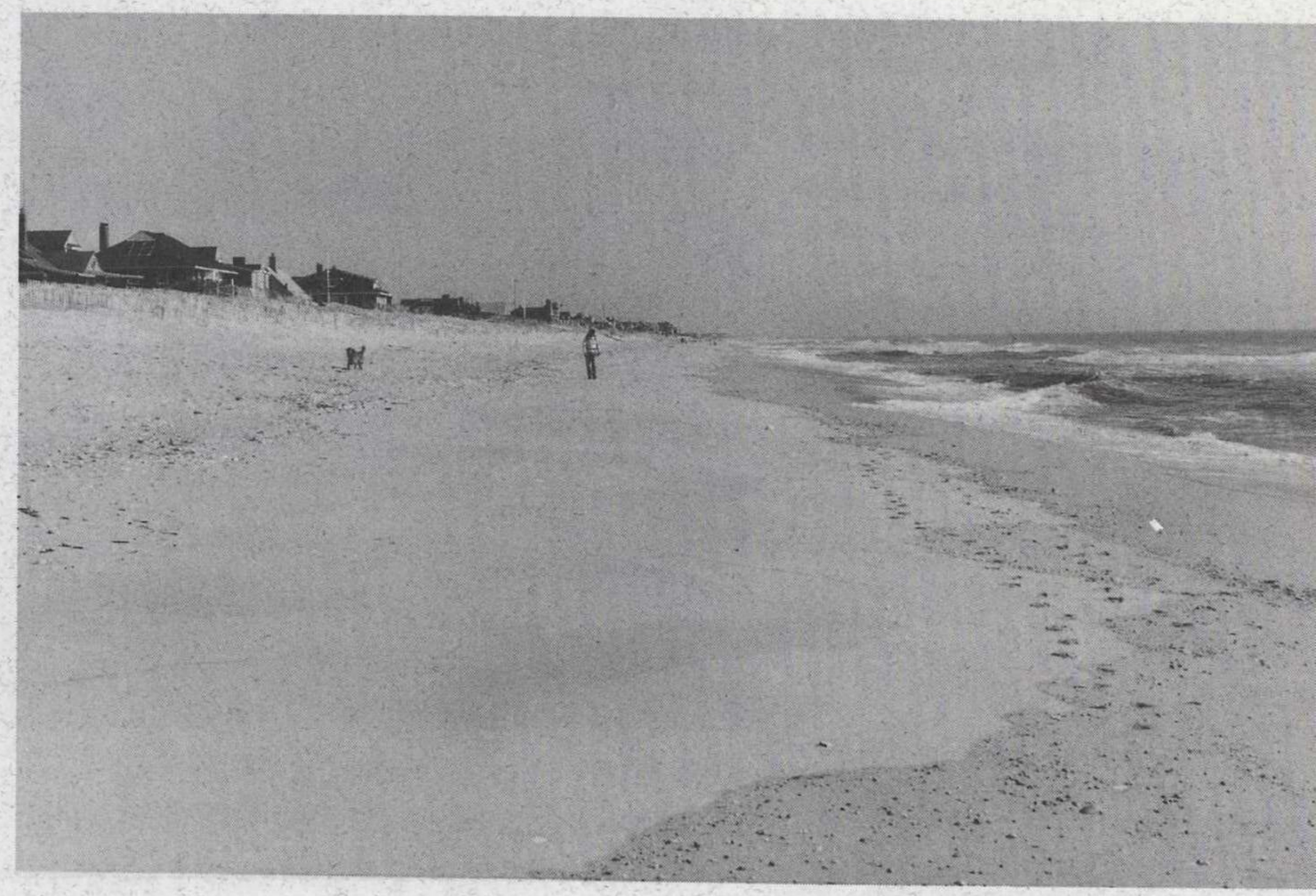
Roman civil law eventually influenced the jurisprudence of all Western European nations. Most important to American jurisprudence, Roman civil law was adopted in substance by English common law after the Magna Carta. From England to the American colonies, through the American Revolution to the thirteen original states, tempered by the United States Constitution and the evolution of modern society, the Public Trust Doctrine survives in the United States as "one of the most important and far-reaching doctrines of American property law."[3]

State Exercise of its Public Trust Authority

Authority vested in the state through the Public Trust Doctrine is based upon its power over state property, rather than a state's regulatory powers through its sovereign police powers. Thus, if the lands, waters or living resources are within the scope of the doctrine, then the state can govern and manage them as its own property. This is in sharp contrast to a state regulating a citizen's private property through its police powers.

At the same time, whenever a state exercises its public trust authority, it does so immediately adjacent to some of the most expensive real estate in America — waterfront property. Waterfront property owners hold extremely strong property interests and usually pay property taxes on the trust lands, lending a certain credence to the perception that he or she has sole possession and control of the property, exclusive of the public.

A central strength of the Public Trust Doctrine is that it allows the state to manage its trust resources as a property owner, rather than having to exercise either its regulatory police powers or its powers of eminent domain. In other words, most claims that the state has unlawfully "taken" private property when it manages its trust properties would be unfounded.



New Jersey Beach.

The New Jersey Supreme Court has been at the forefront in the United States in protecting the right of public access to the shore, including the dry sand above the high-water mark, based upon the Public Trust Doctrine.

Access to Public Trust Lands and Waters

It has been recognized by several courts that in order for the Public Trust Doctrine to have substance, the public must have reasonable access to trust lands and waters. "Without some means of access" a New Jersey Court has written, "the public right to use the foreshore would be meaningless."

A limited but growing number of states are finding that the public's full exercise and enjoyment of their public trust rights requires limited access to the "dry sand" beach immediately above the ordinary high water line. The extent of the public's right to use the privately owned

dry sand beach may take one of two forms: the right to cross in order to gain access to the trust shorelands below the mean high tide line or the right to sunbathe and generally pursue recreational activities on the dry sand beach.

New Jersey case law has clearly articulated the public trust necessity, though not the right, to use the dry sand area. "To say that the public trust doctrine entitles the public to swim in the ocean and to use the foreshore in connection therewith without assuring the public of a feasible access route would seriously impinge, if not effectively eliminate, the rights of the public trust doctrine."[4]

Waterfront Development

Urban harbors and waterfronts have historically been the center of commercial activity. Over time, many waterfronts have become the least attractive areas of communities, marked by deteriorating wharves and warehouses, vacant buildings and facilities deemed too undesirable to go anywhere else. The clear trend in these economically decayed waterfront areas is for the historical and traditional water-dependent uses to be replaced by non-water-dependent facilities that seek to maximize their value with water vistas and the general maritime ambiance.

In making the difficult decisions about how to allocate the limited waterfront resources among competing uses, coastal resource managers can make effective use of the Public Trust Doctrine. It affords them a legal basis for preferring water-dependent uses and preventing undue encroachment of non-water-dependent and private development near the water's edge, without running afoul of "takings" challenges from upland property owners.

The Filling of Public Trust Lands

The filling of public trust lands, whether done lawfully or unlawfully, always merits close attention. If the fill of publicly owned lands is lawfully done in accordance with all required permits, easements, etc., some states then vest title to the upland owner, while others do not.

A recent Vermont ruling held that private title to lawfully filled land on Lake Champlain is in the nature of a fee-simple subject to the public trust. The filled land may be conveyed among private parties, but may only be used for appropriate public trust uses. In a few states, lands which are filled remain state owned lands up to the mean high tide line as it existed before the filling.[5]

Conclusion

In the United States, shorelands, bottomlands, tidelands, tidewaters, navigable freshwaters and the plant and animal life living in these waters are accorded special treatment under state and federal law. For the most part, these lands are owned by the public but held in trust by the



Hudson River Waterfront Walkway at Lincoln Harbor, Weehawken, New Jersey.

Since New Jersey's Hudson River waterfront consists largely of landfill at the water's edge, the Public Trust Doctrine has been used as the legal basis for establishing this state-mandated public walk.

state for the benefit of the public. The body of law pertaining to these resources is called the Public Trust Doctrine.

The doctrine provides a sound legal basis for requiring all uses of trust lands and waters to be water-dependent. Although much trust land is privately owned, these private rights in trust land are subject to the dominant rights of the public to use these lands for a wide variety of recognized uses.

In the final analysis, the Public Trust Doctrine is a valuable legal legacy from Roman emperors and English kings to the American public — the right to use and enjoy America's trust lands, waters and resources. As the public's trustee of these assets, each state is an important steward over what Roman Emperor Justinian claimed by the law of nature to be common to all mankind.

Footnotes

[1]*Arnold v. Mundy*, 6 N.J.L. 1, 95 (1821) (Rossell, J., concurring opinion).

[2]*Illinois Central R. Co. v. Illinois*, 146 U.S. 387, 436 (1892).

[3]MacGrady, *The Navigability Concept in the Civil and Common Law: Historical Development, Current Importance, and Some Doctrines that Don't Hold Water*, 3 FLA. STATE UNIVERSITY L. REV. 511 (1975).

[4]*Matthews v. Bay Head Improvement Ass'n.*, 471 A. 2d. 355, 364 (N.J. 1984).

[5]*O'Neill v. State Highway Dept.*, 50 N.J. 307, 235 A.2d 1 (1967) (Lands below mean high water that are artificially appropriated remain the property of the state) and *Epps v. Freeman*, 261 S.C. 375, 200 S.E. 2d 235 (1973) (Where landowners fill public trust lands, they do not acquire title).

The Rise And Fall Of Public Planning

"Make no little plans; they have no magic to stir men's blood."

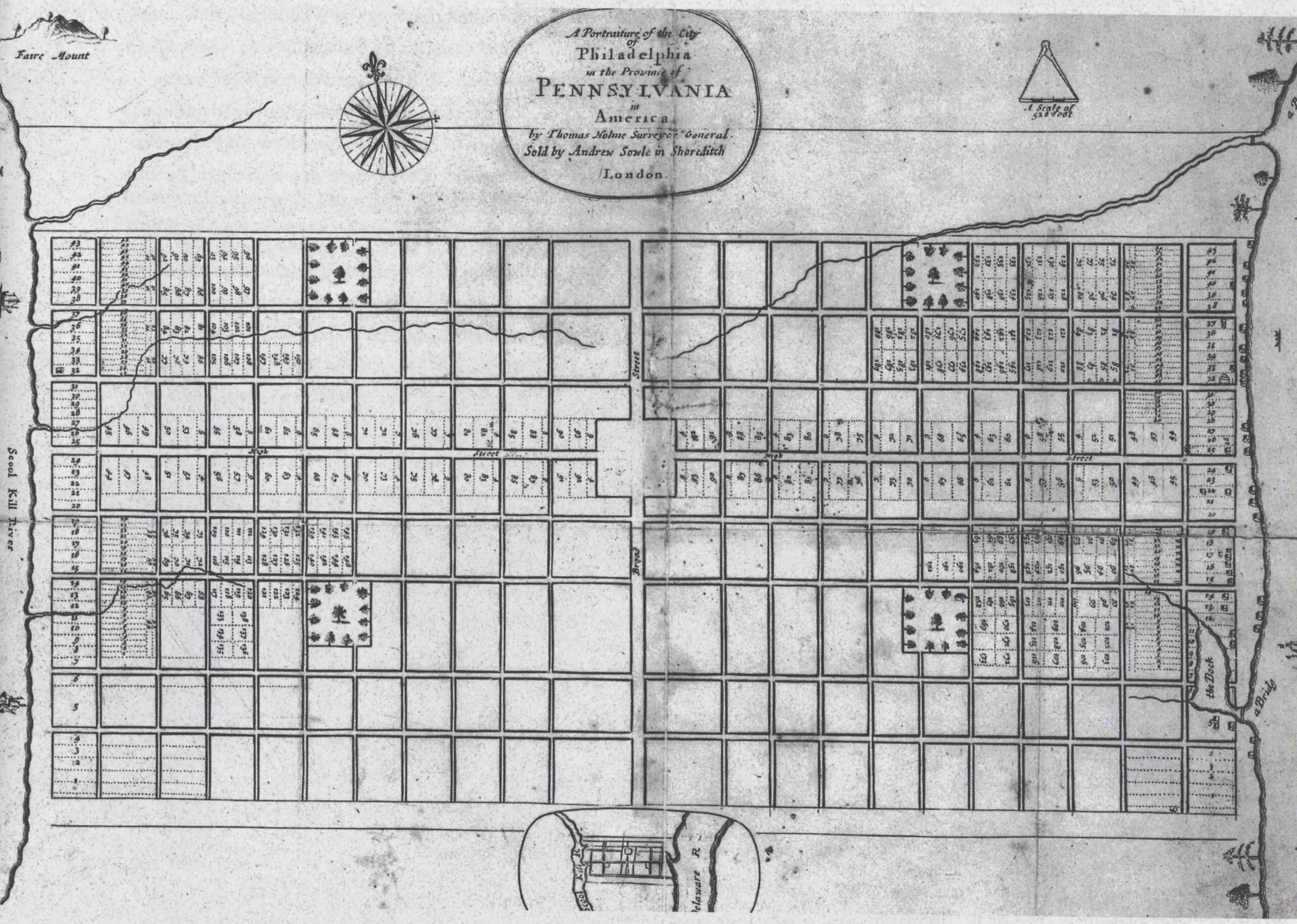
DANIEL BURNHAM

Urban planning and, in many instances, the absence of planning have been instrumental in molding the character of American cities. During the 18th and 19th centuries, cities were subject to the most basic form of planning: the mapping of public streets, blocks and lots, and parks. Since the 1940s, public planning has been on the decline and public officials have often failed to employ this basic planning tool of mapping. As a result, many recent waterfront projects are designed to serve private interests and limit or exclude the public from the water's edge.

The Mapping of Urban America

Surveyors and civil engineers platted official streets and blocks and lots in American cities, thus setting the pattern for future growth. These two-dimensional layouts provided an official distinction between what was to be public — the streets, town squares, government buildings and parks — and what was to be private — the blocks and lots to be developed by private owners. The form and character of American cities during the phenomenal urban growth of the 18th and 19th centuries emanated from these official municipal maps.

Philadelphia, Savannah and Washington, D.C. provide three of the most distinguished early examples of municipal plans. In 1681,



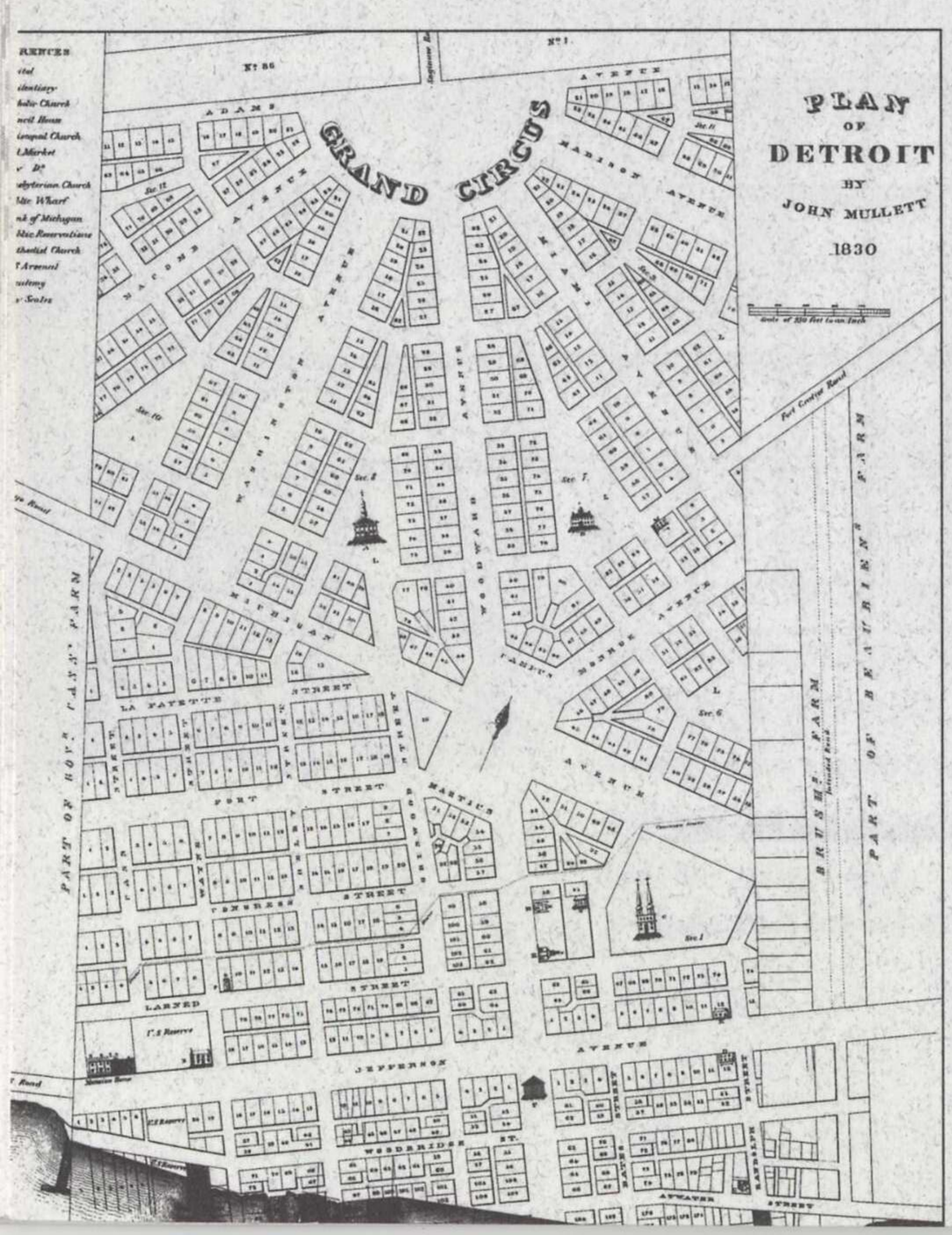
The Plan for Philadelphia, Pennsylvania, 1681. For the City of Philadelphia, William Penn established this plan, a rectangular grid encompassing five public squares.

(Credit: I. N. Phelps Stokes Collection, Miriam and Ira D. Wallach Division of Art, Prints and Photographs, The New York Public Library, Astor, Lenox and Tilden Foundations.)

Philadelphia adopted William Penn's rectangular street grid encompassing five public squares. James Oglethorpe's plan for Savannah in 1733 began with six small wards each surrounding a public square. For more than 100 years as Savannah grew, the city remained faithful to this basic planning unit. Pierre L'Efant's 1791 design for Washington, D.C., with its diagonal streets and broad thoroughfares punctuated with monuments, is urban design on an heroic scale and is based on a European model.

Although the design of Washington, D.C. influenced the plans for Buffalo, Detroit, Indianapolis, Madison, Wisconsin and several dozen lesser known cities, for the vast majority the gridiron pattern of Philadelphia and New York City was the model. The uniform rectangular grid became the primary basis for American city form.

In New York City, the Commissioner's Plan of 1811 established this uniform grid pattern for Manhattan, north of Greenwich Village. This grid consisted of twelve major avenues running north and south and 155 cross streets, spaced 200 feet apart. The mapping of these streets, however, was not without incident. Some survey parties of the Plan of 1811 were arrested for trespassing and attacked by irate farmers. Property owners objected to having the new streets run across their land. Despite the complaints, the basic grid pattern held. Property owners eventually came to realize that it afforded them a predictable future and actually increased the value of their land.



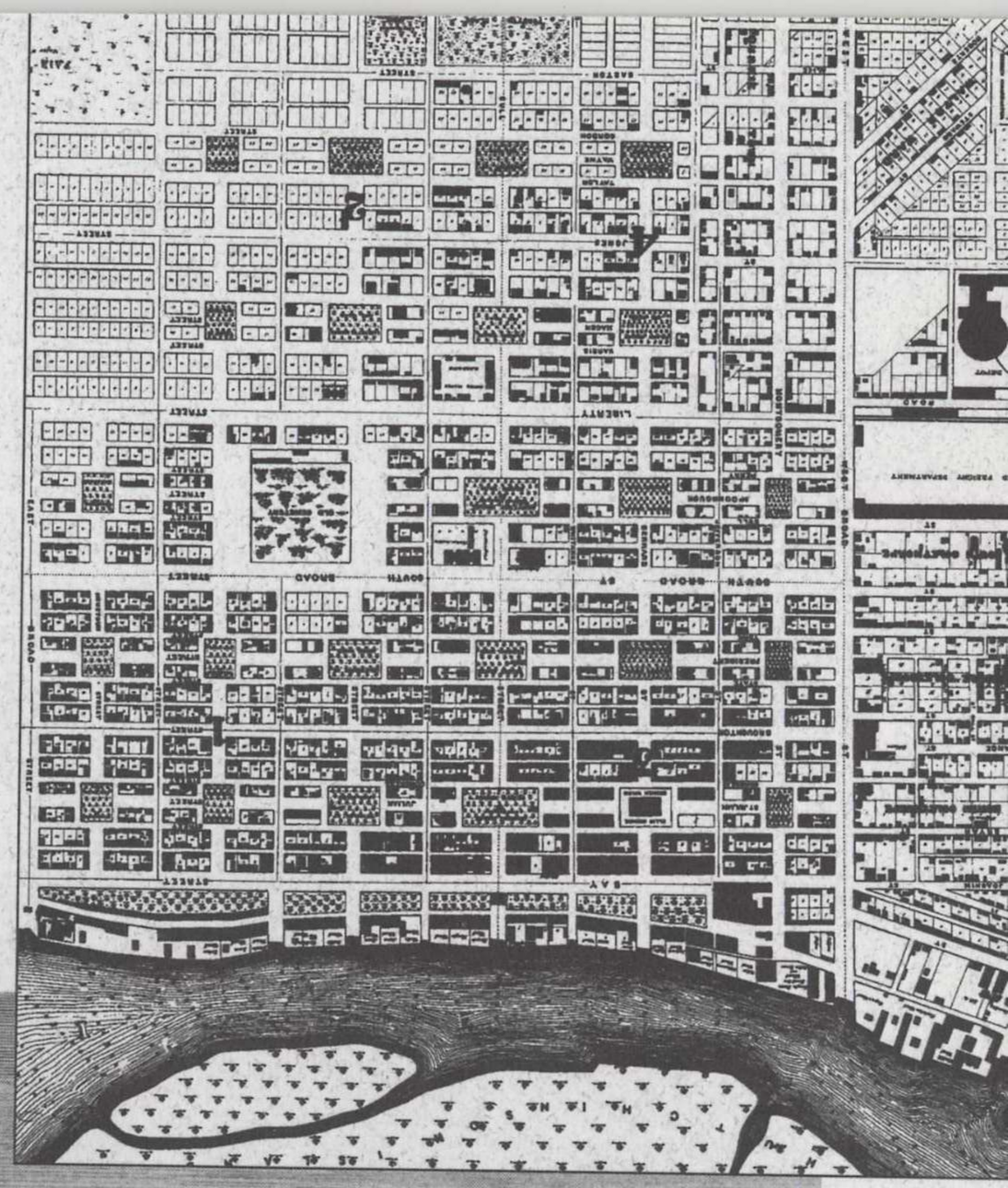
The Plan of Detroit, Michigan, 1830.

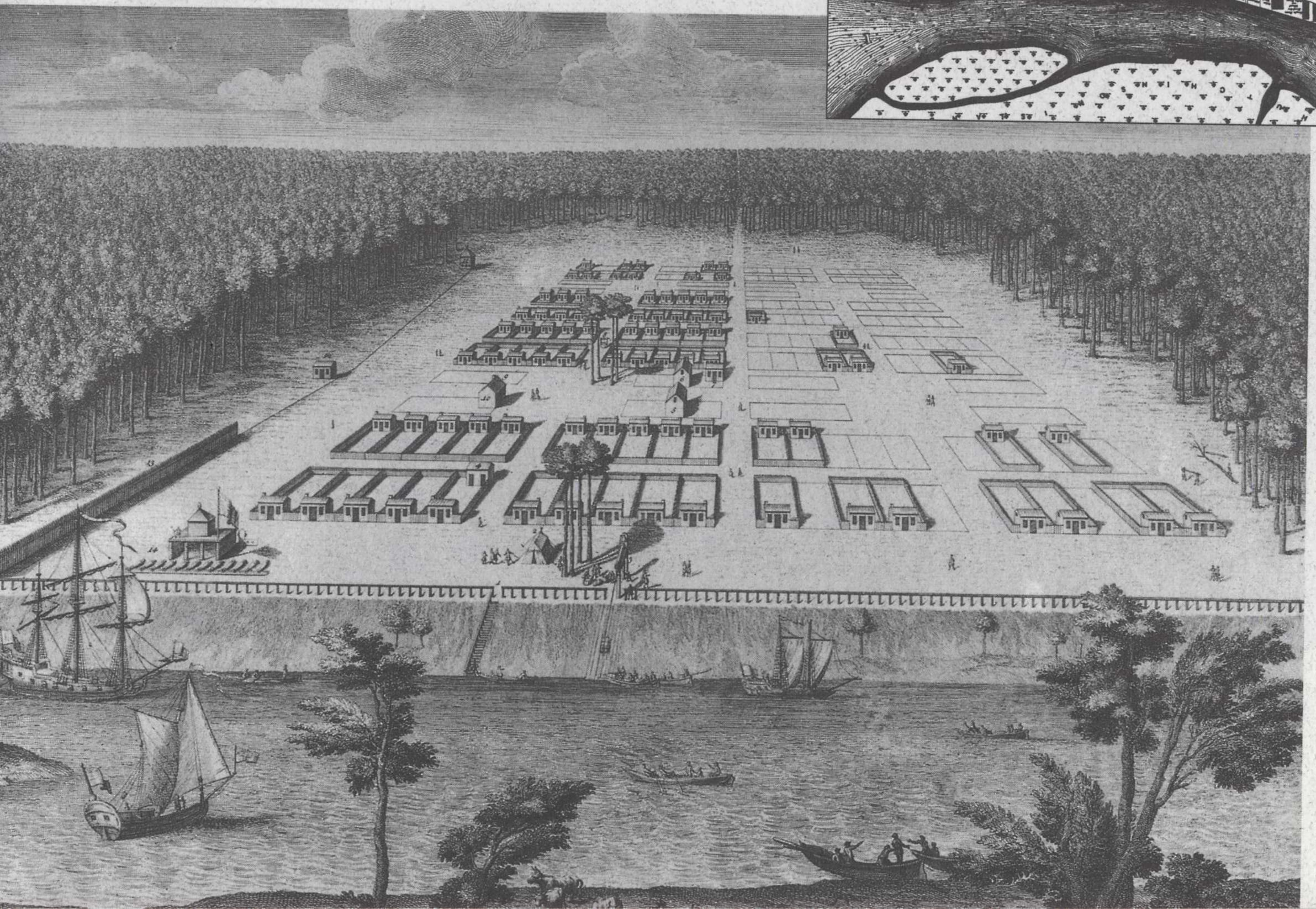
Judge Augustus Woodward developed this plan for Detroit in 1807 using L'Efant's design of Washington, D.C as a model.

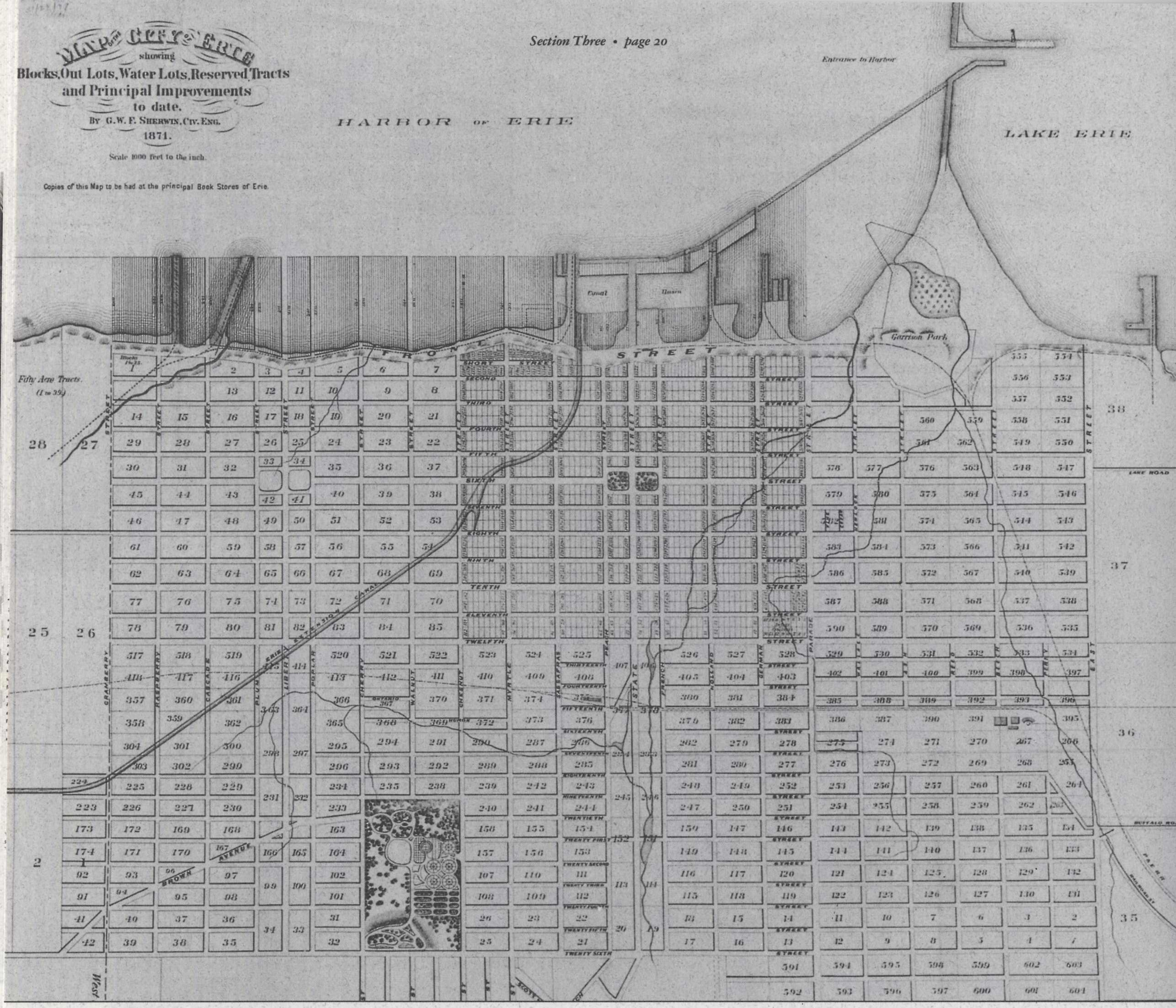
Savannah, Georgia, 1734 (below) and 1853 (at right).

The City of Savannah for more than 120 years stayed true to the original plan created by James Oglethorpe in 1733 of a series of wards each surrounding a public square.

(Credit — Savannah, 1734: I. N. Phelps Stokes Collection, Miriam and Ira D. Wallach Division of Art, Prints and Photographs, The New York Public Library, Astor, Lenox and Tilden Foundations.)







The Official Map of Erie, Pennsylvania, 1836.

In the late 18th century Andrew Ellicott's plan for Erie created a grid with three identical sections to provide for orderly growth.

(Credit: Map Division, The New York Public Library, Astor, Lenox and Tilden Foundations.)

The Birth of Great American Parks and Comprehensive City Planning

In 1854, New York City created another model for the planning of American cities by setting aside 770 acres in the center of Manhattan for Central Park. The design of this park became the first commission for the landscape architectural firm of Frederick Law Olmsted and Calvert Vaux. In 1866, they designed Prospect Park in Brooklyn with three tree-lined "park-ways" (two of which were built) connecting the park to adjoining neighborhoods. Later, Olmsted and Vaux designed interconnected parks for the cities of Boston and Buffalo. And then they began to plan entire new towns such as Riverside, Illinois, where generous parks and green space were integrated into the design. Olmsted and Vaux's work firmly established the notion of parks as being integral to the fabric of a city.

The World's Columbian Exposition of 1893 in Chicago, directed by architect Daniel Burnham, gave thrust to the City Beautiful Movement and modern city planning. Burnham went on in 1909 to co-author *The Plan of Chicago*, a blueprint to transform Chicago from an overgrown trading post into a "city beautiful." Some have called this plan, adopted by the City of Chicago shortly after it was written, the first great comprehensive plan in the United States. One of the outstanding legacies of Burnham's plan, indeed its centerpiece, is Chicago's public lakefront.

By the turn of the century, the major influences on planning strategies for American cities were Olmsted's comprehensive park designs, Burnham and the City Beautiful Movement, the development of planned suburbs and an update of L'Efant's plan for Washington, D.C. by a group of noted architects. The profession of city planning had been elevated to a new level of importance.

It is not as important, however, to remember the grand designs of the earlier eras as it is important to remember that most of American cities were planned and designed. The simplest but most critical elements of those designs — the plats and maps — were established from the onset. Unfortunately, the decline of public planning over the past 50 years has caused many government policy makers to forget this basic planning tool of creating an official municipal plan or map.

Privatizing the Planning Process

After the Second World War, many Americans left the city for the suburbs. For much of this suburban development, municipal land-planning functions have been performed privately. Large suburban projects with newly mapped streets and building parcels on large tracts of land were almost always initiated by private developers. William Levitt began creating whole communities with his three Levittowns. In the current era, developers provided not only infrastructure, homes, offices and shopping, but schools, libraries and recreational areas, as well. All of the construction was done at little or no cost to a local municipality.

Planned unit developments (PUDs) have, in effect, institutionalized the practice of privatizing the planning process. Incorporated into local zoning ordinances, PUDs give developers the extraordinary latitude to come forward with their own proposals for lot layouts and street patterns on any large parcel of land.

Two other events added to the decline of public planning and the increase in government reliance on private initiative. The first was the design and construction of the Seagram Building completed in 1958 on Park Avenue in New York City. The second event was the Rouse Company's development at the Harborfront in Baltimore, Maryland. Both projects had considerable influence on future waterfront policy.

Highly regarded by architects as a prototypical modern office tower, the Seagram Building introduced a feature that fundamentally changed New York City's open space policy. The front of this building was set well back from the property line. In the space between the street and the entrance, the architect created an elegant "public" plaza. This arrangement — a private developer creating public open space — underpinned a revision of New York City's Zoning Resolution three years later. The new ordinance offered developers the bonus of bigger buildings in return for providing accessible open space.

These incentive zoning regulations in New York City have been in use for the past 35 years. However, many projects built under these regulations illustrate the problems inherent in trying to create "public" space on private land. On some sites, for example, owners later removed benches and erected barriers to deter the public from using the space. I.B.M. has been credited with creating one of the greatest of these "public" plazas at its headquarters on Madison Avenue in Manhattan. But after being sold to a new owner, this midtown oasis is now being converted into a sculpture garden. A food kiosk, most of the tables and chairs, as well as half of the magnificent stand of bamboo greenery have been removed, making it a far less amenable space to the casual visitor. The history of the I.B.M. plaza also illustrates the City of New York's limited ability to enforce deals negotiated many years ago, often with previous owners.



The Seagram Building, New York City.

This prototypical modern office building, constructed in 1958, included a spacious plaza accessible to the public. The project advanced the notion that private developers could provide public open space.

Harborfront, the "festival marketplace" in Baltimore, has also affected how we view the waterfront. In Baltimore, as was the case in many American cities by the end of the 1960s the inner city waterfront had decayed. The municipal government had limited funds and lacked the wherewithal to attack the problem of redeveloping its waterfront. The time was ripe for someone with a seemingly better idea to take the lead.



South Street Seaport, New York City.

Developed by the Rouse Company, this highly acclaimed "festival marketplace" has also been part of the trend of private interests overtaking public planning functions. As a result, the commercial interests dominate and the water's edge is not clearly a public space.

The City of Baltimore ceded considerable planning authority to a private developer, the Rouse Company. Built and maintained with private funds, the Harborfront's "festival marketplace" brought people back to the city's inner harbor for dining, shopping and recreation. The Rouse organization has successfully used the same formula on several waterfronts since, including South Street Seaport in New York City. This approach — that enlightened private enterprise on its own could redevelop the nations' waterfronts and open them to the public leaving only a passive and limited role on the part of municipalities — has become a model for much of government's thinking since.

Nevertheless, the high acclaim and success of Rouse's waterfront projects have overshadowed a fundamental flaw. In return for taking considerable financial risks, the Rouse Company was given control over property that would otherwise be part of the public domain. Therefore, these waterfront developments were designed to serve the commercial interest of its tenants. Drinking margaritas, eating nachos and shopping at The Gap are the primary basis for being there. Arriving at the water's edge imparts an ambiguous feeling: is it public or is it really private? As in New York City's public/private plazas, the water's edge is not clearly public.

New Jersey's Hudson Waterfront: Private vs. Public

In 1980, New Jersey officials enacted legislation to keep the Hudson River waterfront public. All developers who built on property abutting the river from the Bayonne to George Washington Bridges were required to build and maintain a continuous 30-foot-wide walkway at the river's edge which was open to the public. The New Jersey State Department of Environmental Protection has the power to approve or deny waterfront permits to developers based on their compliance with these regulations.

Numerous projects have been built along the Hudson River over the past 16 years subject to these regulations. Anthony DePalma's article in **Section One** describes the often difficult task of getting to the river's edge. From Port Liberte in Jersey City to the Shelter Bay Club in Edgewater, many private developments are exclusive enclaves, built solely for the benefit of their residents and owners. Fences and gated entrances provide an effective barrier to the public. Other projects provide access to the waterfront but are designed in a way that does not feel public.

At Roc Harbor in North Bergen, a small sign announces: "Notice, Public Walk, Proceed at Your Own Risk." The walkway behind the sign is a nearly impassable weed-strewn tangle. At the Shelter Bay Club, in Edgewater, developers installed an elegant waterfront walkway directly adjacent to the residents' backyards. When residents subsequently complained of security problems, the walkway was closed to the public by a chain link fence topped with barbed wire. The State of New Jersey ordered this barrier removed over five years ago; nevertheless, it remains today.

Public access has been no less a problem at Riva Pointe in Weehawken, New Jersey, a residential project constructed out into the Hudson River on a pre-existing pier. At the street end of the pier, the front door of the project is a massive gate, behind which is an equally imposing set



Skyline Terrace, Queens, New York.

A perpendicular pathway to the waterfront across private land illustrates the problems of this arrangement. The private owners have failed to properly maintain this area and have fenced off the pier, thus deterring public access. Because it is not a street, it is also not clearly recognized as a public right-of-way.



of stairs leading to a "public" walkway at the second level. The walkway extends between the condominiums the length of the pier to a small open area at the end. The gate and the stairs clearly disguise the public nature of the walkway; consequently, it is seldom used by the public. Those seeking to use this section of the walkway have complained that the gates are sometimes locked and that security guards have questioned their right to gain entry. Residents at Riva Pointe have also stressed the need to control public access to protect their security. To resolve this conflict, the developers of Riva Pointe have recently agreed to construct a 1,000-foot walkway along the pier's south side, which would lead to the park planned for the end of the pier.

Other Waterfronts, Other Failures

The urge to privatize is not confined to New Jersey's Hudson River waterfront. At Skyline Terrace in College Point, Queens, a poorly maintained footpath leading to a small pier at Flushing Bay is unrecognizable as a public space. The railing at the perimeter of the pier has collapsed. Instead of repairing it, the property owners have chosen to fence off the pier. In California, all beaches are public, yet many communities abutting the beach make every effort to exclude the public. In Malibu expensive homes line up shoulder to shoulder along the Pacific Coast Highway like Roman legionnaires. Long unbroken stretches of buildings, walls and fences minimize public access to the ocean. The public cannot get to and from the beach easily, and each home owner lives with the unsettling knowledge that every person who reaches the beach can also see, and occasionally wander up into these exclusive backyards. In Southhampton, Long Island owners of beachfront properties have ignited tempers by banning parking along the access roads to the shores, effectively blocking people's access to the beach.

In 1993, the City of New York passed extensive revisions to its own zoning ordinance that were conceptually similar to the earlier New Jersey regulations. New York City has some 578 miles of waterfront, and in designated waterfront zones throughout the city, developers were now required to provide not only a 25-foot wide walkway at the water's edge, but intermittent access through their property to the walkway. The City would oversee the process through its power to issue permits and each proposal would be negotiated with New York City's Department of City Planning. No significant projects have yet been built under these regulations, but New Jersey's experience foreshadows the conflicts that will inevitably arise about public access to the waterfront.

Conclusion

Mapping the official streets, blocks and lots, public squares and parks became the first act of planning by many municipalities. Official maps established order in the growth of cities and a clear distinction between the public and private domains. By the turn of the century, park design became integral to many municipal plans, leaving an extraordinary legacy for New York City, Boston, Chicago and many other American cities. But the decline of municipal planning over the past 50 years has caused the delineation of public from private areas to break down at many new developments. As private developers have taken the initiative, municipalities have abdicated their planning authority and thus failed to protect the public's right to the water's edge. Government's recent attempt to negotiate or regulate "public" space on private property has failed to achieve significant, long-term benefits to the public. The lack of continuity and access at much of the New Jersey Hudson River Waterfront Walkway demonstrates the difficulty of implementing a public waterfront through a set of regulations and the importance of urban planning in guaranteeing permanent public spaces.



Deal, New Jersey.

A parking ban on streets leading to the shore is used to inhibit public access to the beaches that run along the backyards of beachfront property owners.

URBAN DESIGN PRINCIPLES

The street. It is the river of life of the city, the place where we come together, the pathway to the center. It is the primary place.

WILLIAM H. WHYTE,
CITY: REDISCOVERING THE CENTER

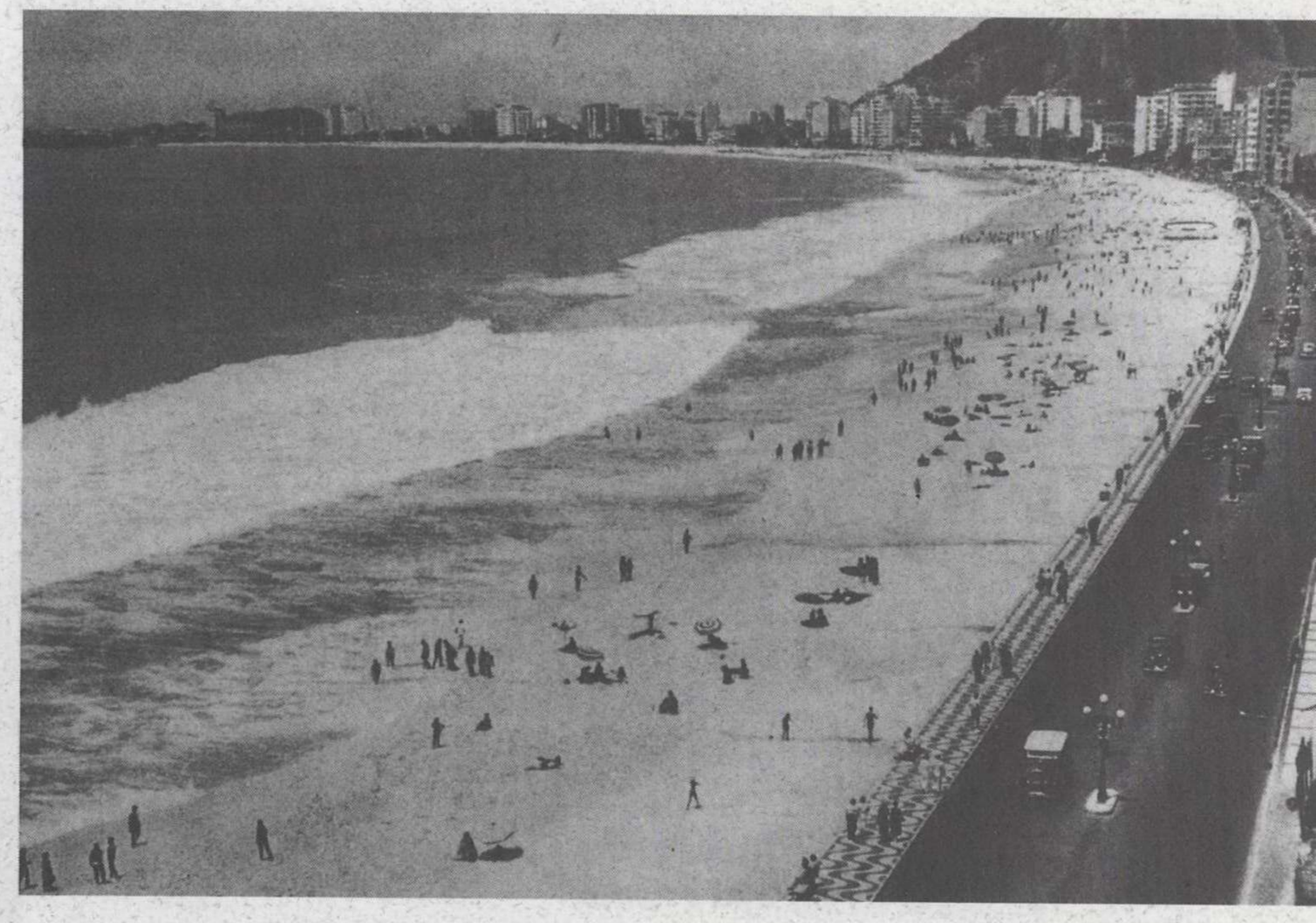
As waterfront industries abandon cities across the country, vast stretches of land become available for redevelopment. Former maritime and manufacturing sites are being recycled for housing, commercial use and recreation. To shape this new development so that it benefits the entire community, municipalities must adopt a plan. This plan needs to be based on an understanding of some fundamental urban design principles and most especially on several principles that ensure a waterfront that is clearly public.

On the Waterfront: Does It Feel Public?

The single salient feature of a successful public waterfront is that people believe it is public. This may seem like an obvious statement, but its meaning goes to the heart of the issue. On a waterfront that is undeniably public, a person can fish, stroll, swim, sunbathe, read, nap or simply be there. No one would question these activities, whether on the lakefront in Chicago, on a small strip of beach along the Chesapeake Bay in Oxford, Maryland, at the Copacabana in Rio de Janiero or along Ocean Drive in the Art Deco District of Miami Beach. These are all successful waterfronts. People of every walk of life, whether rich or poor, young or old, feel secure in their right to visit these waterfronts. People enjoy this space as their own. These waterfronts are unquestionably public.

Successful waterfronts:
Chicago Lakefront (below);
Copacabana Beach, Rio de Janiero (right);
and Art Deco District, Miami Beach (below right).

The key to their success is a simple, common feature: a public street that clearly delineates the public waterfront from the private development facing that street.







Visitors to Harborfront complex in Baltimore or South Street Seaport in Manhattan experience a different feeling. Even though there are often benches and other seating areas near the water's edge at each location, one feels the need to shop, dine or otherwise financially support the commercial enterprises in the developments. There is no clear separation between what is public and what is private. As a result, even though the water's edge may be legally designated as public open space, a person's ability to enjoy and utilize this space is limited. It may be public but not clearly so.

Drawing the Line Between Public and Private

The common feature of the successful waterfronts like Chicago, Rio de Janiero and Miami Beach is a clear delineation between the public and private areas. In each case, a public street running parallel to the shoreline separates the public areas on one side from private uses on the other. The buildings form a wall along the street, making it clear that private development can go no further. By crossing the street toward the water, one has unmistakably entered the public realm.

Abrupt changes in topography can also delineate a boundary, as is the case with the Brooklyn Heights Esplanade in New York City. This public space is one half-level above the adjoining backyards and separated from them by a fence and



planting. Most waterfronts, however, do not have dramatic changes in topography to provide a clear separation between the public and private spheres.



Hoboken, New Jersey: Front Door/Back Door (left and above).

The front door is our public face and where we meet the public. In contrast, the back door is our private domain, not a place where we welcome strangers.

Front Door vs. Back Door

Just as front doors typically face the street and the public in America, the back doors open onto a different realm. The front door is where one meets the postman, puts the decorations and watches the passing parade. It is where someone meets guests and strangers. By contrast, back doors face a private domain. The backyard is where families hold barbecues, build swimming pools and store things they do not want the public to see. It is not a place where someone welcomes strangers.

Unlike the successful waterfront projects previously cited, all those in New Jersey that have failed have had their back doors facing the waterfront. Without a street between a new development and the river, each developer has oriented his project so that a tenant's or owner's backyard faces the water. Where a public walkway has been constructed, an inherent conflict exists. Private backyards are thus built adjacent to the walkway, and residents of these buildings understandably do not want strangers in or even near their backyards.



Shelter Bay Club Edgewater, New Jersey.

The backyards of these homes abut the Hudson River Waterfront Walkway. There is no clear demarcation between the public and private spaces. Thus, an inherent conflict between the public and private interests arises.



Roc Harbor, North Bergen, New Jersey.
This walled entrance and guard house mark the end of the public right-of-way. They effectively bar the public from gaining access to the river's edge.

A public street along the waterfront ensures that the private buildings have their front doors facing this street as well as the public waterfront beyond. Front doors create activity on the street, and also lend security to the public waterfront they face. This arrangement also ensures that the backyards of these buildings are private and secure because they face away from the public areas.

The Function of Streets

Urban streets serve as the principle place of public contact and public passage. Streets, in fact, comprise the largest assemblage of public space in each and every city. Every private lot is accessible from a street, the legally designated public right-of-way. When extended to the water's edge, streets provide the very framework for public access to the waterfront. Streets are perceived as public. People's right to travel the street is indelibly etched in their consciousness.

Many waterfronts that are making the transition from industrial uses to new residential and commercial development involve large tracts lacking a street system. Extending the existing streets from adjoining neighborhoods into these waterfront tracts not only ensures full public access but also provides a framework for new development. New blocks clearly define the boundaries of private development and public spaces in the same way that official maps did when they were first adopted by municipalities.

When cities fail to extend their public streets to the waterfront, developers typically have claimed all of the land for their own use, often establishing the private enclaves described earlier. In the worst examples, fences and gates mark the end of the public right-of-way, leading instead to the private entrance of an exclusive community.

The extension of a traditional street grid to the waterfront serves several additional, important purposes. Streets running perpendicular to the water create uninterrupted views, drawing people to the water's edge. Extending the streets can also result in blocks similar in size to those in adjoining neighborhoods. Creating these blocks is also the first step in extending the existing character of a community to its waterfront.

Recent planning efforts have sought to devise alternatives to public streets to the waterfront. Perpendicular pathways across private properties are permitted in the 1993 New York City waterfront zoning. In the past, attempts to use these have failed for two reasons. First, they are not perceived as public rights-of-way, as streets would be. Secondly, the private owners often fail to maintain such pathways in order to discourage the public from encroaching on their private domain, as in the cases of Roc Harbor in North Bergen, New Jersey and Skyline Terrace in College Point, Queens.

Streetscapes: Dead or Alive?

Many of the tenets of sound urban design and planning, of course, apply at the waterfront. In *The Death and Life of Great American Cities*, Jane Jacobs relates the important lessons taught by her Greenwich Village neighborhood. She noted that a diversity of uses and tightly spaced stoops, shops and windows hugging the street create a lively, visually interesting community. The eyes on the street, provided by the mother leaning out of the window, a shopkeeper sweeping the sidewalk and old men sitting on the stoop make for a safer neighborhood.

Blank walls, with few or no front doors or windows, deaden the streetscape. Eliminating on-street parking and even traffic and setting buildings too far back from the street line further detract from the life and vitality of urban streets. Ground floor parking, comprising the entire base of residential or commercial structures, more common today in many of our crowded, car-filled urban settings, clearly kills a street. To encourage a lively, diverse waterfront, ground-floor retail, sidewalk cafes and a multitude of front doors, stoops and windows should be encouraged up to the building line on the "private" side of the street. Likewise, on-street parking should be encouraged.



River Street, Hoboken, New Jersey. Blank walls "deaden the streetscape." The lack of front doors and windows, ground floor retail, etc. make for an unsafe street devoid of activity.



Washington Street, Hoboken, New Jersey.

A diversity of retail uses at the ground floor level and residential units above make for a lively street and a visually interesting community.

To ensure a pedestrian-friendly waterfront, major roadways, rail lines, large parking facilities and over-scale commercial centers should be avoided or at the very least, be kept a safe distance away. A narrow urban street at the water's edge slows down traffic and encourages people to enjoy the waterfront on foot. Although it may appear counter-intuitive, more streets, rather than fewer, help to create a more pedestrian-friendly setting. Greenwich Village in New York City, for example,

has more streets than other parts of Manhattan, yet it is one of the neighborhoods most accommodating to foot traffic. Fewer streets, on the other hand, tend to encourage wider avenues that can accommodate more traffic and result in larger blocks, often superblocks.

Contextual Development

The relationship of buildings to the street, adjacent buildings and the surrounding neighborhoods is an important consideration for a new development. A new plan and its zoning must consider the context of the existing community within which it is being built. High-density waterfront development adjacent to a modestly-scaled neighborhood tends to wall off the waterfront from the existing community. The building types and materials and architectural forms should also be considered. Rather than creating a modern glass and steel construction at the waterfront adjacent to a neighborhood filled with brick buildings, the materials of these existing structures can be required as part of the design guidelines for a new development. Similarly, new waterfront uses should reflect its neighborhood context where appropriate.

Conclusion

A municipal waterfront plan, to be successful, must follow sound principles. To ensure a truly public waterfront, there must be a clear separation between the public and private areas. A public street to and along the waterfront best serves this purpose. An extended public street system to the waterfront provides the framework for full public access. New blocks and lots within this street grid provide a clear set of boundaries for private development. To ensure a lively, safe and active waterfront, many front doors and windows and ground-floor retail establishments should face the waterfront. Back doors, blank walls and large parking garages should be elsewhere.

Master Plans, Official Maps And Paper Streets

The only legitimacy of the street is as public space. Without it, there is no city.

SPIRO KOSTOF,
THE CITY ASSEMBLED

Vision for the waterfront begins with a plan. William Penn, Daniel Burnham and Frederick Law Olmsted left a great legacy for the cities they helped plan. But a plan need not be elaborate to be successful. The key to success is for a city to take the initiative and adopt a proactive planning strategy. City governments have planning powers that can ensure the public's right to enjoy and use its waterfront. However, many opportunities have been lost as private developers took initiative on land where local officials had failed to establish a plan. Private developers, no matter how enlightened, will not plan on the public's behalf. It is a municipality's responsibility and obligation to promote the public interest through planning.

Mapping and Platting

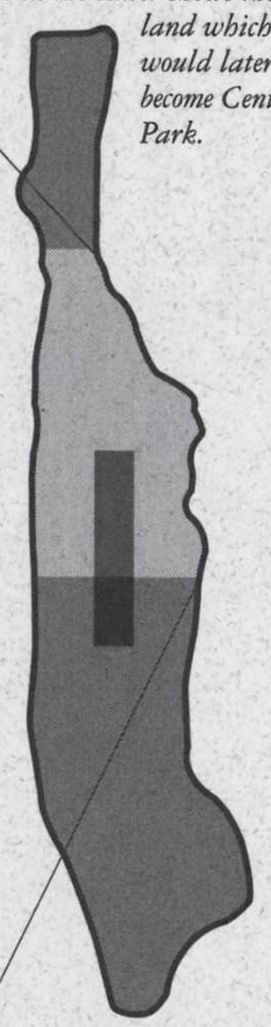
The first step in the planning process is to map and plat. This act determines what is public and where private development can take place. Cities and towns have always had the right to map and plat any and all land within their own boundaries. New York City's Plan of 1811 established Manhattan's grid over a hundred years before the last parcels were developed at the northern end of the island.

Detail of the Commissioner's Plan of 1811 for Manhattan.

This plan, consisting of a uniform rectangular street grid, was laid out over a hundred years before the last parcels were developed at the northern end of the island.

(Credit: Eno Collection, Miriam and Ira D. Wallach Division of Art, Prints and Photographs, The New York Public Library, Astor, Lenox and Tilden Foundations.)

The island of Manhattan in its entirety. The light area indicates the portion of Manhattan depicted in the map at the left and the dark rectangle in the center shows the land which would later become Central Park.



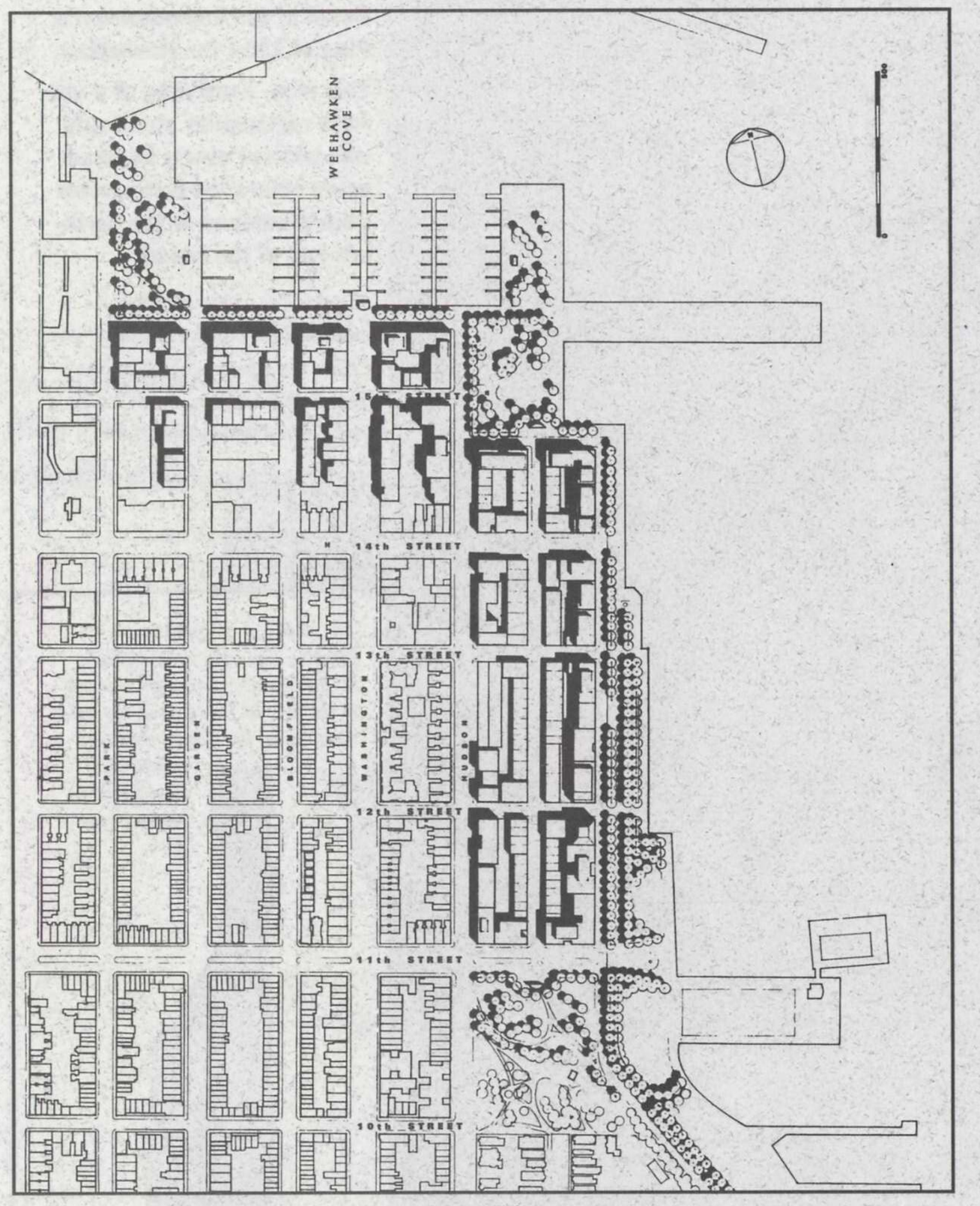


Figure 1: From the Plan for the Hoboken Waterfront, Detail at North End of Town.

This plan, developed by the Coalition for a Better Waterfront, illustrates how extending the existing street grid to a waterfront park can provide full public access to the river and result in Hoboken-sized blocks.

In New Jersey, the right to map and plat is codified in the state's Municipal Land Use Law, which gives the planning board and governing body of each municipality the right to create a master plan and to promulgate and amend an official map. Municipalities in New York State are also specifically empowered to plat their land into building parcels.

In each state, a municipality's official map has particular bearing upon its waterfront because it locates streets and public parks. Thus, even in the absence of a master plan calling out different uses and densities, a map can be used to delineate streets leading to the waterfront, and more importantly, a street along the waterfront to create the boundary between the public and private areas. In many municipalities these new streets will logically be extensions of an existing street grid. The Plan for the Hoboken Waterfront developed by the Coalition for a Better Waterfront provides a clear example of how this can be done. (See Figure 1.)

Mapped streets need not be immediately constructed. They may for many years be only dotted lines on an official map—what planners call "paper streets." The streets become real only as the property abutting them becomes developed. Yet in the interim these lines remain powerful tools for shaping a developer's thinking. A grid of paper streets in a waterfront zone already slated for redevelopment will, by its very nature, define the scale and character of any redevelopment that takes place there.

Most importantly, paper streets assure people that they will have access to the waterfront at locations consistent with the public interest, rather than the interests of the developer only.

Spring Lake, New Jersey.
A modest strip of grass and trees fronts the lake within a neighborhood of single family homes, thus providing an important community resource.



Waterfront Costs

Waterfront infrastructure costs are traditionally a negotiated expense between a municipality and a developer. Each waterfront presents different issues. An extreme example is Battery Park City in lower Manhattan. The State of New York invested hundreds of millions of dollars to create usable land by filling in sections of the Hudson River. The state's spending on landfill, sea walls, streets, sewer systems and parks was justified simply because the economic return on this new land could repay the initial investment.

By contrast, in many smaller municipalities there may be little capital cost required to redevelop a waterfront site. Particularly in those communities with large tracts of existing industrial land, many utilities and a rudimentary street system are usually already in place. The developer, as a condition of project approval, will be expected to build any additional streets and parks. In New Jersey along the Hudson River, a developer will, of course, also be required to build and maintain a public walkway as mandated by state regulations.

Some Modest Plans

In more residential communities seeking to create a public waterfront, there may be little existing infrastructure, but at the same time public access may mean nothing more than asphalt lanes and a path along the water. In Spring Lake, New Jersey, a modest strip of grass and trees fronts the lake within a neighborhood of single family homes, thus providing an important community resource.

Along these older waterfronts and in smaller residential communities, mapping is a critically important tool. Characteristically these waterfronts have many individual owners and are developed or redeveloped only over extended periods of time, sometimes even decades. A road or path along the water, with a strip of land reserved on one side for the public, may be the only organizing feature binding together a series of disparate projects by different owners and developers. In advance of any further development, paper streets drawn on an official map can ensure that design problems don't arise in the future.

The relatively modest costs of mapping also make it attractive because the expense is limited only to the fees of the planner and/or civil engineer laying out the paper streets and the cost of submitting these plans for approval before the town's governing body.

The Zoning Ordinance and Master Plan

Once new blocks are established by an official map, the issues of building scale, density and character can be addressed by amending the zoning ordinance. Building heights and densities should reflect the desired character of the community. Appropriate building heights, lot coverage and open space requirements allow for air and light. To encourage a variety of activities at various times of the day, the zoning should permit and encourage a variety of uses. A mix of residential, retail and commercial buildings, appropriately scaled, encourages a lively streetscape. Creating zoning that can permit "as-of-right" development eliminates the need for a city to negotiate with the developer over each proposal and eliminates what can be a lengthy and costly approval process for the builder. The city's vision for its waterfront should also be clearly stated in its master plan, thus reinforcing yet again its mandate for a continuous public waterfront.

Conclusion

After a municipality adopts an official map with the streets, blocks and lots and a public waterfront precisely drawn, everyone will benefit. Private developers have clearly defined boundaries for their buildings and avoid potential conflicts with the community and municipality over what is public and what is private. The value of all land in the community and especially the private land facing the public waterfront will be greatly enhanced. And most importantly, the community has a permanent public asset, a waterfront park, that can be enjoyed for generations to come.



North of Morris Canal, Jersey City, New Jersey.

A Note On The Coalition For A Better Waterfront

The land is dearer for the sea,
The ocean for the shore.

LUCY LARCOM,
ON THE BEACH

We are a New Jersey citizens organization whose goal is to ensure that Hudson River municipalities recognize and protect our right to enjoy the waterfront. Since 1990, we have been working to direct the course of development along the Hudson River to provide development opportunities and public amenities that complement and improve the quality of life in our cities. Along the way, we have had to fight what we believed to be inappropriate development plans. Several of these battles have been waged in Hoboken. Our conviction that these were the wrong plans for Hoboken was confirmed in two public referendums.

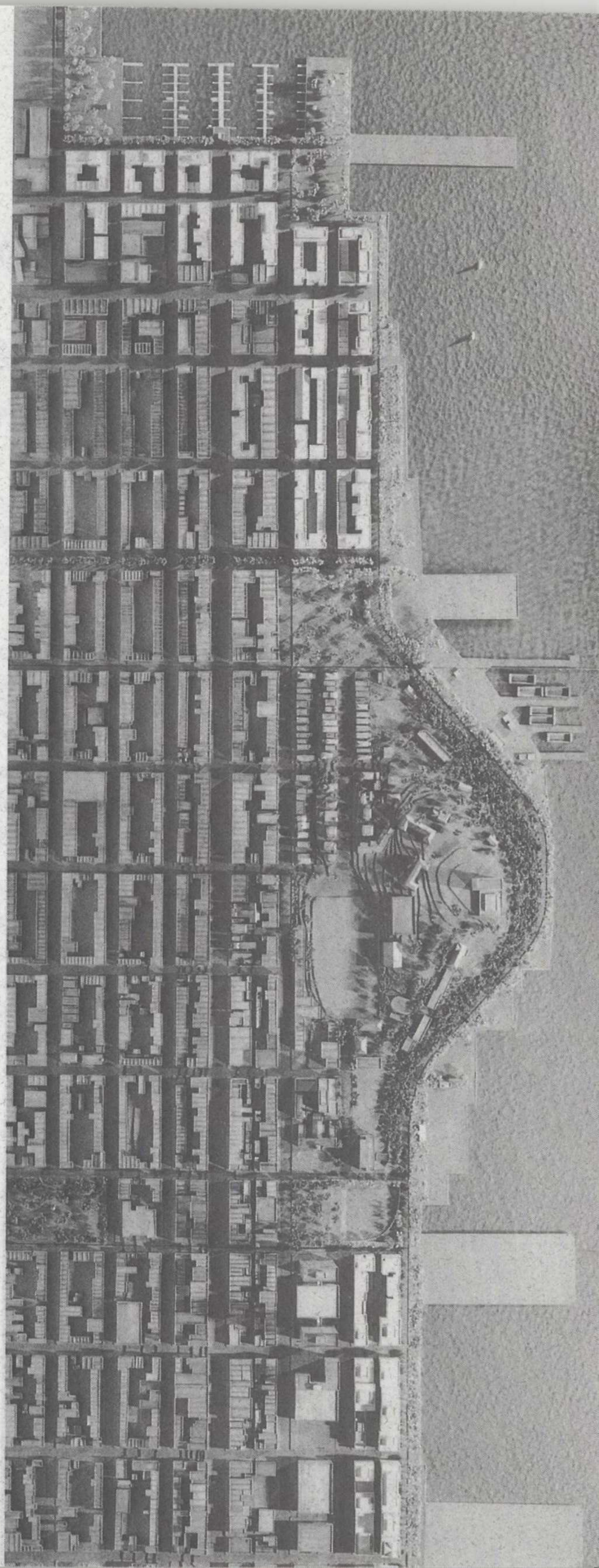
After the first referendum, we created a non-profit organization, the Fund for a Better Waterfront (FBW). FBW has secured funding from the Fund for New Jersey, the Schumann Fund for New Jersey, the Geraldine R. Dodge Foundation, the Hudson River Improvement Fund and the Environmental Endowment for New Jersey to assist in this advocacy work. FBW hired a professional planner to work with our volunteers to create a plan for the Hoboken waterfront, advocating a continuous, linear public park along the Hudson River. Later, this group published A Plan for the Hoboken Waterfront, mounted an exhibit at the Urban Center in New York City and, along with the Hudson River Waterfront Conservancy, sponsored a conference entitled, "Building a Public Walkway: Step by Step."

Since the last referendum in 1992, we have worked closely with the City of Hoboken, through the mayoral-appointed Hoboken Waterfront Corporation, to create a new plan for the waterfront. In March 1995, the Hoboken City Council adopted a new redevelopment plan for the city-owned southern waterfront which embraces nearly all of the principles that we have advocated. The most significant principle embodied in this plan is a truly public waterfront at the river's edge.

Our work is far from over. Many new developments are being proposed and built along the Hudson River and elsewhere. Too often, municipalities have failed to adopt plans that protect the public's interest. We will persist in our goal of a public waterfront.

Our purpose in producing this book is to communicate what we have learned to other towns and cities and to encourage public officials to use their powers to legislate plans that embody intelligent waterfront planning principles.

The Fund and the Coalition for a Better Waterfront can be contacted at P.O. Box 1965, Hoboken, New Jersey 07030, (201) 217-0500.



Model for the Hoboken Waterfront by the Coalition for a Better Waterfront.

This proposed plan features a continuous, linear public park at the Hudson River's edge for the entire length of Hoboken's waterfront and private upland development that reflects Hoboken's scale and character.

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