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TOWNSHIP OF BERKELEY
PLANNING BOARD

IN THE MATTER OF:

SOUTH SEASIDE PARK HOMEOWNERS
AND VOTERS ASSOCIATION
DE-ANNEXATION PETITION HEARING

627 Pinewald Keswick Road
Bayville, New Jersey
Thursday, February 7, 2019
6:23 to 8:06 p.m.

B E F O R E :

- Robert Winward, Chair
- Brian Gingrich, Member
- Frederick Bell, Member
- Nick Mackres, Member
- Jack Wiegartner, Member
- Domenick Lorelli, Member
- John A. Bacchione, Councilman

Darlene Sillitoe, Certified Court Reporter

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11 BY: JOSEPH MICHELINI, ESQ.
12 Attorneys for the Petitioners

13 ALSO PRESENT:

14 Kelly Hugg, Secretary
15 James M. Oris, Board Engineer
16 Stuart B. Wiser, Board Planner
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1 I N D E X :

2	NAME OF WITNESS:	PAGE
3	BARBARA WOOLEY-DILLON	
	By Mr. Michelini	8, 93
4	By Mr. Oris	13, 74
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5	By Mr. McGuckin	31, 65, 72

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1 CHAIR WINWARD: Good evening. Welcome
2 to the Berkeley Township Planning Board regular
3 meeting agenda February 7, 2019.

4 Kelly, could you please do a roll call
5 and declaration of quorum?

6 MS. HUGG: Sure.

7 Mr. Mackres?

8 MR. MACKRES: Present.

9 MS. HUGG: Mr. Gingrich?

10 MR. GINGRICH: Here.

11 MS. HUGG: Mr. Lorelli?

12 MR. LORELLI: Here.

13 MS. HUGG: Councilman Bacchione?

14 MR. BACCHIONE: Here.

15 MS. HUGG: Mr. Wiegartner?

16 MR. WIEGARTNER: Here.

17 MS. HUGG: Mr. Bell?

18 MR. BELL: Here.

19 MS. HUGG: Councilman Winward? Oh,
20 sorry about that.

21 Chairman Winward?

22 CHAIR WINWARD: I'm here. Whatever
23 title I am.

24 MS. HUGG: Sorry.

25 CHAIR WINWARD: Okay. So we have a

1 quorum?

2 MS. HUGG: Yes. We have a quorum.

3 CHAIR WINWARD: At this time, we'll have
4 a salute to the flag and take a moment of
5 silence for our troops overseas and that serve
6 us.

7 (The Pledge of Allegiance was recited
8 and a moment of silence held.)

9 CHAIR WINWARD: Okay. This meeting was
10 advertised in the "Asbury Park Press" and
11 posted in the clerk's office on the bulletin
12 board as required by the Open Public Meeting
13 Act.

14 Please be advised that there is no
15 smoking in this building in accordance with New
16 Jersey legislation.

17 (Other matters were heard.)

18 CHAIR WINWARD: Okay. The only
19 application we have tonight is the South
20 Seaside Park Homeowners and Voters Association
21 deannexation petition hearing.

22 We do have a slight issue here that our
23 planner isn't here yet. So that's why I was
24 kind of reading things a little bit slow.

25 MR. MICHELINI: What would you like to

1 do, Mr. Chairman?

2 CHAIR WINWARD: I'm not sure. Because
3 if she's going to give any testimony, the
4 planner should be here.

5 John, did you have an ETA on him?

6 FROM THE FLOOR: Yes. He should be here
7 literally any minute, and he apologized and
8 said he was a few minutes away when I stepped
9 outside. So I really expect him to be walking
10 in the door.

11 CHAIR WINWARD: Okay. Thank you.

12 MR. MICHELINI: So maybe --

13 CHAIR WINWARD: At least we have this
14 part of the meeting established. That way we
15 can jump in when he gets here.

16 I guess this would be a good time to
17 take a break. Having that Sunshine Act. I
18 mean, gets you every time.

19 (A recess was taken until 6:23 p.m.)

20 CHAIR WINWARD: Okay. Our planner has
21 arrived, as you can see. So Mr. Michelini, you
22 may proceed.

23 MR. MICHELINI: For the record,
24 everything I said about Mr. Oris in his absence
25 was true.

1 BARBARA WOOLEY - DILLON , having been
2 previously sworn, testified as follows:

3
4 EXAMINATION BY MR. MICHELINI:

5 Q. Miss Wooley-Dillon, you've spent a long
6 time laying your credentials out on the record the
7 last time that you were here, and I know that your job
8 has changed. So if you would just summarize for us
9 what those changes are. And where you are currently
10 working?

11 A. Yes. I was appointed as the Director of
12 Planning and Development for the City of Atlantic City
13 on January 22nd, 2019. I am no longer with
14 Mantoloking, and because the Shared Services Agreement
15 was terminated with Lavallette and Seaside Park, I am
16 no longer employed with those prior employees.

17 Q. And you are full time in Atlantic City
18 now?

19 A. Yes.

20 Q. But you are the planner for Atlantic
21 City; correct?

22 A. That is correct.

23 Q. Okay. Any other changes to your
24 credentials or is that it?

25 A. Not yet.

1 (Laughter.)

2 MR. MICHELINI: And I never talk about
3 people in front of them because that would be
4 rude. So I did it while he was out. Just
5 kidding.

6 So Miss Wooley-Dillon was testifying. I
7 had pretty much concluded her testimony. I
8 have just a couple of things that I would like
9 to update, including her credentials because
10 there's been a job change and because there's
11 been such a long period of time between the
12 last meeting and this meeting. I would just
13 like to go back and hit a couple of points.
14 But I will keep it very brief.

15 For the record, Joseph Michelini on
16 behalf of the Petitioners from South Seaside
17 Park South.

18 And, Miss Wooley-Dillon, you are still
19 under oath. I don't know whether hat you want
20 to have her resworn or not.

21 MR. MCGUCKIN: Doesn't need to be.

22 MS. WOOLLEY-DILLON: Thank you.

23 MR. MICHELINI: Okay. If we may, I'll
24 proceed at this time.
25

1 Q. Okay?

2 A. As of next month, there will probably
3 be, but not yet.

4 Q. Okay. And I know that some time has
5 passed and there's some additional things that you
6 wanted to mention to this board that you indicated to
7 me. If you could summarize those additional points
8 that you'd like to make, and then we'll allow your
9 cross to proceed.

10 A. Okay. Very briefly, I just wanted to
11 touch again on the fact that we were talking about
12 senior communities and the senior population. You
13 have an unusual circumstance in that you have a lot of
14 senior communities not only in the mainland but the
15 population of South Seaside Park is also predominantly
16 a senior population.

17 One of the things that we had talked
18 about was the need for recreation for the senior
19 citizen population. At this time it is my
20 understanding that there is no bus service that goes
21 to South Seaside Park from Berkeley Township to
22 retrieve the senior citizens that may want to come
23 back and participate in the mainland. It's also my
24 understanding that as part of prior discussions it was
25 indicated that if there was a request for a bus stop

1 to be located within South Seaside Park, that would be
2 accomplished. It is my understanding that that has
3 not been done. No bus stop has been formally located
4 there or is still occurring there at this point in
5 time.

6 The other thing I would like to -- there
7 are two other things briefly. We were touching on the
8 beach badge cost comparison between South Seaside Park
9 and Seaside Park. Basically, the comparisons there
10 were done. There's an omission of the Island Beach
11 State Park. One of the things -- even though there is
12 a slight difference in the price, it is slightly more
13 expensive to be part of Seaside Park. There are a lot
14 of other things that are factored into this. There
15 are two bay beaches in Seaside Park. There are also
16 two playgrounds, two piers, boat launch. And they
17 clean the beaches multiple times during the week,
18 where I believe it's done possibly twice a week for
19 South Seaside Park. They also have multiple shower
20 facilities. Excuse me. Gazebos and additional
21 parking.

22 The other thing I'd like to remind
23 everybody about is we had the discussion about -- and
24 I know this was discussed prior to my giving
25 testimony -- the cost for arriving at Island Beach

1 State Park. It's still going to be there. It's still
2 going to be part of Berkeley Township. That is not
3 moving. It is charged by the car full at \$10 a car,
4 which is the current pricing for that. If you have
5 five or more people, it's certainly -- \$2 a person,
6 which would be considerably less than the beach badge.
7 Excuse me.

8 There are also other areas in the
9 township between 23rd and 24th Street. They have
10 signage. Apparently, it's my understanding that
11 there's a little bit of an issue with some maintenance
12 over there, cleaning. There is an attempt to clean
13 them from time to time. Even though I'm not a title
14 expert, I would think that if the Township or even
15 South Seaside Park were amenable to wanting additional
16 recreation areas that's something that they could
17 certainly look at, bring in additional beach, et
18 cetera.

19 And then the only other thing I'd like
20 to add has to do with the situation in South Seaside
21 Park. One of the things that was stressed was that
22 there is unique housing in Seaside Park. Based on the
23 reexamination of the Master Plan and the changes in
24 the zoning ordinances that have occurred most
25 recently. Single-family housing is what is permitted.

1 It's what is provided. It's now that mix of housing.
2 It's now becoming less diverse in South Seaside Park,
3 and it's becoming more of a single-family
4 neighborhood. That's the desire. That's what's
5 intended. Excuse me.

6 So I would argue that an offer that a
7 significant amount of the multi-family housing is
8 going to be eliminated by the zoning change and,
9 therefore, it's not going to leave anything that's
10 exceptional, unique or unusual.

11 I would also add that again this is what
12 Seaside Park did. They changed their zoning to mostly
13 single-family dwellings. There are -- very few areas
14 are multi-family or even affordable housing is
15 permitted. We have the strip of commercial that goes
16 down through right along 35 flanked by single
17 family-residential development. That's very
18 consistent with South Seaside Park.

19 Q. Okay. Thank you. And that concludes
20 your additional comments; right? You kept them brief
21 as promised. So as to allow the Board and any other
22 persons to ask cross-examination questions at this
23 time. Thank you.

24 CHAIR WINWARD: You want to start, Jim?

25 MR. ORIS: Thank you, Mr. Chairman. And

1 first I'd like to start off by addressing the
2 board and members of the audience, the
3 professionals and Mr. Michelini. I truly
4 apologize for coming -- late coming to the
5 meeting this evening. I had a scheduling
6 glitch. I was double-booked, and I made it
7 here as quickly as I could. So I greatly,
8 deeply regret having wasted your time, and I
9 can assure you it won't happen again.

10 So with that, I did want to start with a
11 few questions then defer to Mr. Wiser.

12 EXAMINATION BY MR. ORIS:

13 Q. And I'll start with the most recent.

14 So Miss Barbara Woolley-Dillon, you had
15 indicated that the zoning -- I believe you are
16 referring to the Master Plan of intent? The South
17 Seaside Park neighborhood plan?

18 A. That's correct.

19 Q. And the items that were contained in
20 there. With regards to the fact that the intent was
21 that in Seaside Park, they'd like -- the residents
22 contributed to and the town agreed that it would not
23 look to permit multi-family in the area. However, in
24 my understanding of the current uses that are at South
25

1 Seaside Park, you do have -- currently have unique
2 multi-family dwelling units in by way of the fact we
3 have Midway Beach and also Miller's, and other similar
4 unique types of uses. In my view, those uses will
5 continue as existing nonconforming uses so they're
6 not -- it's not as though they're going to change;
7 correct? They're not going to be leaving the area;
8 correct?

9 A. That is correct. There are also, as I
10 stated as part of my other testimony -- there are
11 other condominium units as part of the Pelican Beach.
12 And I believe that changes could be made to the zoning
13 on the mainland to also allow for additional types of
14 dwelling units should that diversity be encouraged.
15 The other thing that's happening is with the town
16 center, they did want additional dwelling units above
17 or mixed use above the commercial.

18 Q. Uh-hum. That's all true. But by way of
19 just clarification, the changes to the Master Plan
20 will not -- will not in any way inhibit the existing
21 multi-family and/or condominium type and/or, for
22 example the -- you know, the Midway Beach development
23 which is somewhat of a -- a condominium with common
24 area and units that are individually owned. That will
25 continue on, in all likelihood.

1 So specifically, my question to you was,
2 in your estimation, you would not anticipate that
3 there would be an immediate or any near future change
4 to those uses because they are existing uses that
5 would remain.

6 A. Actually, I don't know if I would
7 completely concur with that, and I will explain why.

8 When you have an existing nonconforming
9 use, it does have certain valuable property rights.
10 You can continue it. You can maintain it. But once
11 you're hitting 50 percent of what you're putting in
12 towards repairs, it in essence becomes a new use.
13 Existing nonconforming uses on their face they are
14 allowed. However, over time it is anticipated that
15 they would disappear or go away. Should you have,
16 let's say, an incident of a fire, another storm,
17 something happens. In order for those homes that are
18 existing nonconforming multi-family to come back, they
19 would, in fact, require variance relief. They cannot
20 be rebuilt as is. So there's an anticipation that it
21 will become more detached single-family dwellings,
22 more consistent with the Master Plan over time.

23 Q. So I think the Board is familiar with
24 Municipal Land Use Law and as well as the 50 percent
25 rule with regards to the existing nonconforming

1 uses -- and thank you for that update. But the fact
2 is that you look at the Midway Condominium
3 development. It's several individual small units on a
4 large parcel. Each parcel -- so you have a common
5 area and then you have separated fee-simple units. So
6 for that to change would be extremely difficult
7 because of the condominium setup. So that
8 multi-family use would most likely continue?

9 A. And could be replaced in the event of a
10 catastrophic event through a variance. So in my
11 opinion, it would be very unlikely that it would --
12 you would see a significant change in that type of
13 development and the multi-family -- unique
14 multi-family use that Midway Beach would continue. In
15 my opinion.

16 MR. MICHELINI: Is that a question? It
17 sounds like you wrote a report.

18 MR. ORIS: It was.

19 MR. MICHELINI: And I understand it. I
20 understand your point.

21 THE WITNESS: Sorry.

22 MR. MICHELINI: But I think the point of
23 cross-examination is to ask specific questions
24 based upon her testimony.

25 Q. So rephrasing that, would you agree that

1 the uniqueness of, for example, the Midway Beach
2 ownership structure with several fee-simple individual
3 structures on an individual lot within a larger
4 condominium lot would be very difficult in and of
5 itself to change or not be -- you would expect it to
6 continue because of the complexity of the particular
7 uniqueness of that development?

8 MR. MICHELINI: I'm just going to object
9 to the characterization of it being "unique."
10 She never testified on direct that it was
11 unique. I'm not even sure that Mr. Slachetka
12 testified that it was unique in his planning
13 testimony. Understanding that, we do not
14 concede to its uniqueness. You're asking a
15 question about whether or not the condominiums
16 will continue. I'll allow her to answer the
17 question.

18 A. I will say --

19 MR. WISER: If I may, let me interrupt
20 and follow up on that. Do you consider those,
21 the Midway Beach, to be unique?

22 THE WITNESS: "Unique" is a relative
23 term, and I would need clarification to
24 determine.

25 MR. WISER: Do you have any other

1 community, any other municipality that has a
2 similar community?

3 THE WITNESS: In this immediate area?

4 MR. WISER: At all.

5 THE WITNESS: I'm sorry, I'm stretching
6 my brain because I've been a lot of different
7 places.

8 Actually, I do. There is a community
9 down in Cape May County. It's actually on the
10 mainland, and they have a similar situation.
11 God. It's -- I believe it's Lower Township.
12 There is a similar situation.

13 MR. WISER: Is that the only one --

14 THE WITNESS: That is coming to --

15 MR. WISER: -- that you can think of?

16 THE WITNESS: -- coming to immediate
17 recollection. Yes.

18 MR. WISER: -- you don't know what
19 that's called?

20 THE WITNESS: I'm struggling to
21 remember. A friend of mine had a unit down
22 there.

23 MR. WISER: Or which section in Lower?

24 THE WITNESS: It's on the mainland. I
25 just remember that a friend of mine has a unit

1 THE WITNESS: You're welcome.

2 BY MR. ORIS:

3 Q. Continuing on your most recent
4 testimony, you mentioned the beach badge fees?

5 A. Uh-hum.

6 Q. And just help me or give me some
7 recollection. You had mentioned that the beach badge
8 fees have -- it almost seemed as though you were
9 saying that the beach badge fees in Seaside Park
10 accounted for not only the beaches but all the beach
11 maintenance, all of the bathing houses, and other
12 similar activities. Is that what you were indicating?

13 A. Yes. Through using the boardwalk, they
14 do have other piers. They do have other amenities
15 that are available as part of that fixed beach badge
16 price.

17 Q. So you're saying that because they buy a
18 beach badge, they're allowed to use the boardwalk?

19 A. No. The boardwalk is open to the
20 public.

21 Q. Okay.

22 A. But there are other amenities that are
23 used and --

24 Q. And what were those other amenities
25 again?

1 there, and there was a situation. Was very
2 stressed there. Talked me through the
3 situation, and I understood what was going on.
4 I can't recall the name of it, but it was in
5 Lower Township.

6 MR. WISER: So these are -- just so I
7 understand.

8 THE WITNESS: Uh-hum.

9 MR. WISER: These are -- I don't know
10 how many units off the top of my head are in
11 Midway Beach. But these are -- let's just say
12 dozens of little cottages that dot the area --
13 dot an area creating a small community.

14 THE WITNESS: Yes. And I actually think
15 that they are doing something over in Brick, if
16 I'm not mistaken. This is brand new,
17 recognizing that they are working with the tiny
18 homes. And they -- I believe there was a
19 development that came in front of Brick
20 recently -- and I say "recently," within the
21 last two years. That was trying to put tiny
22 houses in an area very similar to this where
23 they wanted to encourage homeownership with
24 perhaps homeless population or veterans.

25 MR. WISER: Okay. Thank you.

1 A. I'm sorry. Bear with me. And one of
2 the other things that occurs with the increased cost
3 of the beach badge is they do daily beach cleaning in
4 the area. I'm going to go back -- if you'll pardon
5 me, I'll go back through this very quickly. They do
6 have bathing beaches. They do have playgrounds. Two
7 playgrounds. They have piers. They have a boat
8 launch. And as I stated before, the beach is cleaned
9 every day as opposed to a few times a week, and they
10 do have other amenities throughout the municipality.

11 Q. And those other amenities throughout the
12 municipality are paid for with beach fees? With the
13 beach badge fees?

14 A. No. There are other amenities that are
15 available to the public and one of the other things
16 that happen with the beach badge fees, as I stated,
17 they do have an access to the beach. There are other
18 things that occur on the beach.

19 Q. Uh-hum.

20 A. And they do additional cleaning in
21 Seaside Park.

22 Q. The boat ramp. Does the beach badge
23 give you permission to launch a boat in the boat ramp?

24 A. No, it does.

25 Q. I was kind of wondering. The pier.

1 You're saying that the beach badge gives you access to
2 the pier?

3 A. There are other opportunities that are
4 offered that are available on the beach that can be
5 purchased with the beach badge by accessing the beach.

6 Q. Okay.

7 A. There are, I believe, a number of public
8 events that they have throughout the summer.

9 Q. So if a public event is on the beach,
10 then it gets them on the beach?

11 A. That's correct.

12 Q. Okay. That would make sense to me.

13 A. Right.

14 Q. Because a beach badge gives you access
15 to the beach during the season. Actually, all year
16 long.

17 A. Yes.

18 MR. ORIS: And then I just -- I want to
19 take a look at some of the notes and just
20 regroup so then --

21 MR. WISER: Okay.

22 MR. ORIS: Mr. Wiser, if you could.

23 MR. WISER: Nice to see you again,
24 Barbara. It's been a long time.

25 THE WITNESS: Two days.

1 MR. WISER: Yeah. Exactly.

2
3 EXAMINATION BY MR. WISER:

4 Q. Going through your testimony, you spoke
5 about an incident where there was a homeowner who was
6 called because somebody was ripping off their roof.
7 You went on an inspection of the homeowner on 12th
8 Avenue in Seaside Park. The owners weren't there.
9 Somebody called them and said, somebody is at your
10 property ripping off the roof. Just to refresh the
11 Board's memory, the contractor had delivered --
12 instead of going to 12th Avenue, which is apparently
13 the correct address, they dropped the materials off on
14 12th Lane. Is that --

15 CHAIR WINWARD: No. No. They --

16 MR. BELL: It's not you. It's the
17 connection.

18 THE WITNESS: Oh, I'm sorry. I was
19 wondering what happened.

20 A. The correct address that the contractor
21 was supposed to go to -- and I'll provide
22 clarification -- was 12 Lane which was in South
23 Seaside Park. Instead they were sent to 12th Avenue
24 in Seaside Park.

25 Q. Okay. I got it backwards then. If

1 deannexation were to occur -- does that clear up that
2 situation? Does that change that confusion?

3 A. It doesn't change the 12th Avenue versus
4 12th Lane. But what I believe I was indicating as
5 part of the testimony is, there's an identity crisis.
6 Most people assume that they were going to Seaside
7 Park, and they went to Seaside Park instead of South
8 Seaside Park. They commonly affiliate the two
9 together.

10 Q. Okay. But if deannexation were to
11 occur, wouldn't it actually increase the confusion
12 between the avenue and the lane? Now it's in the same
13 town.

14 A. I don't think that it would increase the
15 confusion. I don't think it would increase it. It's
16 simply an event that happened, and they thought that
17 they were going to -- they went to Seaside Park
18 instead of South Seaside Park.

19 Q. Okay.

20 MR. ORIS: So --

21 MR. WISER: Go ahead.

22 MR. ORIS: If I could ask the question
23 another way. If deannexation would occur,
24 would you feel it would decrease that confusion
25 between 12th Avenue and 12th Lane.

1 THE WITNESS: What I was trying to give
2 by way of example is there is an identity
3 crisis. Most people believe that South Seaside
4 Park is actually Seaside Park, and I believe
5 that's the context that the testimony was given
6 in.

7 MR. ORIS: So but would the -- restating
8 the question, if deannexation were to occur, in
9 your opinion, then that would reduce the
10 confusion? Between 12th Avenue and 12th Lane.

11 THE WITNESS: I think the point --

12 MR. MICHELINI: Jim, she's not talking
13 about confusion as much as she's talking about
14 identity. She's talking about somebody who
15 went to the wrong house thinking that they were
16 in, you know, Seaside Park or Seaside -- South
17 Seaside Park. You know, because there is some
18 confusion. She also talked in the same context
19 about people coming to the building department
20 in Seaside Park where she worked at the time
21 looking for permits for South Seaside Park.
22 And so it was in the context of saying that
23 created confusion. But also within the context
24 of people identifying the area. It's not so
25 much about confusion as people identifying the

1 area in a certain way. So she's made her
2 point. He's made her point by asking the
3 question. Let's move on.

4 MR. McGUICKIN: Jim, ask whatever you
5 want.

6 MR. ORIS: Well, I appreciate the
7 Counselor's comments and I'm trying to phrase
8 it in the form of a question, so I'm not --

9 MR. MICHELINI: That I appreciate -- I
10 appreciate that.

11 MR. ORIS: So I'll try it again.

12 Q. Would you agree that the confusion
13 between 12th Avenue and 12th Lane could occur in any
14 town, whether it be two towns or the same town?

15 A. Yes.

16 MR. ORIS: That's it. Thank you. Go
17 ahead.

18 MR. WISER: Okay.

19 BY MR. WISER:

20 Q. You spoke about -- this is in the
21 context of your questioning Mr. Slachetka's statistics
22 regarding the number of units that came on-line based
23 on his research and then your research.

24 A. Yes.

25 Q. He said there were 271 new units? I

1 think that was the number that was quoted. And you
2 said there was -- or there were four?

3 A. Yes.

4 Q. Okay. And that was based on your review
5 of the building permits?

6 A. That's correct.

7 Q. What were the years of the building
8 permits that you reviewed?

9 A. I went back -- if you'll bear with me.

10 Q. Sure.

11 A. I asked for the data from January 1st,
12 2008, through August 23rd, 2017.

13 Q. Okay. Do you remember the window that
14 Mr. Slachetka took his snapshot from?

15 A. Actually, his wasn't taken from a
16 snapshot or a window. It was based on projections
17 that were contained within the survey that he looked
18 at, I believe it was the American Community survey.
19 That was the projection that he was stating that where
20 the number of building new homes that they anticipated
21 based on projections. I believe that's what he stated
22 the census data indicated.

23 Q. Okay. Do you remember the window for
24 that projection?

25 A. Bear with me. (Reviewing.) I would

1 actually have to refer to his testimony to see. But I
2 believe that he was looking for the time frame from
3 2010 on. Because the projections were done, there was
4 an anticipation as part of that 2010 census.

5 Q. Okay. You looked at the Glen Cove
6 neighborhood. And you did some taxical -- tax
7 assessment calculations; right?

8 A. Yes.

9 Q. And then you came up with the average
10 assessed value being \$353,000 and some changes.
11 Closer to \$354,000?

12 A. Yes.

13 Q. And then you said there was one home
14 that was over a million.

15 A. That's correct.

16 Q. Does the million-dollar home skew the
17 average?

18 A. It can, but I was using the comparable
19 information, comparing apples to apples, oranges to
20 oranges. Mr. Slachetka did an average, did not remove
21 highs, lows, in between. I simply gave for
22 illustration purposes that there was a range of values
23 low to high and then the averages.

24 Q. How much higher or -- do you know how
25 much higher the \$1 million was from the -- check that.

1 Let me take a step back.

2 If you exclude the \$1 million home, were
3 most of the homes in a comparable range in a range
4 that was less than that? Was there a nexus there?

5 A. Actually the 435 -- I did find a range
6 of home values. As I said, they were low to high.

7 Q. I'm sorry, 435?

8 A. I believe that's what we talked about
9 with the Glen Cove. Is that what --

10 Q. 353?

11 A. I'm sorry.

12 Q. Okay. I'm sorry.

13 A. I'm sorry. I'm thinking about Pelican
14 Island. I apologize. That actually it's not that far
15 off. Yes. You do have anomalies. You also have --
16 when I gave the low value, that was before it went
17 down the other way.

18 Q. Is that an anomaly?

19 A. So that's why you truly do the average.

20 Q. So that is it -- is it correct to say
21 that you have this million-dollar property, but the
22 rest of them aren't in the -- I'm just going to pick a
23 random number, plus or minus in the \$500 range. There
24 is a full range of properties there, property values
25 there?

1 A. There are. I found quite a bit of them
2 that were well above the 500 -- like I found one for
3 750 that's coming to mind immediately. But there were
4 a range. There were some on the lower side, and
5 that's why you do the average.

6 Q. Okay. And that's fine.

7 I think -- is this related to Glen Cove?
8 No. I'm sorry. Berkeley Shores. You talked about
9 when you were doing the calculations, you reached a
10 point of diminishing returns at about 90 percent of
11 the parcel.

12 A. That's correct.

13 Q. Can you just explain that? Because I
14 didn't catch what you meant by that.

15 A. Okay. What it meant is I kept checking
16 the number. I did it in Excel spreadsheet because
17 Excel is way better at math than I am, number one.
18 And you can check the averages as -- you know what row
19 you are in, you know what rows are the headers. So
20 it's easy to keep checking the information. And as
21 you're going through and inputting the data and I
22 dealt with the data, it was very consistent. And I
23 kept hitting, maybe it was a thousand dollars or \$1500
24 either way. So when I had 90 of the homes from that
25 neighborhood put in, it was still bearing out within

1 \$1500 either way. So at that point, do I continue to
2 add more data to the table to let it tab up? I'm
3 going to say no.

4 Q. Okay.

5 A. Because you're hitting a consistent
6 average throughout the whole calculation.

7 I would add that, I guess that's the
8 advantage, the sole advantage to being a sole
9 practitioner. You're the one doing all the work.

10 MR. WISER: That's really all I have.

11 MR. MCGUCKIN: I have a couple
12 questions. Couple questions.

13 CHAIR WINWARD: Yeah. Sure.

14

15 EXAMINATION BY MR. MCGUCKIN:

16 Q. Ms. Woolley-Dillon, you mentioned an
17 identity crisis. And I'm just trying to figure, is
18 that a planning term? Was that a term that somebody
19 told you that there's an identity crisis?

20 A. No. It's -- I wouldn't say it's a
21 planning term.

22 Q. Okay.

23 A. This is what I've observed from -- and,
24 again, this is even based on my personal experience.

25 Q. Uh-hum.

1 A. The client that I had an application on
2 several years ago, I was trying to Google where the
3 municipal building was for South Seaside Park. There
4 isn't one for South Seaside Park because it's part of
5 Berkeley Township. I didn't even realize that. So to
6 me, the identity crisis, if you will, it's simply the
7 best way that I can put it in that most people do
8 commonly associate South Seaside Park with Seaside
9 Park.

10 Q. Well, where's the -- where's the
11 information you used to reach that opinion? Do you
12 have some mathematical calculations? Do you have some
13 basis for that other than your personal opinion when
14 you had one application and you didn't know where the
15 town hall was?

16 A. Actually, I've spoken to about three
17 dozen people.

18 Q. Okay.

19 A. And they -- what do you mean, it's
20 Berkeley Township? Isn't that on the mainland?

21 Q. Okay.

22 A. Yes.

23 Q. So you spoke to three dozen people, and
24 that's an identity crisis?

25 A. No. I also, in working through the

1 offices -- working for Seaside Park Seaside Park, we
2 have residents and their contractors coming in.

3 Q. Uh-hum.

4 A. An average of two a week.

5 Q. Uh-hum.

6 A. That are indicating, what do you mean, I
7 could drop this off here? It's right two blocks down.
8 What are you talking about? It's five blocks down.

9 Q. Did you also work in Lavallette, did you
10 say?

11 A. Yes.

12 Q. Did you have contractors in North
13 Beach -- or Ortley Beach asking where the town hall
14 was for Ortley Beach?

15 A. Actually, they didn't ask where the town
16 hall was. I had one application that I remember
17 somebody came to the counter and I went up to counter.
18 They were confused about where they were going. And
19 that's the only one that I saw during the time I was
20 at Lavallette.

21 Q. Okay. Are you familiar with any other
22 people in Ortley Beach confused as to whether or not
23 that Ortley Beach is part of Toms River?

24 A. I haven't spoken to any residents
25 directly there, so I can't ascertain.

1 Q. So the crisis you indicate, the identity
2 crisis, is something you've observed from working in
3 Seaside Park and from three dozen people telling you
4 that it's a crisis. They don't know where they live?

5 A. Not only that, it's the general
6 observation. I've spoken to a lot of people, even
7 more than three dozen, I would say. And a lot of
8 people simply don't know that South Seaside Park is
9 part of Berkeley Township.

10 Q. Is that a basis for a deannexation?
11 That people don't know what part of a town a
12 particular area is in?

13 A. No. What I was giving testimony to is
14 that Seaside Park is more akin to Seaside Park than it
15 is to Berkeley Township.

16 Q. I think there's a lot of townships that
17 it's very similar as far as its racial makeup, its
18 commercial property makeup, its type of community and
19 so forth, and I think everybody acknowledges that.
20 But you indicated that -- back to the issue of --
21 we're talking about diversity and less diversity. And
22 you talk -- and I didn't quite understand what you
23 said, but you said you could put additional housing.
24 I think you were talking about the multi-family and
25 condominium development in Seaside Park, and that in

1 the future you could put more of that on the mainland.
2 I wasn't quite following what you were trying to say
3 there.

4 A. Yes. And what I mean by that is zoning
5 can be changed. It changes every time. It changes
6 sometimes as a result of a master plan reexamination.
7 I understand that you are also constrained by
8 Pinelands. However, there are other portions that are
9 not subject to the Pinelands jurisdiction where the
10 zoning can be changed.

11 Q. To do what?

12 A. To add additional, other types of units,
13 multi-family, et cetera.

14 Q. But how does that -- what does that have
15 to do with this petition? That they could add more
16 multi-family somewhere else?

17 A. If the argument is that you're losing
18 all of your multi-family on the island, there's an
19 opportunity to change that on the mainland.

20 Q. So you don't have the existing leave and
21 build it somewhere else?

22 A. I'm sorry. Could you rephrase that?

23 Q. Sure. Have the existing leave and build
24 it somewhere else?

25 A. It could have been done that way all

1 along.

2 Q. Uh-hum. But it wasn't.

3 A. It's how the zoning was done.

4 Q. And how it was developed. Some of it
5 was probably developed before zoning; correct?

6 A. More than likely. Yes.

7 Q. Okay. You talked about the certain
8 amenities that the Seaside Park badge accommodates,
9 and you said there's a pier, a bay beach, showers, et
10 cetera; correct?

11 A. I believe that I already addressed that
12 through Mr. Oris' questioning.

13 Q. Well, my question is slightly different.

14 A. Okay.

15 Q. Whether they -- whether this portion of
16 the municipality deannexes or not, would that change
17 in any way?

18 A. The amenities being offered with the
19 beach there was Seaside Park -- or I'm sorry --
20 through Seaside Park.

21 Q. Correct.

22 A. No. There wouldn't be any change.

23 Q. So if a current resident of South
24 Seaside Park has a beach badge from Seaside Park,
25 whether they are part of Berkeley Township or not

1 would not change; correct? It would be no difference.
2 They would still have access to the piers. They would
3 still have access to the bay beach, et cetera. They
4 would still have to buy a beach badge to use those
5 facilities; correct?

6 A. That's correct. Yes.

7 Q. And is there a difference in price for
8 resident versus nonresident for that badge in Seaside
9 Park?

10 A. I don't believe they have a difference
11 between residents versus nonresidents. I believe they
12 charge a different rate pre the Memorial Day Weekend
13 versus post Memorial Day Weekend.

14 Q. So I'm a resident of South Seaside Park,
15 I can get the same badge as a resident of Seaside Park
16 today if there were a deannexation to occur?

17 A. Yes.

18 Q. So okay. So there would be no
19 difference whatsoever with the type of amenities that
20 would be provided if deannexation did not occur?

21 A. That is correct. Yes.

22 Q. Okay. I think you talked about
23 affordable housing, and you said there was no
24 affordable housing in the South Seaside Park area of
25 the community; is that correct?

1 A. I believe what I had given testimony to
2 is that there is -- from what I understand, there were
3 comments that were made from the public that nothing
4 has been done to foster or create additional
5 opportunities for affordable housing recently.

6 Q. In Seaside Park?

7 A. That's correct. Yes.

8 Q. Can a Township put -- how much of
9 Seaside Park is in a flood plain?

10 A. The entire municipality.

11 Q. The entire portion of the municipality?

12 A. I'm -- sorry. Yes. Thank you.

13 Q. And does the State allow you to put
14 affordable housing in a flood plain?

15 A. No. And I believe that that's what I
16 testified to.

17 Q. Okay.

18 A. I also testified that you could do
19 rehabilitation to units that are located in a flood
20 plain that could still meet your COAH or affordable
21 housing obligation.

22 Q. But you can't put anything new there.
23 You can't dedicate an area of that or an affordable
24 housing project for a new development; correct?

25 A. You could. But the issue with that is

1 most people choose not to do that because the cost of
2 the land is much steeper on the island than it is on
3 the mainland, and that's why a lot of the seashore
4 communities don't have affordable housing. Because it
5 blows your whole budget to put one unit on the island.

6 Q. What about the flood plain? Isn't that
7 another reason you can't do it there?

8 A. You can do affordable housing as long as
9 it meets the current flood plain requirements.

10 Q. Okay. So you could do affordable
11 housing in a flood plain area is your testimony?

12 A. I believe if the building meets the
13 current standards, you could have a building there
14 whether or not it's dedicated to affordable house.

15 Q. So if you're receiving state funding or
16 federal funding for an affordable housing project,
17 it's your testimony then that you can use those funds
18 to construct an affordable unit for development in a
19 flood plain?

20 A. As long as it meets the current code and
21 meets the design flood elevation. Yes.

22 Q. Okay. There was a lot -- you gave a lot
23 of testimony and a lot of exhibits about average
24 assessed values and property values, and I just want
25 to make sure I got this right. You talked about -- I

1 believe the average property value, according to your
2 records, your opinion, in South Seaside Park was
3 \$408,000. Does that sound about right?

4 A. I believe that's what Mr. Slachetka's
5 number that I was referring to.

6 Q. What did you -- any reason to question
7 or disagree with that number?

8 A. No.

9 Q. And then you talked about the average
10 home in Berkeley having -- Berkeley Township having a
11 value of \$109,500?

12 A. I believe that was also Mr. Slachetka's
13 testimony.

14 Q. Okay. And do you have any reason to
15 dispute those numbers?

16 A. For the entire municipality, no.

17 Q. So the \$109,500 valuation of Mr.
18 Slachetka, that's the number you used based on this
19 report?

20 A. Yes. That was what was given in his
21 testimony.

22 Q. And that number -- and that number was
23 for townshipwide, including Seaside Park, Pelican
24 Island, the waterfront communities. Town, the scenic
25 areas, the entire township of Berkeley?

1 A. That's correct.

2 Q. Is that what you understood?

3 A. Yes.

4 Q. You talked about senior citizen
5 recreation this evening. Do you know what types of
6 senior citizen recreation Berkeley provides?

7 A. Yes. And I would have to look through
8 my notes to see exactly what it did provide, but it is
9 my understanding that most of it is on the mainland.

10 There are opportunities provided within each of the
11 senior citizens complexes as well as through the local
12 area here in that they bring the residents to do a lot
13 of different things. I believe that they meet on a
14 regular basis during the week. I don't know the
15 activities, if you're going to ask me for a litany
16 of --

17 Q. No.

18 A. -- what they do have, no. But there are
19 a lot of activities.

20 Q. Are these the Township events or senior
21 communities running events?

22 A. That are senior communities which run
23 the events, and I believe the Township also provides
24 transportation as well as the Township does have a few
25 programs.

1 Q. And then provide transportation from
 2 their --
 3 A. I'm sorry.
 4 Q. You said the Township provides
 5 transportation for these type of projects? These type
 6 of events?
 7 A. They do. Especially if there was an
 8 event that is being sponsored by the Township. They
 9 do provide transportation to the seniors here on the
 10 mainland. Yes.
 11 Q. And how do they do that? Do you know?
 12 A. I believe that there's a bus route that
 13 was established. I know that the residents have
 14 talked about this. And they -- the transportation is
 15 dispatched or handled through the Township. They go
 16 around and pick up senior residents and then bring
 17 them to the activity.
 18 Q. In reviewing the records you did before
 19 you offered testimony in the matter, did you have an
 20 opportunity to review the studies that were done -- I
 21 would say within the last four or five years in South
 22 Seaside Park about the zoning they would like to see
 23 in that portion of the community?
 24 A. Yes.
 25 Q. Okay. And did you have an opportunity

1 to review the public comments of the residents of
 2 South Seaside Park and what they wanted to see?
 3 A. Yes.
 4 Q. And did, in fact, they say they were in
 5 favor of the zoning to single-family type residential;
 6 is that correct?
 7 A. That's correct.
 8 Q. Okay. And that's what the Township did?
 9 A. That's correct.
 10 Q. Thank you. That's all I have.
 11 CHAIR WINWARD: I believe Nick has some
 12 questions? And I have a couple, too, and I
 13 know Mr. Wisner has some.
 14 MR. MACKRES: Thank you. Miss Dillon, I
 15 have some questions. This is concerning the
 16 identity crisis. It's a pretty alarming term,
 17 especially to the Planning Board, since we
 18 oversee the planning of the town as well as the
 19 master plans. Do you believe Belmar and South
 20 Belmar have an identity crisis?
 21 MR. MICHELINI: You mean Lake Como?
 22 There is no South Belmar, Nick.
 23 MR. MACKRES: I didn't ask you that.
 24 MR. MICHELINI: I know you didn't ask me
 25 that, but the question assumes a fact that's

1 not true, and that's why I'm objecting to it.
 2 MR. MCGUCKIN: Perhaps put a time frame
 3 on it.
 4 MR. MICHELINI: It's Lake Como now.
 5 MR. MACKRES: Do you think there's an
 6 identity crisis between Belmar and Lake Como?
 7 THE WITNESS: I'm sorry. Could you
 8 repeat the question? I got distracted. I'm
 9 sorry.
 10 MR. MACKRES: Do you believe there was
 11 an identity crisis between Belmar and Lake Como
 12 or current --
 13 THE WITNESS: There may have been. I am
 14 not personally familiar with that -- that
 15 predates my involvement in this portion of the
 16 New Jersey area.
 17 MR. MACKRES: How about Spring Lake and
 18 Spring Lake Heights?
 19 THE WITNESS: There may have been. I
 20 have not done work in either of those
 21 communities.
 22 MR. MACKRES: How about Ocean Township?
 23 THE WITNESS: As in Toms River, Toms
 24 River South and Ocean Township? There's a lot
 25 of confusion. There can be. Yes.

1 MR. MACKRES: Okay. How about Virginia
 2 and West Virginia?
 3 THE WITNESS: The states?
 4 MR. MACKRES: The states.
 5 THE WITNESS: I don't think there's any
 6 identity crisis there.
 7 MR. MACKRES: North America and South
 8 America?
 9 (Laughter.)
 10 THE WITNESS: I don't think there's any
 11 identity crisis there, either.
 12 MR. MACKRES: While you were working for
 13 Seaside Park, did you discuss or overhear or
 14 recommend the change of the name of Seaside
 15 Park?
 16 THE WITNESS: No.
 17 MR. MACKRES: Did you discuss or
 18 overhear or recommend the merging of Seaside
 19 Park and South Seaside Park?
 20 THE WITNESS: I believe one of the
 21 residents had mentioned to me that they were
 22 attending the deannexation hearings. It was
 23 with much interest. And I said, I'm sorry, I'm
 24 right in the middle of something. I really
 25 can't talk about it right now. And just went

1 back to my work.

2 MR. MACKRES: Thank you, ma'am. That's
3 it for my questions.

4 CHAIR WINWARD: Brian, do you have any
5 questions?

6 MR. GRINGRICH: Yeah, I do.

7 CHAIR WINWARD: Come right down the line
8 here.

9 MR. GINGRICH: As to a lot of your
10 testimony about people not knowing where this
11 was or that was, are you familiar with the fact
12 that Berkeley Township doesn't have a post
13 office?

14 THE WITNESS: I believe that that is a
15 correct statement.

16 MR. GINGRICH: Oh, you're not -- you
17 weren't aware of that then. From your answer
18 just now, you were not aware of that. So where
19 I'm going with this is very simple. Lot of
20 people don't know where Berkeley Township is
21 because we all have Toms River addresses. So
22 if they stop and they say where's Berkeley --
23 where's this address in Toms River? Nobody
24 knows it's Berkeley. Do you understand what
25 I'm saying? So as to where this was or that

1 was, I live on Jamaica Boulevard in Berkeley.
2 There's also a Jamaica Boulevard on the other
3 side. Sometimes they get my pizza.

4 (Laughter.)

5 CHAIR WINWARD: I knew you were going
6 somewhere with this.

7 MR. GINGRICH: So where it is, that's
8 really -- that doesn't matter. Where it's not,
9 I should say, doesn't matter because if they
10 don't know where Berkeley is to begin with. Do
11 you understand? Thank you.

12 THE WITNESS: Was that a question? I'm
13 sorry.

14 MR. GINGRICH: No. I was just -- just
15 surmising from what you said about over here
16 they didn't know that this was over here
17 because they went -- they dropped a load over
18 here instead of over here. That's anywhere
19 USA. It's called a mistake. That's why they
20 got my pizza.

21 MR. MICHELINI: For the record, I
22 believe there is a Bayville Post Office, by the
23 way.

24 MR. GINGRICH: I said "Berkeley."

25 MR. MICHELINI: I know. He --

1 MR. GINGRICH: Did you hear me say
2 anything about that town?

3 MR. MICHELINI: No. Wait a minute.

4 MR. GINGRICH: Wait a minute. Number
5 one, I wasn't asking you.

6 MR. MICHELINI: I understand.

7 MR. GINGRICH: Number two, you jumped up
8 at the wrong time.

9 Thank you. Have a seat.

10 MR. MICHELINI: Bayville is in Berkeley.

11 Thank you very much, Mr. Gingrich.

12 MR. GINGRICH: Thank you.

13 CHAIR WINWARD: Do you have anything you
14 want to add? John?

15 COUNCILMAN BACCHIONE: Yeah. Mrs.
16 Dillon?

17 THE WITNESS: Whatever is fine. That's
18 fine.

19 COUNCILMAN BACCHIONE: Yeah. I wrote it
20 down.

21 I'm not going to ask you questions about
22 the differences between the different districts
23 and towns, but I do want to make a comment that
24 I think an identity crisis is a harsh term,
25 also. I don't think we have an identity

1 crisis. I believe there could have been a
2 mistake in the delivery in that people are
3 quick in our society today, and they make
4 decisions prior to thinking enough about where
5 they're going with the package or whatever was
6 being delivered. We have a situation in all
7 Berkeley Township where we have sections like
8 Manito Park that's closer to South Seaside
9 Park. We have situations, I say I live in
10 Bayville. I really live in Berkeley Township.
11 We have situations all over in all the senior
12 communities that Mr. Gingrich is referring to
13 have the Toms River ZIP Code. There's a lot of
14 diversity in as far as identification's going.
15 And this just Berkeley Township they are
16 talking about. It happens all over the place.
17 And I don't want to ask you questions on that,
18 but I think I do want to go on the record that
19 I think that identity crisis is too much of a
20 term to be using in this situation. Quite
21 frankly, if anyone lives in South Seaside Park,
22 they should know that they're in South Seaside
23 Park and not in Seaside Park. Just like I know
24 I'm in Bayville but particularly in Berkeley
25 Township.

1 But I wanted to ask you regarding -- and
2 I'm trying to follow everybody's questioning
3 here, so I don't want to be redundant, but I
4 don't know if I'm totally clear on it.

5 So when you made the comments about the
6 single-family homes as opposed to condos and
7 multi-use, multi-family housing, you were
8 referred to -- I guess you were assuming
9 Berkeley Township's argument is that we don't
10 want to lose the multi-families in Seaside
11 Park? Is that --

12 THE WITNESS: I believe that was Mr.
13 Slachetka's --

14 COUNCILMAN BACCHIONE: Okay.

15 THE WITNESS: -- argument. Yes.

16 COUNCILMAN BACCHIONE: Okay. We don't
17 have a lot of multi-families on this side of
18 the bay in Berkeley Township. And it is
19 something that is unique to Berkeley Township.
20 If there are many single-family -- multi-family
21 homes in -- or mixed use in South Seaside Park.
22 But I'm not convinced that the deannexation is
23 going to solve the issue that we're talking
24 about now concerning the mixed use and the
25 multi-family homes. So I just don't want to go

1 on record to say that although you made a good
2 argument -- I don't know if it's an argument --
3 that I'm convinced is an accurate one
4 concerning the mixed use and the multi-
5 families. Mixed use being retail below and
6 residential above. And I don't know how many
7 we have in South Seaside Park, to be honest
8 with you. I don't know if there are very many.
9 Maybe people from South Seaside Park can
10 comment on that. I don't know. But I don't --
11 I'm not convinced that it's a strong enough
12 argument, in my opinion, that that is a topic
13 of this application.

14 So I just wanted to go on record just to
15 say that, and I'm done, Mr. Chairman. I
16 appreciate your time. I appreciate you coming
17 by and your testimony.

18 CHAIR WINWARD: Thank you, John.
19 I had a couple.

20 The couple questions -- I'm also
21 confused on a couple things. On the bus -- the
22 only buses I see -- I drive around Bayville,
23 the yellow school buses, and then I see the New
24 Jersey Transit. They have routes on 9. I was
25 just wondering, does New Jersey Transit covers

1 Route 35 like they do 9?

2 THE WITNESS: No. There is no public
3 transportation from New Jersey Transit that
4 goes down 9.

5 CHAIR WINWARD: Does it go to Seaside
6 Park or Seaside Heights?

7 THE WITNESS: No.

8 CHAIR WINWARD: That's interesting.
9 That sounds like it's more of a height at any
10 time problem than Berkeley. But these buses,
11 are -- that you see in Berkeley, are they
12 school buses? Or are they just say "Berkeley
13 Township"? I never seen them except for maybe
14 I think on couple of recreation -- I think the
15 recreation has some. But --

16 THE WITNESS: That's what was being
17 referred to as with the recreation with the
18 buses. That was what I was referring to.

19 CHAIR WINWARD: But I don't think they
20 have regular routes or anything like that.
21 Because I never seen them come through my
22 neighborhood.

23 And then the other thing -- I'm really
24 confused about one thing. And the prior
25 planning testimony we had. I don't know, three

1 years ago? But it keeps coming up Island Beach
2 is part of Berkeley. Do they pay taxes to
3 Berkeley Township at all? Do you know or --
4 anybody?

5 COUNCILMAN BACCHIONE: No.

6 CHAIR WINWARD: No? And I was
7 wondering. Do we get special rates when we go
8 to Island Beach if we -- I don't go there as
9 often. I used to work there 30 -- 50 years
10 ago, actually dating myself. But they don't
11 give special rates for Berkeley residents.

12 THE WITNESS: No. Everybody pays.

13 CHAIR WINWARD: So that's why I'm kind
14 of confused. I keep hearing this coming up.
15 If deannexation were to occur our Berkeley
16 residents would still have Island Beach, but
17 that would be true for any other New Jersey
18 resident. Would that be --

19 THE WITNESS: That's correct. Yes.

20 CHAIR WINWARD: I just thought it would
21 be nice to clarify that.

22 And then the identity thing. We kind of
23 beat that up, but I live on -- I have to drive
24 through a little town called Ocean Gate where I
25 live in Bayville, and there's a common problem,

1 too. I live on Avalon and there's an East
2 Avalon, but now with the advent of GPS
3 tracking, most people find my house now without
4 directions. But it is crazy. Some of the
5 different sections of Berkeley Township to kind
6 of piece together, but I guess other towns have
7 that.

8 And I think you mentioned something
9 about Midway Beach. Does that stay with --
10 does that stay with Berkeley, or does that go
11 to Seaside Park, too?

12 THE WITNESS: I don't know that has been
13 determined. I'm not --

14 MR. MICHELINI: That's part of the
15 deannexation.

16 CHAIR WINWARD: It is? Okay. I wasn't
17 sure because --

18 MR. MICHELINI: Yeah. It's within
19 Seaside Park.

20 CHAIR WINWARD: I wasn't sure if they
21 had a choice or and it's --

22 MR. McGUCKIN: It's still to be
23 determined.

24 CHAIR WINWARD: It's very congested
25 there. But I think there used to be an

1 Osbornville community.

2 MR. MICHELINI: Yes.

3 CHAIR WINWARD: And whatever town that's
4 in. Is that in Brick or Toms River?

5 MR. MICHELINI: Osbornville is in Brick.
6 It's a similar type of community in Brick.

7 CHAIR WINWARD: And now -- yeah. Now
8 since Sandy.

9 MR. MICHELINI: Some of them burned
10 down, but they're rebuilding that up on in
11 Brick Beach. You are correctly identifying an
12 entity. Then you have, of course, Ocean Beach,
13 which are not condominium but small cottages.
14 Like Midway Beach. Actually, there's probably
15 a thousand of those in Ocean Beach. So there
16 are other communities with small cottages up
17 and down the barrier.

18 CHAIR WINWARD: I know there was an
19 issue in Brick.

20 MR. MICHELINI: The peninsula.

21 CHAIR WINWARD: They preferred not to
22 rebuild it I guess.

23 THE WITNESS: And I used to drive past
24 on going northbound on 35. Every day that I
25 went from Lavallette to Mantoloking.

1 CHAIR WINWARD: I am not in favor,
2 myself, of congested housing either. But, I
3 think that's all the things I need to clarify
4 here. I was --

5 MR. GINGRICH: Through the Chair, if I
6 may?

7 CHAIR WINWARD: Yes.

8 MR. GINGRICH: I was president of
9 Holiday City Berkeley for five years. These
10 buses that you see, there is five or six
11 different Holiday Cities. Are you aware of
12 that?

13 THE WITNESS: Absolutely. Yes.

14 MR. GINGRICH: Any of these buses that
15 you see are hired individually by the different
16 Holiday Cities for a bus run. So the buses
17 that you see are not buses that are out just
18 taking people to A, B, or C. Each Holiday City
19 hires the buses, and they have a bus route that
20 they follow. So there is where these buses are
21 going to that you are seeing. They are not
22 taking senior citizens to the park or to the
23 ocean or to the movies. They are following
24 regular bus routes to take them to ShopRite.
25 To take them to Walmart. To take them to

1 Lowes. That's what they're doing.

2 THE WITNESS: Yes.

3 MR. GINGRICH: Just to let you know.

4 THE WITNESS: Thank you. And I think
5 that that discussion stemmed from the fact that
6 there was an issue as part of prior testimony
7 for the residents that they were told by the
8 Public Works Department or the Township here
9 that if they wanted to come to the mainland to
10 participate in these activities, that there
11 isn't a bus stop in Seaside Park now. They
12 would need to contact Berkeley Township. One
13 could be established if it was requested, and
14 that was the context of that.

15 MR. GINGRICH: I was just --

16 THE WITNESS: Thank you for the
17 clarification.

18 MR. GINGRICH: The buses that you see --

19 THE WITNESS: I figured that's what it
20 was.

21 MR. GINGRICH: I don't want any
22 confusion that everybody thinks that this is
23 what these buses are doing.

24 THE WITNESS: No.

25 MR. GINGRICH: They are not. The bus

1 costs 105,000 a year, Holiday City Berkeley, to
2 take the seniors to the places I just
3 described.

4 THE WITNESS: Absolutely.

5 MR. GINGRICH: Thank you.

6 THE WITNESS: Thank you.

7 CHAIR WINWARD: Jack? Fred?

8 MR. WIEGARTNER: Yeah. If I can. If
9 this were to happen, deannexation was to
10 happen, does Seaside Park and South Seaside
11 Park have two different ZIP codes? Do you
12 know?

13 THE WITNESS: Currently or would they?

14 MR. WIEGARTNER: I know the mail comes
15 out of Seaside Park.

16 THE WITNESS: Yes.

17 MR. WIEGARTNER: But do they have
18 different ZIP codes in Seaside Park and opposed
19 to South Seaside Park?

20 THE WITNESS: I believe it's the same
21 ZIP Code. And would that change? I don't
22 know.

23 MR. WIEGARTNER: Okay.

24 THE WITNESS: That's a speculation.

25 MR. WIEGARTNER: I guess my question to

1 you was --

2 THE WITNESS: Okay. Uh-hum.

3 MR. WIEGARTNER: When we talked about
4 2nd Avenue, 2nd Lane.

5 THE WITNESS: 12th Avenue.

6 MR. WIEGARTNER: Now, if you have the
7 same ZIP Code, now it's really going to get
8 confusing. Especially if the town's grouped
9 into one town if you're going to have the same.

10 MR. MICHELINI: For the record, it is
11 the same ZIP Code.

12 MR. WIEGARTNER: It is? Okay. I didn't
13 know.

14 MR. MICHELINI: Yeah. There was
15 testimony about it previously.

16 MR. WIEGARTNER: Okay. Mr. Chairman, I
17 think that's all I have.

18 MR. MACKRES: I have a question.

19 CHAIR WINWARD: Fred? I believe --
20 Nick?

21 MR. MACKRES: Ma'am, I have a question
22 on the buses again. I'm losing -- I'm sorry
23 about that. Ma'am, I have a question on the
24 buses again.

25 THE WITNESS: Uh-hum.

1 MR. MACKRES: So as Mr. Gingrich just
2 gave you more information about the buses from
3 Holiday Cities, were you inferring there used
4 to be a bus coming from South Seaside Park to
5 the mainland for parks or --

6 THE WITNESS: No. The complaint that
7 was indicated as part of the public meeting was
8 that there is no opportunity to get over here
9 via a bus to --

10 CHAIR WINWARD: That makes sense.

11 THE WITNESS: -- to the activities that
12 are offered here.

13 MR. MACKRES: Okay.

14 THE WITNESS: The comment that was
15 offered by the -- I believe it was township
16 personnel to the residents were, well, if you
17 want us to come get you, you have to tell us.
18 We'll make a designated bus stop and come get
19 you. That's what all -- they'll make a
20 designated bus stop. You need to tell us that
21 you want a bus stop over there. That's what
22 all of that testimony stemmed from.

23 MR. MACKRES: Okay. For clarification,
24 Mr. Michelini.

25 MR. MICHELINI: Yeah.

1 MR. MACKRES: Do you recall that?

2 MR. MICHELINI: Yeah. Mr. Yurcisin
3 specifically testified that the Recreation
4 Department Center has buses throughout the
5 municipality. Mr. Yurcisin for the Township
6 testified that he specifically testified that
7 the buses were sent by the Recreation
8 Department for the senior programs. That was
9 his testimony. Then there was -- he went on to
10 say that if somebody from South Seaside Park
11 requested a bus -- because there are a lot of
12 seniors over there. That's the predominant
13 population in South Seaside Park. Is that they
14 would consider sending a bus over there. A
15 request was made by Pat Dolobacs. Who is
16 sitting here today, and that request was made
17 shortly after that testimony a couple of years
18 ago. And no bus has gone over there. So
19 that's the context. It came up actually in the
20 context of Mr. Yurickson originally saying on
21 the record before this board that they would be
22 willing to send a bus over there to bus people
23 to the senior programs on the mainland.

24 MR. MACKRES: Now --

25 MR. MICHELINI: And that request was

1 made, and it has not been filled.
 2 MR. MACKRES: Now I'm getting confused.
 3 So there's senior buses from Holiday City that
 4 run on their own and then the Township also has
 5 senior buses?
 6 MR. MICHELINI: We can only go by the
 7 testimony. Mr. Yurickson testified on behalf
 8 of the Township that they had buses from the
 9 recreation department that picked up seniors
 10 and brought them to various programs. That was
 11 his testimony before this board. I don't have
 12 a transcript with me tonight, but certainly we
 13 can all review it. We all have it at some
 14 point.
 15 MR. MACKRES: All right.
 16 MR. MICHELINI: So it was in followup to
 17 the Township's testimony that that request was
 18 made and then nothing has happened since. And
 19 that's what was relayed to our expert.
 20 MR. MACKRES: All right. Thank you.
 21 Now, there's a push for more buses since
 22 there was a request. But there's also
 23 conflicting -- how do I phrase this? Many of
 24 the complaints that I've heard was that it's
 25 too far to come here, and it's far to cross the

1 bridge. If we add a bus route, I just -- by
 2 logistical standards, it usually adds 50
 3 percent of the time.
 4 THE WITNESS: That's the --
 5 MR. MACKRES: Depends how many stops
 6 you've had.
 7 THE WITNESS: You've hit -- the
 8 conundrum is that South Seaside Park, in order
 9 to get there in the summertime, it's going to
 10 potentially take 45 minutes to an hour to even
 11 go get somebody because it's such a far
 12 distance, depending on how -- that's part of
 13 the argument. And that's -- this is where a
 14 lot of concerns were coming from. Is we're
 15 just so far removed, even if we have a bus to
 16 get us there, how long is it going to take to
 17 get us there and back? That's part of the
 18 problem.
 19 MR. MACKRES: And there and back for the
 20 senior program for parks.
 21 THE WITNESS: That's correct.
 22 MR. MACKRES: Okay.
 23 CHAIR WINWARD: I was just curious,
 24 though. Wouldn't that be the same problem,
 25 though if deannexation would occur? Would

1 Seaside Park provide buses to go to -- let me
 2 rephrase that. Do they provide buses for
 3 people to go to the mainland? At all. See,
 4 I'm not sure about, but I know there's a lot of
 5 things missing in Seaside Park that those
 6 residents probably have to go to Toms River or
 7 Brick for, too.
 8 THE WITNESS: Do you mean the buses?
 9 CHAIR WINWARD: Like a ShopRite or a
 10 mall, that kind of thing.
 11 THE WITNESS: My question is, do you
 12 mean there are buses for the recreation
 13 programs? Come back --
 14 CHAIR WINWARD: Yeah. Does Seaside Park
 15 have them?
 16 THE WITNESS: I don't think the Seaside
 17 Park residents come out for recreation
 18 opportunities for the mainland.
 19 CHAIR WINWARD: So I was trying to
 20 figure out what would change if the
 21 deannexation would occur. Would there be any
 22 benefit to the bussing.
 23 THE WITNESS: For the Township on the
 24 whole, because you wouldn't have to send -- in
 25 theory, if the bus stop was set up, you

1 wouldn't have to send a bus over to pick up the
 2 senior residents to bring them back here.
 3 CHAIR WINWARD: Right. But I was
 4 just -- I was just saying they're not losing
 5 anything then.
 6 THE WITNESS: But they're --
 7 CHAIR WINWARD: Seaside Park is not
 8 going to provide a bus.
 9 THE WITNESS: No. But Berkeley Township
 10 benefits. Now you don't have to send the bus
 11 over there, spending the gas, the time, sending
 12 a driver. Whatever. There's a benefit to the
 13 Township not having to do that.
 14 CHAIR WINWARD: Anyhow, moving along, I
 15 believe Mr. Wiser has some questions.
 16 MR. MCGUCKIN: I just want to follow up
 17 on one thing.
 18 CHAIR WINWARD: Oh, sure.
 19
 20 EXAMINATION BY MR. MCGUCKIN:
 21 Q. Mrs. Woolley-Dillon, I think you
 22 testified in response to my question before that one
 23 of the problems with putting affordable housing on the
 24 barrier is the cost of the land.
 25 A. Yes.

1 Q. Because the land is so expensive, it's
 2 difficult --
 3 A. Yes.
 4 Q. -- to develop an affordable housing
 5 project over there?
 6 A. Yes.
 7 Q. And if the Township were able to acquire
 8 a piece of land, the most effective way to do that
 9 would be a multi-family type development; correct? If
 10 the land is so expensive.
 11 A. It can be one of the ways, but the
 12 testimony that I gave was that one of the ways that
 13 you could incorporate affordable housing measures on
 14 the island is to do a rehabilitation program. That
 15 would be the most effective use of money on an island
 16 community.
 17 Q. You've looked at the demographics of
 18 South Seaside Park. Is there a lot of people that
 19 would qualify for affordable housing in South Seaside
 20 Park?
 21 A. There were some.
 22 Q. There were some. On fixed income?
 23 A. Yes.
 24 Q. And how many?
 25 A. I don't remember the exact number.

1 Q. Okay. But if the Township were going to
 2 develop an affordable housing in Seaside Park, the
 3 land is expensive to begin with, the most efficient
 4 way to do that would be to do a multi-family type
 5 project; correct?
 6 A. I'm hesitating to answer this, and I'll
 7 tell you why. The gist of the affordable housing is
 8 not to cluster them in one location. It's to disperse
 9 it throughout the community.
 10 Q. How many -- I think you testified
 11 there's no affordable housing in South Seaside Park.
 12 A. That's correct. Yes.
 13 Q. So, again, if the Township wanted to do
 14 an affordable housing project in South Seaside Park,
 15 the most efficient way to do that would be a
 16 multi-family type of development, would it not,
 17 because of the cost of the land?
 18 A. As where -- even on the mainland. Yes.
 19 That would be the same thing.
 20 Q. Okay. And the residents of South
 21 Seaside Park made it clear they don't want
 22 multi-family housing in their community; correct?
 23 A. That's correct. Yes.
 24 Q. Okay. Thank you.
 25 MR. MACKRES: Concerning COAH and

1 workforce families, don't we have a point
 2 system here, Mr. Oris? For affordable housing?
 3 MR. ORIS: I believe that's a component
 4 of the affordable housing plan, which includes
 5 set-asides from new developments. Also a point
 6 system. Yes.
 7 MR. MACKRES: Aren't there many points
 8 if you are next to a bus stop or within walking
 9 distance to a bus stop?
 10 MR. ORIS: Quoting from memory, I
 11 believe there are additional points.
 12 MR. MACKRES: I think it's four, which I
 13 think almost guarantees you have to put
 14 affordable housing if you were a major
 15 developer. I don't know how you define "major
 16 developer," but more than one unit.
 17 MR. ORIS: Uh-hum.
 18 MR. MACKRES: And a 20 percent
 19 set-aside.
 20 MR. ORIS: Yes.
 21 MR. MACKRES: If we had that bus stop,
 22 you'd be guaranteed to have it there. That is
 23 a statement. And also you've said that you've
 24 tried to spread them out, you know, and not
 25 cluster, but town centers cluster, and the

1 point system puts them in a certain place.
 2 THE WITNESS: By that I mean -- and
 3 maybe there's some clarification that's
 4 required.
 5 MR. MACKRES: Thank you.
 6 THE WITNESS: Affordable housing is a
 7 long, complex, winded discussion. I'm trying
 8 to keep this succinct. Even if a development
 9 where you have, say, a condominium or townhouse
 10 development, the whole point is not to stick
 11 all four units in the same building. You
 12 disperse them throughout even a multi-family
 13 type development. Typically, one of the things
 14 that happens with affordable housing is if you
 15 place them all together in one location in one
 16 spot in the municipality, there becomes a
 17 stigma attached with the units. And that's
 18 what COAH is trying not to do with the
 19 workforce housing. That's why there's a
 20 recommendation if you have a few of them in one
 21 particular development, don't stick them all in
 22 this one little building over here. Spread
 23 them throughout.
 24 The same rationale would apply for a
 25 community where you do want them to be spread

1 out, understanding that there are issues. And
2 that's, I think, probably why the point system
3 is there. Yeah. It's great to have them where
4 you have public transportation. Because a lot
5 of workforce housing, they do rely on the
6 public transportation system. So it's a
7 natural match. It's a common sense thing. And
8 that's one of the things I said was affordable
9 housing may not be going over there because
10 there isn't a New Jersey Transit route down
11 there. There's no way to get public
12 transportation up.

13 But that doesn't mean that there aren't
14 families in South Seaside Park that would
15 qualify. And by that they could qualify for a
16 rehabilitation program. That's one of the ways
17 of meeting it. That is a way of meeting your
18 obligation and providing that in an area that
19 may need it for a particular family.

20 MR. MACKRES: So in the reverse,
21 we've -- you've provided testimony that the
22 South Seaside Park prefers or wants
23 single-family housing and, therefore, no
24 multi-family. And since there's multi-family
25 on the mainland only, isn't it going to be a

1 stigma the other way around? That that's where
2 the COAH is, on the mainland. And then since
3 we're all special here in South Seaside Park --
4 we've had testimony people call it elitist. So
5 its troubling because you can flip that
6 equation.

7 THE WITNESS: Absolutely. Actually, I
8 think there was discussion, and I think I was
9 being tried to ask to state that because there
10 is currently multi-family over there that's not
11 going anywhere right now. I was being asked to
12 state that it was a unique situation to South
13 Seaside Park. There are currently multi-family
14 units that do exist on the island.

15 MR. MACKRES: And, therefore, you want
16 to change the zoning to make sure they get
17 kicked out.

18 THE WITNESS: No. I did not say that,
19 sir. Not at all.

20 MR. MACKRES: You say change the zoning.
21 And if the home burns down and something bad
22 happens, it will never get built again.

23 THE WITNESS: No. No, sir.

24 MR. MACKRES: I know I'm putting some
25 words in your mouth.

1 THE WITNESS: A few. What I'm stating
2 is that if you have a use that's nonconforming,
3 even if it's a commercial use that's no longer
4 now permitted in a residential zone, what
5 happens is if it's more than 50 percent
6 damaged, it's now not permitted. So in order
7 to rebuild, the applicant would, in fact, have
8 to come to the Zoning Board of Adjustment to
9 seek relief. I think that's what I testified
10 to.

11 MR. MACKRES: Okay. Thank you for
12 correcting me.

13
14 EXAMINATION BY MR. MCGUCKIN:

15 Q. Just to follow up, you looked at the
16 Master Plan. You've looked at the affordable housing
17 plan. Can you tell me what properties in South
18 Seaside Park would qualify under the Township plan
19 right now for rehabilitation?

20 A. It's not even a property. It goes with
21 the income of the person living there.

22 Q. Uh-hum.

23 A. So I can't -- because they don't divulge
24 that information, it's a census-wide average for
25 income, I can't tell you that homeowner Smith living

1 at 2 East Lane would qualify because I don't know the
2 exact income of each and every resident.

3 Q. Do you know of any residents who would
4 qualify -- the income. Any residents that would
5 qualify under the many guidelines the Township has
6 right now?

7 A. In Seaside Park?

8 Q. Correct.

9 A. I'm sure --

10 Q. I'm not asking if you are sure. I'm
11 asking if you know of one.

12 A. I haven't personally met one.

13 Q. Okay. Has anyone told you that there's
14 someone there?

15 A. Nobody's told me.

16 Q. You're making an assumption but not on
17 any facts. Just on an assumption that there's
18 probably people on fixed income so they would probably
19 qualify.

20 A. That is correct.

21 Q. Okay. How much affordable housing is in
22 Seaside Park?

23 A. I actually don't know the answer because
24 they just redid their plan recently.

25 Q. How many are you aware of in Seaside

1 Park?

2 A. Actually, I am aware of at least ten
3 units because I did inspections on some of them.

4 Q. Okay. So you believe that ten -- and
5 where would --

6 A. At least.

7 Q. And where are they located?

8 A. Throughout the municipality.

9 Q. Okay.

10 A. They are not in one location.

11 Q. Okay. That's all I have.

12 MR. MCGUCKIN: Thank you, Chairman.

13 MR. ORIS: Through the Chair. Just it
14 occurred to me with Mr. McGuckin's questions.

15

16 EXAMINATION BY MR. ORIS:

17 Q. And were those ten units in Seaside Park
18 created through development or through rehabilitation?

19 A. Some of them are deed restricted by
20 choice of the owner. Some of them are existing
21 dwellings that they've converted.

22 Q. So they are rehabilitated. They were in
23 an existing dwelling that was rehabilitated and then
24 deed restricted to become an affordable housing unit?

25 A. And some are also exist -- for instance,

1 they have one of the ones that I specifically recall
2 taking a look at was a mixed use with office on the
3 bottom, and there were two apartments above it that
4 had existed for quite some time. And the property
5 owner chose to deed restrict them for the purposes of
6 a workforce housing.

7 Q. Okay. So there are currently existing
8 multi-family units in South Seaside Park. And those
9 property owners could choose to rehabilitate or deed
10 restrict on their own; correct? As did the ones in
11 Seaside Park chose?

12 A. If they were to rent them out to an
13 affordable or workforce housing family, then, yes,
14 they could.

15 Q. It's a property owner's choice; is that
16 correct?

17 A. That's correct.

18 Q. In that instance that you referenced.

19 A. Yes.

20 Q. And I just had a few more questions if I
21 could.

22 In your prior testimony you mentioned
23 that Mr. Slachetka had given testimony with regards to
24 the Notre Dame study, and I believe Mr. Slachetka's
25 testimony was that it was a unique study that

1 Keansburg and Berkeley were asked to participate in
2 because of their planning efforts. Do you recall
3 that? Or am I mischaracterizing what you presented or
4 basically summarized that to the Board?

5 A. Mr. Slachetka had indicated that the
6 Keansburg and Berkeley Township were chosen because of
7 whatever parameters. It was -- that was the choice.

8 They wanted to pilot communities and they were chosen.

9 Q. And I thought the testimony -- and maybe

10 I was wrong. I thought his -- your summary of his

11 testimony was that it is because of Berkeley and

12 Keansburg's planning efforts that they were chosen.

13 That was the reasoning behind the choice.

14 A. I don't even know if it was based on
15 planning efforts. I know that this study came out as
16 a result of what happened with Superstorm Sandy.

17 Q. Okay. And you had indicated that, in
18 fact, in the future -- or you had indicated that you
19 had spoken with Mr. Henderson at the State and that,
20 in fact, it was not something that was unique in that
21 this study was -- the outcome of this study was going
22 to be available to all -- many other communities in
23 the future.

24 A. To the coastal communities. That's
25 correct. Yes.

1 Q. To your knowledge, has the study been
2 offered to any other -- has this Notre Dame study been
3 offered to any other communities to date besides
4 Berkeley and Keansburg?

5 A. Yes. When I was in Mantoloking, right
6 before I left I had contacted him, and he was offering
7 it to me as the point person through Mantoloking to
8 get us on board with that.

9 Q. And did Mantoloking take advantage of
10 that?

11 A. When I called him, it was right before I
12 went on vacation at the end of the year. And then I
13 resigned shortly thereafter, so I don't believe that
14 they have done that as of yet.

15 Q. So you don't know.

16 A. No.

17 Q. Okay. And so do you know of any other
18 community that is -- that has enrolled in this or is
19 taking advantage of this Notre Dame study?

20 A. I think it's still on the roll-out
21 process. That's why I don't think anybody else is
22 aware of it or has taken advantage of it. That's
23 correct.

24 Q. So then, would you agree, then, that
25 Berkeley and Keansburg qualified or were chosen

1 because of some unique status or some recognition that
2 this study would be best suited for Berkeley and for
3 Keansburg?

4 A. I'm sure they have their reasons.

5 Q. As opposed to any other community. They
6 chose two out of 565 municipalities.

7 A. Actually, they were only focusing on the
8 coastal communities, so I wouldn't say it's all 565.
9 But they were chosen for a very specific purpose that
10 I do not know why it was.

11 Q. Okay. Thank you.

12 In your summary, and you had made a
13 comment about the planning efforts to date that were
14 completed by Berkeley Township. And I think you used
15 the term that it was "too little too late." And that
16 many of the planning efforts that were undertaken were
17 only after -- after deannexation had been filed.

18 A. Yes. That's correct.

19 Q. So you have reviewed the Township's
20 planning documents. They are on our website, the
21 master plan documents, affordable housing plans, the
22 Seaside Park neighborhood plans.

23 A. Yes.

24 Q. Did you have an opportunity to look at
25 the 2000 -- the envisioning plan, I think it was from

1 2008, and also the subsequent master plan update --

2 A. Yes.

3 Q. -- in that time frame?

4 A. Yes.

5 Q. And so those documents, reviewed the
6 entire town; is that correct?

7 A. That's correct.

8 Q. So that included discussions about South
9 Seaside Park.

10 A. Yes.

11 Q. Thank you.

12 MR. ORIS: I had one other -- one other
13 item I wanted to talk about, or question. And
14 I apologize for that.

15 MR. WISER: Go ahead.

16 Q. But the -- I wanted to talk a little bit
17 about the beaches on the bay side. You had indicated
18 that Seaside Park has a bay beach.

19 A. Yes.

20 Q. And they maintain their bay beach. And
21 South Seaside Park, I believe you indicated, you feel
22 as though they have a beach and they don't adequately
23 maintain it?

24 A. I didn't say I didn't feel as though
25 they have a beach. The testimony that was given was

1 that there is an area of -- there is a perception that
2 it's an open space area, that it's a public access
3 area, and that it's not properly maintained. I
4 believe that that was the testimony that was given.
5 What could potentially be done should they choose to
6 do something with the areas, they put in more
7 additional sand, et cetera. But that was the public
8 testimony that was given, is that there's a perception
9 that there's an area that is an area that could be
10 utilized for recreation that's poorly maintained.

11 Q. So are you aware that the Township does
12 provide maintenance and clean up that area.

13 A. I understand that there have been some
14 efforts to do that at some point in time.

15 Q. And you are aware that the Township does
16 not issue bay beaches for that area? Bay beach
17 badges.

18 A. I'm sorry.

19 Q. Sorry.

20 A. That's why I was sitting here, going, I
21 missed something.

22 Q. Yeah. Bay beach badges. I'm sorry. I
23 misspoke. I apologize.

24 A. Yes, I'm aware of that.

25 Q. So you would agree it's not a public

1 beach for Berkeley Township?

2 A. That's correct.

3 Q. Are you aware that the municipality has
4 performed shoreline protection projects in and around
5 that area?

6 A. Yes.

7 Q. Are you aware that the town also applied
8 to reconstruct the beach at that area?

9 A. No. I am not aware of that.

10 MR. ORIS: Okay. That's all I have.

11 CHAIR WINWARD: Okay. I believe Mr.
12 Wisner has some additional questions.

13 MR. WISER: Just checking.

14 CHAIR WINWARD: Saving the best for
15 last.

16 MR. WISER: Just checking.

17 EXAMINATION BY MR. WISER:

18 Q. I'd like to return to one of our
19 favorite topics, which is affordable housing. Just
20 a -- so affordable housing, between your testimony
21 last time and your testimony tonight, you had
22 indicated that there was a concern that there was no
23 funding that was put into South Seaside Park for
24 affordable housing.
25

1 A. That actually -- that's what I testified
 2 to and that's based on the public comment.
 3 Q. You had indicated also, that South
 4 Seaside Park is a PA5B planning area under the State
 5 plan.
 6 A. That's correct. Yes.
 7 Q. And that it's not recommended that
 8 affordable housing be encouraged to be built in PA5Bs?
 9 A. Basically, they want to -- they try to
 10 keep it in the PA3, 2 and 1, recognizing that there
 11 are areas -- it's not, oh, let's put all of our
 12 affordable housing in PA5. They understand it may
 13 happen. It's certainly something that does happen.
 14 And again a rehabilitation component would result in
 15 affordable units in a PA5.
 16 Q. But it's not encouraged, because growth
 17 in general is not encouraged in a PA5B.
 18 A. That's correct.
 19 Q. And then you spoke about the lack of
 20 public transportation in South Seaside Park?
 21 A. That's correct.
 22 Q. Which is integral to -- or, wrong word.
 23 Which is something that may be necessary for people
 24 who would live in affordable housing.
 25 A. That is correct. Yes.

1 Q. And you talked about the price of the
 2 land.
 3 A. Yes.
 4 Q. And is there any place for people in
 5 South Seaside Park, if they don't have transportation,
 6 to get groceries?
 7 A. Actually, I believe that there is a
 8 grocery store that has opened right at the top of
 9 Seaside Heights for the summertime. I know it closes
 10 in the winter. There are other small stores, delis,
 11 et cetera, there are located up Route 35.
 12 Q. But that's not in South Seaside Park.
 13 A. That's correct.
 14 Q. And if things close in the winter, that
 15 would leave -- the people who would be living in
 16 affordable housing would not just be living there in
 17 the summer. They'd be living there in the winter.
 18 A. There's an assumption that they would
 19 be. Yes.
 20 Q. They are year-round residents. They are
 21 not seasonal residents.
 22 A. That's correct.
 23 Q. Given all of those reasons -- and
 24 there's probably more but we'll keep it there -- if
 25 you were advising the Township on where to create

1 affordable housing, would you advocate that affordable
 2 housing be created in South Seaside Park?
 3 A. I'm going to step -- take a step back
 4 from that. To create -- if you were to do a
 5 rehabilitation on a unit where you had a resident that
 6 would qualify in South Seaside Park, that is, in
 7 effect, creating an affordable housing unit. It may
 8 need to be done there. I wouldn't advocate putting
 9 five new units, brand-new construction. No. But as
 10 part of the affordable housing program, you do have a
 11 component for rehabilitation. It's required. That
 12 would be where I would be looking at to spend some
 13 money that if you had a resident that resided in South
 14 Seaside Park that qualified, that's a way that you
 15 could accomplish that.
 16 Q. So the money -- I'm assuming you're
 17 talking about money in the Affordable Housing Trust
 18 Fund?
 19 A. That's correct. Yes.
 20 Q. And they are certainly scarce resources;
 21 right?
 22 A. Yes.
 23 Q. And if you were advising the Township on
 24 where to spend that, would it not go -- would that pot
 25 of money go further and be more effective to be used

1 on the mainland as opposed to South Seaside Park?
 2 A. For rehabilitation of units? No. It
 3 just depends on what needs to be done to the unit.
 4 Q. Okay. Okay. Switching topics and back
 5 to Mr. Slachetka and his -- his discussion of
 6 population and the demographics and things like that.
 7 You had indicated that Mr. -- your numbers differ from
 8 hers or -- check that.
 9 The numbers that you cite are different
 10 than the numbers that he cites.
 11 A. That's correct.
 12 Q. Cited.
 13 A. That's correct. Yes.
 14 Q. And he got his numbers from the American
 15 Community Survey; is that correct?
 16 A. That's correct.
 17 Q. And you got yours from the County.
 18 A. Not only the County, but I was double
 19 checking with. And that's why I backed it up with the
 20 other information that I had given. It's a reasonable
 21 expectation given the number of new building permits.
 22 My estimation was if you got four new dwellings that
 23 have come in, based on the average number of persons
 24 that reside in a dwelling unit, then you would only
 25 have an increase of, I believe it was ten I said.

1 Q. Okay. I'm not talking about the units,
 2 then.
 3 A. Oh, I'm sorry.
 4 Q. I'm talking about the population.
 5 A. Yes.
 6 Q. I get what you just said.
 7 A. Okay.
 8 Q. You had talked about you used the
 9 County's databook, if that's what it's called, to
 10 present your information on population.
 11 A. That's correct.
 12 Q. Do you know where the County gets their
 13 data?
 14 A. I actually believe that they have a
 15 footnote in -- I do not have it right in front of me.
 16 But the County does a lot of their own generation of
 17 numbers. That's what they do. They also base it
 18 sometimes on what happened with the 2010 census and
 19 the number of building permits.
 20 Q. Okay. Now, you talked about the
 21 information that Mr. Slachetka used based on a
 22 telephone survey. And you questioned that?
 23 A. Actually, what was testified to is he
 24 based his information for the population of South
 25 Seaside Park on the American Community Survey. If you

1 look at the footnote from the survey that was done at
 2 that time, what was indicated in one of the footnotes
 3 was that their numbers, their information was done on
 4 a telephone survey or compiled by a telephone survey
 5 that was not double-checked.
 6 Q. Is that different than any other ACS
 7 that the Census Bureau publishes?
 8 A. Actually, yes. Because that was the
 9 year that there was a government shutdown. So
 10 typically they are -- they are attempting to verify
 11 wherever possible. In that case, that's why that
 12 footnote was there because it was an unusual
 13 circumstance.
 14 MR. WISER: Okay. That is all I have.
 15 THE WITNESS: Are you sure?
 16 MR. WISER: I am sure. I can't speak
 17 for anybody else, but I am sure.
 18 MR. MICHELINI: I have a couple of
 19 followups.
 20 MR. MACKRES: I'm sorry, I have --
 21 ma'am, you were talking about rehabilitation
 22 units. I'm not familiar with that. And I can
 23 only assume it is when somebody, a town through
 24 the Affordable Housing Trust Fund or developer,
 25 takes a unit and rebuilds it? What do you mean

1 by "rehabilitation" unit?
 2 THE WITNESS: Okay. What that means is
 3 that when a family meets the income limitations
 4 thresholds, maximums for the number of persons
 5 in the family with a set amount of income, if
 6 they are residing in a unit, owning a unit that
 7 may need repairs such as a major heating
 8 system, roofing, things like that, plumbing,
 9 something need to be done, there are amounts
 10 that are set aside and required under the
 11 affordable housing program to be put in to
 12 rehabilitate the units for the residents that
 13 qualify for them. So that's what's meant.
 14 It's not rebuilding a new unit. It is putting
 15 money into a unit that a family that qualifies
 16 for the workforce housing or affordable
 17 housing -- excuse me -- income limitations so
 18 that they can continue to stay there. They are
 19 not putting the money out of their pocket.
 20 This could potentially bankrupt them. So
 21 that's what the program is set up to do, is put
 22 rehabilitation into an existing unit where a
 23 family qualifies.
 24 MR. MACKRES: And then is that deed
 25 restricted?

1 THE WITNESS: Yes, it is.
 2 MR. MACKRES: And so to be in that unit,
 3 that family would have to own the unit.
 4 THE WITNESS: Or it could be an owner
 5 that owns the unit that rents it out to an
 6 income-restricted family.
 7 MR. MACKRES: So the owner would
 8 borrow -- so the owner who has, let's assume
 9 your first example of the family who is either
 10 moderate income, low income, or very low income
 11 would qualify. They would actually have a home
 12 that is actually twice the value of the
 13 mainland at 400-plus, assuming. And they
 14 would -- then would be deed restricted for that
 15 in the future.
 16 THE WITNESS: If they chose to accept
 17 the Affordable Housing Trust Fund monies to put
 18 it into the unit for rehabilitation, then it
 19 would need to be deed restricted. That's
 20 correct.
 21 MR. MACKRES: Okay. And you would
 22 recommend that to somebody?
 23 THE WITNESS: It depends on the
 24 circumstances of the community. And as we were
 25 talking about --

1 MR. MACKRES: We're talking about that
2 individual.

3 THE WITNESS: Okay. In some cases what
4 happens, and I'll give an example. You have a
5 family where over the time mom and dad have
6 passed away. Children were perhaps less
7 fortunate or challenged. They may have
8 inherited the home from mom and dad. The home
9 may be worth a substantial amount of money.
10 They are barely holding on paying the property
11 taxes, but they don't make a lot of money. In
12 that case, that individual would then qual --
13 they've got this house worth a lot of money,
14 but they don't have the resources to put
15 additional funds into the home. This is the
16 purpose of the Affordable Housing Trust Fund,
17 is to help folks that are in a situation like
18 this.

19 MR. MACKRES: And you would recommend
20 that to them?

21 THE WITNESS: If they met the criteria,
22 the threshold and were willing to deed restrict
23 the unit, it's a way to meet the affordable
24 housing obligations.

25 MR. MACKRES: Would you recommend that?

1 THE WITNESS: If it comes through, and
2 that is what is presented and that would
3 satisfy it, then, yes. It's an acceptable
4 solution. It could be recommended. Yes.

5 MR. MACKRES: And they couldn't sell it
6 for more money?

7 MR. GINGRICH: Yeah. They could.

8 MR. MACKRES: I mean, financially that
9 would make the best -- I'm just trying to
10 figure out this rehabilitation thing because
11 that is completely -- I think that's off the
12 table.

13 THE WITNESS: It's COAH. It's COAH.

14 MR. MACKRES: It may be COAH, but it's
15 off the table. I mean, the only way you would
16 do it is if you -- the Township was doing it
17 and you had the land already, but wouldn't you
18 do that on the mainland as opposed to the
19 expensive area on South Seaside Park?

20 THE WITNESS: It depends.

21 MR. MACKRES: And I can --

22 THE WITNESS: Again, it's an
23 income-based derivative, and there are
24 families --

25 MR. MACKRES: Financially those plans

1 make no sense.

2 Okay. I don't have more questions.

3 Thank you.

4 MR. GINGRICH: One more through the
5 Chair.

6 That program you're talking about, isn't
7 that the program that goes in and for these
8 people you're talking about, to put it in
9 layman's terms, they just bring the house up to
10 code?

11 THE WITNESS: Are we talking about the
12 affordable housing?

13 MR. GINGRICH: Yes. I'm talking
14 about --

15 THE WITNESS: Okay.

16 MR. GINGRICH: -- the same program he
17 was just talking about where they come in the
18 house, and they do this or that. There's a
19 program already in existence where if the
20 people are in need, they come in your house and
21 bring it up to code. It's already here.

22 THE WITNESS: Sometimes it doesn't have
23 to do with bringing it up to code. Sometimes
24 there's a fact that the heating system doesn't
25 work.

1 MR. GINGRICH: That's bringing it up to
2 code.

3 THE WITNESS: Okay. If -- okay.

4 MR. GINGRICH: Correct? That's bringing
5 it up to code?

6 THE WITNESS: Correct. That could be
7 bringing it up to code. Yes.

8 MR. GINGRICH: They take the necessities
9 that are needed and apply them to the house.

10 THE WITNESS: That's correct.

11 MR. GINGRICH: Heating system is
12 required to bring it up to code.

13 THE WITNESS: Yes.

14 MR. GINGRICH: Thank you.

15 CHAIR WINWARD: Okay. With that, Mr.
16 Michelini, if you have some closing.

17 MR. MICHELINI: Sure. Just a few
18 questions.

19 EXAMINATION BY MR. MICHELINI:

20 Q. The 408 number, I actually believe it
21 came from another report, although you had testified
22 it came from Mr. Slachetka?

23 A. Yes.

24 Q. But in any event, it came from an

1 official --
 2 A. That is correct.
 3 Q. -- that's testified before these
 4 proceedings?
 5 A. Yes.
 6 Q. And that was an average in South Seaside
 7 Park; correct?
 8 A. The \$408,000?
 9 Q. Yes.
 10 A. Yes.
 11 Q. Is an average house value in South
 12 Seaside Park?
 13 A. That's correct.
 14 Q. Which means some houses are worth far
 15 less than that and some are worth far more; correct?
 16 A. Yes. Correct.
 17 Q. And if you're talking about COAH, you
 18 could be talking about a property in South Seaside
 19 Park that's worth \$250,000 as opposed to 408,000?
 20 A. That is correct. Yes.
 21 Q. It doesn't have to be a \$408,000 house;
 22 correct?
 23 A. That's correct.
 24 Q. And with regard to beach fees, Mr.
 25 Slachetka specifically did a comparison of beach fees

1 in his report, did he not?
 2 A. Yes. I believe he did.
 3 Q. Okay. And so in looking at what you get
 4 out of South Seaside Park with a Berkeley badge as
 5 opposed to what you get with a Seaside Park badge
 6 which cost more, and he made that point, your point is
 7 that as I -- and if correct me if I'm wrong -- is that
 8 you get a lot more bang for the buck with your Seaside
 9 Park badge because you do get two bay beaches as well
 10 as the ocean beach and a pier and tennis courts and
 11 all kinds of things that were testified to previously;
 12 isn't that correct?
 13 A. That's correct. Yes.
 14 Q. So if you're looking at what Mr.
 15 Slachetka was looking at, which is fees in terms of
 16 the benefits to be achieved by getting or buying a
 17 beach badge in Seaside Park, those benefits at least
 18 equal or outweigh, would it be fair to say, those of a
 19 Berkeley beach badge?
 20 A. I think that's a fair assessment. Yes.
 21 Q. Okay. And let's say I'm somebody who
 22 lives in South Seaside Park, and I want to -- say if
 23 Berkeley and deannexation occurs. I don't want to
 24 walk up to -- only a quarter or half mile, but I don't
 25 want to walk up to Seaside Park to go to the beach.

1 Is it reasonable to assume that Seaside Park will
 2 clean that beach every week like they do the beaches
 3 in Seaside Park?
 4 A. Yes.
 5 Q. Cleaning the White Sands Beach if it
 6 becomes part of Seaside Park?
 7 A. Yes.
 8 Q. And that would be an additional benefit
 9 to the people in South Seaside Park right now;
 10 correct?
 11 A. Yes.
 12 Q. Should deannexation occur.
 13 A. That's correct.
 14 Q. All right. And also, the fact that so
 15 much is provided by South Seaside Park through the
 16 beach badge as compared to what you get in Berkeley,
 17 does that in any way reflect perhaps the attitude of
 18 the municipality in terms of where they're going to
 19 allocate resources, and what they're going to do?
 20 MR. MCGUCKIN: Mr. Michelini?
 21 MR. MICHELINI: I'm asking her as a
 22 planner.
 23 MR. MCGUCKIN: She can't testify as how
 24 the Town will allocate.
 25 MR. MICHELINI: Yes. She can a planner.

1 MR. MCGUCKIN: No. She can't testify as
 2 to what they put into their police department's
 3 versus beach badge revenue.
 4 Q. Do municipalities show what they care
 5 about where they allocate their resources as a
 6 planner?
 7 A. Typically, yes.
 8 Q. And with regard to, there was a lot of
 9 testimony -- well, there was a lot of different
 10 neighborhoods in mainland such as Bayville, Holiday
 11 City, Manito Park. Do you remember that? Those
 12 comments were made by various members?
 13 A. Yes.
 14 Q. And they would be essentially
 15 neighborhoods; correct?
 16 A. That is correct.
 17 Q. And there are different neighborhoods
 18 pretty much in every town; isn't that right?
 19 A. Absolutely.
 20 Q. But all those neighborhoods that are
 21 over on the mainland are -- contiguous to another part
 22 of Berkeley Township. Isn't that correct?
 23 A. That's correct.
 24 Q. And they are not separated by six or
 25 seven towns and a body of water and a couple of

1 bridges; isn't that correct?

2 A. That is correct. Yes.

3 Q. And doesn't that make this different
4 than those neighborhoods, that South Seaside Park --

5 A. That's correct.

6 Q. And South Seaside Park, is that part of
7 the neighborhood of Seaside Park? Would that be fair
8 to say? Do the neighborhoods cross municipal
9 boundaries?

10 A. I think it's a fair statement. It is
11 right next door.

12 Q. And it's certainly more of a
13 neighborhood with Seaside Park and South Seaside Park
14 than being part of the mainland. And the
15 neighborhood --

16 MR. MCGUCKIN: Are you testifying now,
17 Mr. Michelini.

18 Q. Is that correct?

19 MR. MCGUCKIN: Or are you asking a
20 question?

21 Q. Is that correct?

22 A. Yes. That's correct.

23 Q. Thank you.

24 MR. MICHELINI: I have nothing further.
25 Thank you very much, Miss Wooley-Dillon.

1 THE WITNESS: Thank you.

2 CHAIR WINWARD: And we thank you for
3 your testimony and patience.

4 THE WITNESS: Thank you for the pleasure
5 of presenting.

6 MR. MICHELINI: As a housekeeping
7 matter, is Mr. Wiser going to be ready at the
8 next meeting?

9 MR. WISER: No.

10 CHAIR WINWARD: Oh, I was going to make
11 an announcement about that, too. I believe an
12 e-mail went out for Mayor Amato. Maybe Kelly
13 knows more, that there's a very heavy calendar
14 for March, anyway.

15 MS. HUGG: I believe we are going to
16 have three matters on the agenda next month, so
17 I don't believe that we will be able to hear
18 the deannexation next month.

19 MR. MICHELINI: Well, we're -- our
20 testimony is completed. So Mr. Wiser is next.

21 MR. MCGUCKIN: My question is, you're
22 done, Joe?

23 MR. MICHELINI: I am done.

24 MR. MCGUCKIN: Okay. So now it's --

25 MR. MICHELINI: I'm saying there are no

1 other witnesses, and I have to call rebuttal.

2 You're not going to let me call witnesses after
3 Mr. Wiser; right? We've already gone through
4 that.

5 MR. MCGUCKIN: We have.

6 MR. MICHELINI: So therefore, my
7 understanding is Mr. Wiser is next. Am I
8 correct about that?

9 CHAIR WINWARD: Yes.

10 MR. MICHELINI: All right.

11 CHAIR WINWARD: And you'll be ready for
12 April, you think?

13 MR. WISER: You know what? I cannot
14 promise that. There's a lot of information
15 that we have to sift through with all the more
16 recent witnesses, so I'd rather not say -- I'd
17 rather not put a date out there that I'm going
18 to be wrong with. I will be happy to work with
19 Mr. McGuckin and work through when -- when that
20 can be done.

21 MR. MCGUCKIN: Mr. Michelini, why don't
22 we talk in 30 days. I'll have an update from
23 Mr. Wiser at that point.

24 MR. MICHELINI: Sure. I just would say
25 for the record, I mean, it's been years. I

1 would think that Mr. Wiser would have this
2 report and be ready. And I'm extremely
3 disappointed and as my client's are, because
4 this has taken so long. And we only get two
5 hours each meeting, that it would be put off
6 because Mr. Wiser is not ready, with all due
7 respect to the work you've been doing, you
8 know. You know, we've had to come and be ready
9 every meeting. And certainly over the years,
10 you've had the opportunity to put things -- I
11 mean, if you look at the billings along which
12 are in evidence, it shows that he's been
13 working on the report for years now to the tune
14 of tens of thousands of dollars. So I would
15 think that that report could -- that he would
16 be ready to testify to that extent at the next
17 meeting. I just can't imagine it, and I think
18 it's an unreasonable delay.

19 So that's my objection on the record.

20 And I understand the Board -- and certainly,
21 Mr. McGuckin, we'll talk. But I do have an
22 objection on the record to not proceeding with
23 at the next meeting with the -- or the meeting
24 thereafter, for that matter, with Mr. Wiser.

25 MR. MCGUCKIN: In any event, just so

1 we're clear on the record. There will not be
2 anything in March; right? We have three
3 applications, you say.

4 MS. HUGG: Set. And possibly a fourth.

5 MR. MICHELINI: And just so you know,
6 I'll be here because I have one of them.

7 CHAIR WINWARD: Possibly or the
8 guarantied three.

9 MR. MICHELINI: No. I have one of them.
10 You'll get to see me again.

11 MR. MCGUCKIN: We'll talk. That night
12 or before that meeting, we'll talk and find out
13 where we're at.

14 MR. MICHELINI: Thank you, Mr. McGuckin.
15 Thank you, members of the Board.

16 CHAIR WINWARD: Thank you. This
17 concludes my meeting.

18 MR. LORELLI: Motion to adjourn.

19 MR. MACKRES: Second.

20 (Ayes.)

21 (The meeting was adjourned at 8:06 p.m.)
22
23
24
25

1 C E R T I F I C A T E
2

3 I, DARLENE SILLITOE, a Certified Court
4 Reporter and Notary Public of the State of New
5 Jersey, certify that the foregoing is a true
6 and accurate transcript of the proceedings.
7

8 I further certify that I am neither
9 attorney, of counsel for, nor related to or
10 employed by any of the parties to the action;
11 further that I am not a relative or employee of
12 any attorney or counsel employed in this case;
13 nor am I financially interested in the action.
14
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21 -----
22 DARLENE SILLITOE, CCR
23 License No 30XI0102300
24
25

Dated: March 9, 2019

My Notary Commission Expires

December 9, 2019

ID No 50006932

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