

1 TOWNSHIP OF BERKELEY  
 2 PLANNING BOARD  
 3 -----  
 4 IN THE MATTER OF:  
 5 SOUTH SEASIDE PARK HOMEOWNERS  
 6 AND VOTERS ASSOCIATION  
 7 DE-ANNEXATION PETITION HEARING  
 8 -----  
 9 Pinewald Keswick Road  
 Bayville, New Jersey  
 Thursday, September 3, 2015  
 8:25 p.m.

10 B E F O R E:

- 11 Robert Winward, Chairman
- 12 Brian Gingrich, Member
- 13 John Bacchione, Councilman
- 14 Frederick Bell, Member
- 15 Domenick Lorelli, Member
- 16 Richard Callahan, Member
- 17 Nick Mackres, Member

23 -----  
 24 LINDA SULLIVAN-HILL & ASSOCIATES  
 25 CERTIFIED COURT REPORTERS  
 46 SOUTH LAKEVIEW DRIVE  
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1  
 2 I N D E X  
 3 NAME OF WITNESS  
 4 SCOTT BAUMAN  
 5  
 6  
 7  
 8  
 9 PAGE  
 9

2 APPEARANCES:

- 3 DASTI MURPHY, MCGUCKIN, ULAKY,  
 CHERKOS & CONNORS, ESQS.  
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 Forked River, New Jersey 08731  
 BY: GREGORY MCGUCKIN, ESQ.  
 Attorneys for the Board
- 6 O'MALLEY, SURMAN & MICHELINI, ESQS.  
 17 Beaverson Blvd.  
 Brick, New Jersey 08723  
 BY: JOSEPH MICHELINI, ESQ.  
 Attorneys for the Petitioners

11 ALSO PRESENT:

- 12 Kelly Hugg, Secretary
- 13 Stanley Slachetka, Planner
- 14 Stuart B. Wiser, Planner
- 15 Nicholas Dickerson, Planner

1 MR. WINWARD: I'd liked to start the  
 2 application, continue testimony on the de-annexation  
 3 for South Seaside Park.  
 4 MR. MICHELINI: Good evening.  
 5 Joseph Michelini, appearing on behalf of the  
 6 petition signers for the South Seaside Park  
 7 Homeowners and Voters Association. Waiting for Mr.  
 8 Gingrich.  
 9 MR. GINGRICH: Sorry, guys.  
 10 MR. MICHELINI: You may recall the  
 11 last time we were here, we put on the direct  
 12 testimony of Mr. Bauman. I believe that the  
 13 cross-examination had just commenced by board  
 14 members and/or any of the professionals. And so,  
 15 we're here to allow Mr. Bauman to continue to  
 16 testify on cross-examination at this time.  
 17 Hopefully, we can move it along because there's only  
 18 an hour and a half left. So, I would ask in the  
 19 discretion of board if we --  
 20 MR. GINGRICH: Excuse me, sir. Is  
 21 that mike on?  
 22 MR. MICHELINI: Sorry. Mind if I  
 23 stand a little closer?  
 24 I would ask that the board try, to  
 25 the extent possible, to keep their questions

1 directed and short and non-meandering so that we can  
2 get through this as quickly as possible, given the  
3 fact that we only have an hour and a half left. So,  
4 thank you very much.

5 MR. LORELLI: Could I ask a question?

6 MR. WINWARD: Yes.

7 MR. LORELLI: In your report -- by  
8 the way, which is an excellent report.

9 MR. BAUMAN: Thank you.

10 MR. LORELLI: I'm sorry. Your report  
11 that I read, you mention that in 1970 South Seaside  
12 Park unsuccessfully attempted de-annexation and they  
13 were granted by the court, but then Seaside Park  
14 denied the request. Can you tell me why they denied  
15 the request?

16 MR. BAUMAN: That I don't know.

17 MR. LORELLI: It's on page six.

18 MR. BAUMAN: I'm not familiar with  
19 why. I was told that from the homeowners'  
20 association that they weren't approved.

21 MR. MICHELINI: I'll be happy to give  
22 us more information on that but I cannot do it  
23 tonight. You will recall that when I tried to go  
24 into the history of both de-annexation generally and  
25 this matter, there was a little bit of resistance at

1 that time to move on with the application. In fact,  
2 I recall that there was a vote --

3 MR. LORELLI: The only reason I ask,  
4 is it possible that they still will be denied that  
5 request?

6 MR. MICHELINI: Anything is possibly,  
7 you know. I mean --

8 MR. LORELLI: I guess so, yeah.

9 MR. MICHELINI: The way the law works  
10 is, we're obligated to come here first before we go  
11 to Seaside Park. And since this is a lengthy  
12 process, obviously it's a lengthy process, we can't  
13 guarantee that the people that --

14 MR. LORELLI: Let me understand this  
15 correctly. You have nothing from Seaside Park  
16 saying yes or no as of this moment?

17 MR. MICHELINI: As of this moment.  
18 And the reason for that is because that would not be  
19 binding on them. In other words, the process under  
20 the statute is to come here first. And then,  
21 assuming we get a yes vote to de-annex, then we have  
22 to go there. If we get a no vote to de-annex and  
23 let's say -- and I'm not saying we're going to  
24 court, but if they want to go to court and we go to  
25 court and the judge says, no, you should have

1 allowed them to de-annex, then we have to go back to  
2 Seaside Park. That process could be anywhere from a  
3 few months to a few years, unfortunately, the way  
4 litigation is and courts and timing.

5 So, therefore, it doesn't do us any  
6 good today to go to Seaside Park and say, are you  
7 willing to have us? We believe that they're willing  
8 to have us today. Otherwise, we wouldn't be here,  
9 believe me. But because the process takes so long  
10 to play out, there are no guarantees as to who is  
11 going to be making that decision. Could be totally  
12 different people than would be making that decision  
13 today. But that's -- we're following the statute.  
14 The statute requires us to do it this way. This is  
15 what we have to do.

16 MR. LORELLI: It seem to be a long  
17 way to go about doing things.

18 MR. MICHELINI: Well, if the statute  
19 provided otherwise, we would do it differently. But  
20 this is what the statute provides.

21 MR. LORELLI: That answers my  
22 question.

23 MR. MICHELINI: Yeah, I understand.  
24 Look, I've had this discussion with my clients, so  
25 we understand.

1 MR. LORELLI: You would think that  
2 Seaside Park would give you a yes or no and you  
3 would know how to proceed. But to say, I don't  
4 know, and then you go ahead and proceed for months  
5 and months, and they know all along they're not  
6 going to do it.

7 MR. MICHELINI: We believe that the  
8 climate is favorable for them to accept us. We  
9 cannot hold them to that.

10 MR. LORELLI: Can't be sure.

11 MR. MICHELINI: And the reason is, is  
12 because the people who are in power that would make  
13 that decision could be totally different people than  
14 the people that are there today because the process  
15 takes time.

16 MR. LORELLI: 1970 was a long time  
17 ago. Right. Not everybody --

18 MR. MICHELINI: Well, what I'm  
19 saying, you know, it takes time. So --

20 MR. LORELLI: That answers my  
21 question.

22 MR. MICHELINI: So, that's fine. But  
23 we wouldn't do it unless we thought it was going to  
24 be favorably received.

25 MR. WINWARD: Are there any other

1 questions from the board? I know our professionals  
2 have several questions for, regarding the testimony  
3 from last month. Seeing that there's none at this  
4 moment, would you like to start, Stan?

5 MR. SLACHETKA: Yeah. Sure.

6 ROBERT BAUMAN, previously duly sworn.

7 MR. SLACHETKA: Good evening,  
8 Mr. Bauman.

9 MR. BAUMAN: How you doing.

10 MR. SLACHETKA: That's better. I  
11 think there's a one second delay. I'm hearing my  
12 voice like one second after I'm talking. I'll try  
13 not to be so distracted.

14 I'm going to be asking you a series  
15 of questions. Most of the questions I'll be asking  
16 really is informational so I can better understand  
17 both your testimony and the presentation in your  
18 report. And I'm going to start off with some, you  
19 know, maybe more specific detailed questions with  
20 regards to some of the statements that are presented  
21 in the report. And primarily, you know, want to get  
22 the source of the background and the research and  
23 the foundation for the various statements and  
24 conclusions that are in the report. And then I've  
25 got some like generalized planning questions and

1 issues that relate to the South Seaside Park  
2 specifically and its relationship to the township  
3 overall and how that may or may not be -- or form  
4 the basis of your conclusions, so. My apologies but  
5 I'm, you know, this is going to be pretty detailed.  
6 So, you know, bear with me. I'll try to make it as  
7 succinct in my questions as I possibly can.

8 Going through your report, the first  
9 question. On page five, you claim that the report  
10 does not detail how de-annexation will impact the  
11 municipal budget. Yet, then on page six, you claim  
12 that elimination of services to noncontiguous  
13 barrier island could result in financial savings to  
14 the township.

15 Have you quantified what those  
16 potential savings could be?

17 MR. BAUMAN: No, I haven't.

18 MR. MICHELINI: We will have a  
19 municipal accountant testify as to the numbers.

20 MR. SLACHETKA: Did you consult with  
21 that accountant that formed the basis of your  
22 opinion?

23 MR. BAUMAN: No.

24 MR. SLACHETKA: And then on page ten,  
25 you note that, quote, Seaside Park borough

1 facilities and services are in close proximity to  
2 South Seaside Park and their common shore community  
3 characteristics will benefit South Seaside Park  
4 residents with convenience and financial savings,  
5 unquote.

6 Did you have any calculations that  
7 were prepared to support that conclusion?

8 MR. BAUMAN: The financial savings is  
9 directly from the time spent in travel and  
10 operational costs of vehicles going back and forth  
11 to the mainland. Those are the financial savings.

12 MR. SLACHETKA: But did you -- were  
13 you able to do an empirical analysis or quantify how  
14 much from the financial or fiscal perspective or  
15 economic perspective that time travel would  
16 correspond to?

17 MR. BAUMAN: That would vary from  
18 person to person. But I did not do an empirical  
19 analysis on that.

20 MR. SLACHETKA: It's sort of a  
21 qualitative opinion on your part with regards to  
22 that?

23 MR. BAUMAN: It's known that driving  
24 45 minutes to a municipal building rather than  
25 walking ten minutes or biking five, it costs more

1 time and money for the individual.

2 MR. SLACHETKA: On pages six and  
3 seven of your report, you note that the township's,  
4 and I'll quote, local services can be made more  
5 efficient without the burden of maintaining South  
6 Seaside Park on the barrier island, unquote. How --

7 MR. BAUMAN: I'm sorry. Page seven?

8 MR. SLACHETKA: Yeah, pages six and  
9 seven.

10 MR. BAUMAN: Okay.

11 MR. SLACHETKA: And quoting that,  
12 local services can be made more efficient without  
13 the burden of maintaining South Seaside Park and the  
14 barrier island.

15 Are you suggesting that it's a burden  
16 to provide services to all township residents? I  
17 didn't quite understand what was being said with  
18 regards to that statement or the implications as it  
19 related to the proofs that were necessary for  
20 de-annexation.

21 MR. MICHELINI: In other words, what  
22 did you mean?

23 MR. BAUMAN: Thank you. Just an  
24 example would be the police protection and costs of  
25 gasoline and going down through the barrier island

1 to South Seaside Park. Those costs being, if they  
2 were not in place, the local services could be more  
3 efficient if they weren't driving and servicing  
4 South Seaside Park in the sense that --

5 MR. SLACHETKA: Why would that be any  
6 different than any other part of the township?

7 MR. BAUMAN: It would be further than  
8 most other parts of the township.

9 MR. SLACHETKA: Again, have you  
10 quantified that in relationship to the services that  
11 are provided to other township residents? Have you  
12 done a comparative analysis?

13 MR. BAUMAN: Comparative analysis of  
14 that, no.

15 MR. MCGUCKIN: Just on that issue,  
16 Stan, if I can follow up?

17 MR. SLACHETKA: Yeah, sure, not a  
18 problem.

19 MR. MCGUCKIN: This is only the  
20 South Seaside Park portion of the barrier island  
21 that is seeking de-annexation, the township would  
22 still be providing those services elsewhere on the  
23 barrier island? Do you understand that?

24 MR. BAUMAN: You mean Pelican island  
25 or --

1 MR. MCGUCKIN: Yes.

2 MR. BAUMAN: Right. Yes.

3 MR. MCGUCKIN: So, really, the  
4 difference is from them going from Pelican Island to  
5 South Seaside Park, not from the mainland to South  
6 Seaside Park?

7 MR. BAUMAN: Not necessarily, no.  
8 No, if there's an accident on South Seaside Park,  
9 they're not going to stop on Pelican Island first  
10 and take up the time or the gas. They're going to  
11 continue down.

12 MR. MCGUCKIN: If there's a police  
13 officer on Pelican Island and they have to go to  
14 South Seaside Park, how far is that?

15 MR. BAUMAN: It's six miles. Five  
16 miles.

17 MR. MCGUCKIN: From Pelican Island to  
18 South Seaside Park?

19 MR. BAUMAN: Two miles.

20 MR. MCGUCKIN: Does that change your  
21 analysis as to how it would somehow --

22 MR. BAUMAN: No.

23 MR. MCGUCKIN: -- benefit  
24 financially?

25 MR. BAUMAN: No.

1 MR. MCGUCKIN: Thank you.

2 Sorry.

3 MR. SLACHETKA: That's okay. And,  
4 actually, I would appreciate it if anybody else, if  
5 either Stuart or yourself have any questions or feel  
6 that you need to follow up on something that I'm  
7 asking, don't hesitate to do so.

8 On page six of the report, you make a  
9 general claim that, quote, South Seaside Park  
10 residents identify more with neighboring barrier  
11 island communities than the distant mainland,  
12 unquote. We've, obviously, heard some lay testimony  
13 with regards to that. But looking at it in terms of  
14 establishing empirical foundation for that  
15 conclusion, do you know what percentage of residents  
16 actually specifically identify with the other  
17 barrier island communities.

18 MR. BAUMAN: I could say for certain  
19 at least 70 percent do, since they signed the  
20 petition.

21 MR. MCGUCKIN: That assumes that the  
22 reason they signed the petition is because they  
23 identified with Seaside Park, not for some other  
24 reason. Do you have any evidence as to the  
25 motivations of the 70 percent of the residents as to

1 why they signed the petition?

2 MR. BAUMAN: They agreed to seek  
3 de-annexation. And for that reason, they identified  
4 not with Berkeley Township but with Seaside Park.

5 MR. MCGUCKIN: What if one of their  
6 motivations was simply because it may be lower  
7 taxes?

8 MR. BAUMAN: I can't say.

9 MR. MCGUCKIN: So, you have no  
10 evidence one way or the other why the 70 percent  
11 signed the petition?

12 MR. BAUMAN: No, I don't.

13 MR. MCGUCKIN: Thank you.

14 MR. SLACHETKA: What about the  
15 residents that didn't sign the petition, have you  
16 been able to quantify or done any analysis on their  
17 opinions with regards to the area that they identify  
18 with?

19 MR. BAUMAN: No.

20 MR. SLACHETKA: Did you make any  
21 differentiation or distinction between seasonal  
22 homeowners versus full-time residents?

23 MR. BAUMAN: Of the petitioning?

24 MR. SLACHETKA: Just in terms of  
25 where their identification, what they -- the area

1 that they identify?  
 2 MR. BAUMAN: I met on several  
 3 occasions with the homeowners' association, the  
 4 executive committee and also their open meetings  
 5 where I spoke with them and received their opinions  
 6 as well. Whether or not they agreed with or signed  
 7 the petition, that I'm not sure of. I did meet on  
 8 several times with the representatives of the group.  
 9 MR. SLACHETKA: Again, not  
 10 necessarily an empirical analysis or you didn't do a  
 11 survey, but this is just --  
 12 MR. BAUMAN: No.  
 13 MR. SLACHETKA: -- based on your  
 14 meetings and the general understanding of the  
 15 opinions of the people that you spoke to?  
 16 MR. BAUMAN: Yes.  
 17 MR. SLACHETKA: On page six, you note  
 18 that it takes an average of 30 minutes to drive from  
 19 South Seaside Park to utilize many of the township's  
 20 mainland facilities. How did you quantify that  
 21 measure?  
 22 MR. BAUMAN: That was done through  
 23 Google. That was also through later confirmed by  
 24 testimony provided by Mr. -- by Don.  
 25 MR. MICHELINI: That would be

1 Mr. Whiteman?  
 2 MR. BAUMAN: Mr. Whiteman. And those  
 3 numbers are shown on Exhibit 17-A. Road distance,  
 4 drive time, bicycle time, walk time to the various  
 5 facilities of Berkeley Township from South Seaside  
 6 Park.  
 7 MR. SLACHETKA: From what point in  
 8 South Seaside Park does that commute from?  
 9 MR. BAUMAN: Pretty much dead center.  
 10 I had to pick an arbitrary place, so I picked right  
 11 in the middle. It's small enough whereas that  
 12 difference wouldn't --  
 13 MR. SLACHETKA: Street address or  
 14 street location, corner, geographic -- geographic  
 15 dead center?  
 16 MR. BAUMAN: Excuse me a minute.  
 17 Corner of Midway Avenue and Barnegat Avenue. I  
 18 don't know if you want the exhibit or --  
 19 MR. MICHELINI: No, that's fine.  
 20 MR. SLACHETKA: And did you do any  
 21 comparison of that drive time with other drive times  
 22 from other points within the township?  
 23 MR. BAUMAN: No.  
 24 MR. SLACHETKA: On page six, again.  
 25 There's a lot of information on five, six and seven.

1 MR. BAUMAN: Popular page.  
 2 MR. SLACHETKA: Yeah, well, there was  
 3 a lot of statements there, so that's the reason why  
 4 we're kind of focusing on that one.  
 5 On page six, you stated that the  
 6 barrier island, again, I quote, has, quote, has an  
 7 entirely different set of priorities than those of  
 8 the mainland, unquote.  
 9 What kind of research did you do to  
 10 make that determination and come to that conclusion?  
 11 MR. BAUMAN: The website for the  
 12 South Seaside Park Homeowners and Voters  
 13 Association; my meetings with them; my reading the  
 14 Berkeley Dispatch -- the Patch -- sorry,  
 15 BerkeleyNJPatch.com.  
 16 MR. MCGUCKIN: Are you -- excuse me  
 17 one second.  
 18 MR. SLACHETKA: Yeah, go ahead.  
 19 MR. MCGUCKIN: Are you talking about  
 20 the comment sections?  
 21 MR. BAUMAN: No, the news. The  
 22 comments. Keeping track of local happenings through  
 23 the bloggers.  
 24 MR. MCGUCKIN: So, you got this from  
 25 the website for the Homeowners Association for the

1 petitioner, correct?  
 2 MR. BAUMAN: How they relate to  
 3 island communities more so than the mainland.  
 4 MR. MCGUCKIN: You said you had  
 5 meetings with the executive board, I think you said,  
 6 at one point.  
 7 MR. BAUMAN: Yes.  
 8 MR. MCGUCKIN: And you met with --  
 9 and then you were present at some of their meetings  
 10 of the homeowners association.  
 11 MR. BAUMAN: Yes.  
 12 MR. MCGUCKIN: How many meetings did  
 13 you attend at the homeowners association itself as  
 14 opposed to just the executive board?  
 15 MR. BAUMAN: One.  
 16 MR. MCGUCKIN: One meeting. How many  
 17 people were at that meeting?  
 18 MR. BAUMAN: It must have been 70 to  
 19 100.  
 20 MR. MCGUCKIN: Seventy to a hundred?  
 21 MR. BAUMAN: That was in the  
 22 first aid building in Seaside Park. It was quite  
 23 full.  
 24 MR. MCGUCKIN: How many people signed  
 25 the petition?

1 MR. BAUMAN: I'd have to defer that  
2 to the attorney who handled the petition. I don't  
3 know.  
4 MR. MCGUCKIN: How many people did  
5 you meet with on the executive board?  
6 MR. BAUMAN: At least a dozen on two  
7 separate question occasions.  
8 MR. MCGUCKIN: And so, how long did  
9 you meet with the executive board on each occasion?  
10 MR. BAUMAN: About an hour and a half  
11 to two hours each time.  
12 MR. MCGUCKIN: Any other meetings  
13 with anyone from the homeowners association besides  
14 two times with the executive board and the one  
15 homeowners association general meeting?  
16 MR. BAUMAN: Third time with  
17 Mr. Whiteman, who gave me a tour of the South  
18 Seaside Park. I don't know if we're including  
19 meetings with our attorney or not or --  
20 MR. MCGUCKIN: I don't want to talk  
21 about that.  
22 MR. BAUMAN: You're right. So, at  
23 least one additional for the road tour.  
24 MR. MCGUCKIN: And of this 70 to 100  
25 people who were at the homeowners association

1 meeting, did you conduct any interviews of those  
2 individuals?  
3 MR. BAUMAN: I spoke with individuals  
4 before the meeting and after, but I didn't conduct  
5 formal interviews, no.  
6 MR. MCGUCKIN: Do you have their  
7 names or address?  
8 MR. BAUMAN: No, I don't.  
9 MR. MCGUCKIN: Would it be fair to  
10 say that a lot of the statements set forth in the  
11 first few pages, particularly page five, six, seven  
12 of your report, are basically your repeating what  
13 was told to you by members of the homeowners  
14 association report by the executive board?  
15 MR. BAUMAN: That's how I got my  
16 information.  
17 MR. MCGUCKIN: So, you didn't conduct  
18 any empirical studies. I think you said that pretty  
19 clearly. You didn't conduct any interviews of the  
20 residents. You didn't maintain any recordings of  
21 those -- of any statements or comments you received  
22 from residents?  
23 MR. BAUMAN: Well, I'm not a  
24 newspaper reporter, so I'm not recording and getting  
25 that type of information. As a planner, I can

1 observe without necessarily giving a full, vetted  
2 interview.  
3 MR. MCGUCKIN: Did you think it would  
4 be important to perhaps interview a greater cross  
5 section of the barrier island to determine their  
6 motivation for the --  
7 MR. BAUMAN: Greater -- how would  
8 that be defined?  
9 MR. MCGUCKIN: Well, you said you met  
10 with the executive board, which is 12 people, on two  
11 occasions, and the general membership once. Did you  
12 conduct block meetings or --  
13 MR. BAUMAN: I think that's a pretty  
14 good cross section, wouldn't you say?  
15 MR. MCGUCKIN: It depends. I don't  
16 know what happened at the meeting. I think --  
17 MR. BAUMAN: Well, I was there. I  
18 could tell you it was a pretty good cross section.  
19 MR. MCGUCKIN: Why don't I ask the  
20 questions and you answer them.  
21 MR. BAUMAN: Absolutely.  
22 MR. MCGUCKIN: So, you indicated you  
23 talked to a couple people, but you don't know who  
24 they were, before and after the meeting, correct?  
25 MR. BAUMAN: They introduced

1 themselves. I introduced myself. But I can't  
2 remember their names now.  
3 MR. MCGUCKIN: Did you have  
4 discussions with them about their social fabric of  
5 how they feel about Seaside Park and Berkeley  
6 Township?  
7 MR. BAUMAN: Yes.  
8 MR. MCGUCKIN: Did you record any of  
9 that information in your report?  
10 MR. BAUMAN: I recorded it by writing  
11 it and then keeping the file and then adding it to  
12 the report and creating my --  
13 MR. MCGUCKIN: Did you keep names of  
14 the individuals that you did that with?  
15 MR. BAUMAN: No.  
16 MR. MCGUCKIN: And how many people  
17 was that that you kept recordings of, where you kept  
18 notes as to what they said?  
19 MR. BAUMAN: Six to a dozen.  
20 MR. WISER: I have --  
21 MR. MCGUCKIN: Thank you.  
22 MR. WISER: -- a couple questions.  
23 Again, back to page six.  
24 MR. BAUMAN: Page six.  
25 MR. WISER: You make a statement that

1 says, should de-annexation be granted, Berkeley  
2 Township can then fully concentrate its efforts on  
3 the mainland development as recommended in the  
4 master plan.

5 Can't Berkeley do both? Concentrate  
6 on the mainland and the barrier island at the same  
7 time?

8 MR. BAUMAN: I can't answer that  
9 question with a yes or no. That's more in your --  
10 in your court. The resources that you have, the  
11 political will to do that, that's something I can't  
12 decide.

13 MR. WISER: Well, you seem to suggest  
14 that if de-annexation is granted, the inverse of  
15 this comment, that they wouldn't be able to do that?

16 MR. BAUMAN: Well, there's a lot  
17 going for the mainland as far as the plans that are  
18 in place and the infrastructure plans and the  
19 corridor studies, so --

20 MR. WISER: And continuing on, you  
21 make a statement, I think Mr. Slachetka quoted it,  
22 Berkeley will be relieved of trying to govern the  
23 barrier island an area that is entirely different --  
24 that has an entirely different set of priorities  
25 than those on the mainland.

1 Mr. McGuckin asked you about a series  
2 of interviews that you had with the island  
3 residents. Did you interview anybody from the  
4 mainland as to how they relate to Seaside?

5 MR. BAUMAN: No, it's not their  
6 petition.

7 MR. WISER: Well, how do you know,  
8 then, that the island has an entirely different set  
9 of priorities from the mainland?

10 MR. BAUMAN: Because I spoke with  
11 members of, residents of the island and also toward  
12 the mainland and understand through my years of  
13 planning and working and living in New Jersey to see  
14 what the differences are. And they are two quite  
15 different environments.

16 MR. WISER: Do you have a, in your  
17 planning background, do you have a large background  
18 with a township similar to Berkeley?

19 MR. BAUMAN: Yeah, Franklin Township  
20 is 22 square miles.

21 MR. WISER: Does it have a barrier  
22 island component?

23 MR. BAUMAN: No.

24 MR. WISER: Does Plainfield? You  
25 work in Plainfield.

1 MR. BAUMAN: Right.

2 MR. WISER: Does that have a barrier  
3 island component?

4 MR. BAUMAN: No, they don't.

5 MR. WISER: Okay.

6 MR. SLACHETKA: I maybe want to get  
7 away a little bit from this --

8 MR. BAUMAN: Page six?

9 MR. SLACHETKA: -- question. Not  
10 page six. You have to learn not to put page sixes  
11 in your -- skip page six and then you're home free.

12 MR. MICHELINI: I think six is pretty  
13 good. It's just relies upon the testimony of people  
14 who told the truth here.

15 MR. SLACHETKA: Well, actually, it  
16 doesn't. There's more on page six than just that.

17 The question that I had, as it  
18 related to this question of the priorities, beyond  
19 just the way that you collected the data and whether  
20 you did any -- how your analysis formed the  
21 foundation of that conclusion. And I'll use you  
22 attorney's. What did you mean when you said that it  
23 has an entirely different set of priorities than  
24 those on the mainland? Is that just South Seaside  
25 Park or is that every barrier island community? Can

1 you qualify that.

2 MR. BAUMAN: I can't speak for every  
3 barrier island community. I could speak for South  
4 Seaside Park in that they relate to the environment  
5 on the barrier island, walkability, biking,  
6 recreational facilities that are more in tune with  
7 what these residents expect from the area that they  
8 live, improved bay front areas, playgrounds,  
9 improved areas for fishing and additional  
10 recreation. And those type of amenities are offered  
11 in adjoining Seaside Park. And those are the type  
12 of relations and feelings that those residents would  
13 have rather than having to travel, to get in the car  
14 to do, to similar works on that, to go to experience  
15 a municipal facility or an activity.

16 MR. SLACHETKA: Well, I was more  
17 thinking in, what's the distinction? I mean, why  
18 aren't those the same attitudes as the people on the  
19 mainland or of any other community? They all want  
20 the same kinds of values in terms of desirable  
21 communities, walkable communities, livable  
22 communities. And why is -- what's the distinction  
23 here? What's the difference between the barrier  
24 island community versus the Berkeley community as a  
25 whole or any other community?

1 MR. BAUMAN: There's miles of strip  
2 malls on the mainland. There's -- everything is  
3 accessible by car. It's a different environment.  
4 And the folks on the barrier island, it's not their  
5 environment. It's a different environment than what  
6 they -- than what surrounds them.

7 MR. SLACHETKA: Wouldn't you say that  
8 a community could be made up of a whole variety of  
9 different types of environments that define the  
10 community as a whole, define a municipality?

11 MR. BAUMAN: Well, any community is a  
12 broad statement on that. You know, a prison is a  
13 community from the census records. So, we're not --  
14 are you talking what is a community or what people's  
15 perception of a community is?

16 MR. SLACHETKA: And they would be, as  
17 from a planning perspective, those values would be  
18 expressed in a municipality's master plan; is that  
19 correct?

20 MR. BAUMAN: That, voting, grass  
21 roots civic associations. There's a lot that help  
22 express a community. Not only just the blueprints  
23 of the master plan and the growth documents from the  
24 township.

25 MR. SLACHETKA: But you would think

1 that a comprehensive master plan, to a certain  
2 extent, reflects the values of that community; is  
3 that correct?

4 MR. BAUMAN: Yes. Yes.

5 MR. SLACHETKA: And then you've, in  
6 turn, in your research, you reviewed the township's  
7 current master plan document; is that correct?

8 MR. BAUMAN: Is that the 2015?

9 MR. SLACHETKA: Well, which master  
10 plan documents did you review?

11 MR. BAUMAN: All of them. There's a  
12 list in the report in the front of all the  
13 documents --

14 MR. SLACHETKA: That included the  
15 2015 master plan, as well as the 2008 --

16 MR. BAUMAN: Well, the 2015 didn't  
17 come out when this plan was -- when my report came  
18 out, but I did read it afterwards.

19 MR. SLACHETKA: So, your -- so  
20 it's -- the 2015 reexamination report and master  
21 plan amendment is not reflected in your report here  
22 but is it reflected -- I'm assuming it's reflected  
23 in your testimony --

24 MR. BAUMAN: Yes.

25 MR. SLACHETKA: -- before the board?

1 And did you also read the township's  
2 plan endorsement documents and application to the  
3 state planning commission for plan endorsement?

4 MR. BAUMAN: Yes.

5 MR. SLACHETKA: So, in that regard on  
6 page six, you say that South Seaside Park is not  
7 part of Berkeley's 2020 vision statement, which is a  
8 visioning document that was prepared as part of the  
9 municipality's application for state plan  
10 endorsement. And in looking at that 2020 vision  
11 statement -- and this is a theme, a thematic or  
12 theme that I'll be addressing in the number of  
13 different points and where you've made conclusions  
14 with regards to the comprehensive planning documents  
15 of the community. That document, that establishment  
16 of the vision was established for the township in  
17 its entirety; is that correct?

18 MR. BAUMAN: No, it was for -- done  
19 for the eastern mainland.

20 MR. SLACHETKA: And how do you  
21 support -- what do you use as the foundation for  
22 that?

23 MR. BAUMAN: From reading the  
24 document.

25 MR. SLACHETKA: And was the

1 township's application for plan endorsement just for  
2 the eastern mainland or was it for the entire  
3 township?

4 MR. BAUMAN: For the entire township  
5 as the jurisdiction. They need to apply as a  
6 municipality, not as a section of a municipality.  
7 Resolutions, council authorizations are needed. So,  
8 one section of a township or municipality just can't  
9 go off and achieve plan endorsement. Needs to be  
10 concerted effort from the governing body.

11 MR. SLACHETKA: So, when the state  
12 planning commission reviews the township's  
13 application for plan endorsements, aren't they  
14 reviewing their entire planning documents in their  
15 entirety?

16 MR. BAUMAN: I don't know. I wasn't  
17 there.

18 MR. SLACHETKA: Okay. So, you don't  
19 have any familiarity with the plan endorsement  
20 process?

21 MR. BAUMAN: I read -- I read the  
22 plan endorsement. I don't know the process behind  
23 it or how it got to that point.

24 MR. SLACHETKA: Okay. However, is,  
25 as a planner, assuming that the municipality would



1 be asking you whether or not it would be beneficial  
2 to achieve plan endorsement, potentially receive the  
3 benefits of the plan endorsement, whether it's  
4 funding or other safe assistance, you would think  
5 that that would be -- would a -- would you recommend  
6 to a municipality that a plan endorsement  
7 application, assuming that that township or that  
8 municipality received the benefits, would be an  
9 appropriate thing to do?

10 MR. BAUMAN: Could you rephrase the  
11 question?

12 MR. SLACHETKA: Yeah, I apologize.  
13 It was confusing to me, to myself.

14 MR. BAUMAN: I think if I could --  
15 well, I don't want to add.

16 MR. SLACHETKA: Let me ask the next  
17 question. Assuming that there were benefits that  
18 were accrued to the township receiving plan  
19 endorsement, whether that -- those benefits are  
20 financial, technical resources or otherwise, would  
21 there be any problem, as a planner, would you see  
22 any problem in a community applying for plan  
23 endorsement?

24 MR. MICHELINI: I don't understand  
25 the question.

1 MR. SLACHETKA: Is it bad -- would it  
2 be a bad thing?

3 MR. BAUMAN: For a town to seek plan  
4 endorsement?

5 MR. SLACHETKA: That's correct.

6 MR. BAUMAN: No.

7 MR. SLACHETKA: And you're not aware  
8 of the overall benefits to the community that the  
9 town was trying to achieve through the plan  
10 endorsement process?

11 MR. BAUMAN: I'm not going to make  
12 assumptions.

13 MR. SLACHETKA: Okay. All right. I  
14 wanted to go on your analysis or address your  
15 analysis of the 2008 master plan and then also  
16 supplement that with discussion of the 2015. On  
17 page six again, you claim that the 2008 master plan  
18 land use recommendations for South Seaside Park are,  
19 quote, are more intense than present permitted uses  
20 and are not consistent within the existing land use  
21 patterns for South Seaside Park; is that correct?

22 MR. BAUMAN: I'm trying to find that  
23 on page six. The paragraph?

24 MR. SLACHETKA: It's about the fourth  
25 paragraph down on the page.

1 MR. BAUMAN: I'm sorry.

2 MR. MICHELINI: You're quoting from a  
3 part of a sentence; is that correct?

4 MR. SLACHETKA: Yes. Are more  
5 intense than present permitted uses.

6 MR. MICHELINI: Can you read the  
7 whole sentence --

8 MR. SLACHETKA: Yeah, absolutely.

9 MR. MICHELINI: -- so that we can get  
10 a context?

11 MR. SLACHETKA: Not a problem.

12 South Seaside Park -- I'm quoting  
13 from the document. South Seaside Park is not part  
14 of Berkeley's 2020 vision statement and the master  
15 plan recommended zoning changes for South Seaside  
16 Park are more intense than present permitted uses  
17 and are not consistent within the existing land use  
18 patterns for South Seaside Park or even the zone  
19 plan of adjacent Seaside Park Borough.

20 That's a lot of stuff in that one  
21 sentence. I was trying to parse it out, but made a  
22 lot of -- a lot of statements in that one sentence.

23 MR. BAUMAN: Yeah, just --

24 MR. SLACHETKA: Do you want to read  
25 that again to see?

1 MR. BAUMAN: No, I got it.

2 MR. SLACHETKA: And I just was  
3 wondering how you -- well, first which, how you came  
4 to that conclusion to begin with?

5 MR. BAUMAN: I looked at the land  
6 uses in Seaside Park and South Seaside Park and  
7 compared the two. And my testimony covered the  
8 differences in zoning. This can also be seen on  
9 page 42 of the report, zoning comparison to  
10 Seaside Park Borough. Land in South -- I'm quoting  
11 from the second paragraph on page 42. Land in South  
12 Seaside Park that abuts Seaside Park Borough is  
13 generally developed as single family dwellings at a  
14 density higher than what Seaside Park's adjoining  
15 single family zoning permits.

16 MR. WISER: May I ask what the impact  
17 of that is?

18 MR. BAUMAN: Higher density. The --  
19 and I'm looking for the table. There was a chart  
20 that --

21 MR. MICHELINI: Take your time. Take  
22 your time. Let him finish, please.

23 MR. BAUMAN: I can -- I can go back  
24 to that.

25 MR. SLACHETKA: Take your time.

1 MR. BAUMAN: I'm sorry for delay.  
 2 MR. SLACHETKA: No, there's a lot of  
 3 information, so please take your time.  
 4 MR. BAUMAN: Again, on page 42. I'm  
 5 looking for the table. I can't find it right now.  
 6 But what I did was compare the zones in Seaside Park  
 7 to the zoning in South Seaside Park and noticed that  
 8 there were inconsistencies with some of those. Some  
 9 ranging from use, others ranging from the density or  
 10 intensity of residential use.  
 11 MR. WISER: Stan.  
 12 MR. SLACHETKA: Yeah, sure. Not a  
 13 problem.  
 14 MR. WISER: If I may. Let me  
 15 rephrase the question I asked before. Not so much  
 16 what the impact of that is, but are you suggesting  
 17 that that -- these inconsistencies are not proper  
 18 planning or not a good thing?  
 19 MR. BAUMAN: I think even in one of  
 20 your planning documents, you indicate that the  
 21 zoning is not consistent with what is out there now  
 22 and that it should deserve to be restudied. And  
 23 that was the precursor of bringing on the island  
 24 district zoning that the present zoning doesn't  
 25 serve what land uses are out there on South Seaside

1 Park.  
 2 MR. WISER: Right. But you're  
 3 referencing in this paragraph on 42 an adjacency  
 4 with Seaside Park, not in and of itself South  
 5 Seaside Park's inconsistency. Are you suggesting --  
 6 MR. BAUMAN: Oh, correct. That is  
 7 right.  
 8 MR. WISER: Are you suggesting that  
 9 this adjacency, inconsistent zoning or inconsistent  
 10 land use adjacencies are a bad thing?  
 11 MR. BAUMAN: Yes.  
 12 MR. WISER: What would be -- well,  
 13 can you tell me why?  
 14 MR. BAUMAN: Here we go. Exhibit 24.  
 15 Knew it would come. Page 72 where the shared  
 16 boundary of Seaside Park Borough and Berkeley  
 17 Township, where we split into three areas where the  
 18 existing South Seaside Park zoning permitted uses.  
 19 You could take out the third column of recommended  
 20 island zone districts and permitted uses and just  
 21 compare it right to the adjacent Seaside Park zone  
 22 and permitted uses.  
 23 For example, area one, residential  
 24 areas south of 14th Avenue between South Bayview and  
 25 Central Avenues, right now it's zone R-TH,

1 residential townhouse, that permits attached single  
 2 family at ten units an acre and four family units at  
 3 17.4 units an acre of minimum lot size of 10,000  
 4 square feet.  
 5 Adjacent in Seaside Park, that's a  
 6 residential zone that only permits detached single  
 7 family at 8.7 units per acre. So, the existing  
 8 South Seaside Park zoning is more intense than what  
 9 the adjacent -- what the zoning is in adjacent  
 10 Seaside Park.  
 11 Those type of inconsistencies, you  
 12 got two different governing bodies. Sometimes all  
 13 the mistakes are swept into the boundary areas.  
 14 They're not always cared for as much, in my  
 15 experience.  
 16 MR. WISER: Can you flesh that out a  
 17 little bit? I'm not sure what you mean.  
 18 MR. BAUMAN: If something is all the  
 19 way at the end, if it's out of sight, out of mind,  
 20 that there's inconsistent zoning if it's out -- if  
 21 it's not an area that a municipality is concerned  
 22 about or has plans for, it tends to go unabated or  
 23 shelved for further study, which is what's happening  
 24 now with the island district zoning.  
 25 So, there's inconsistent zoning with

1 the barrier island, with Seaside Park and South  
 2 Seaside Park.  
 3 MR. WISER: And that's, again, there  
 4 could be neighborhoods anywhere in any community  
 5 where zoning lines abut each other where you have  
 6 differential zoning. What makes this bad?  
 7 MR. BAUMAN: It's more intense. The  
 8 existing zoning is more intense than the adjacent  
 9 zoning.  
 10 MR. WISER: So, density is bad?  
 11 MR. BAUMAN: No. Incompatible uses  
 12 or inconsistencies are bad and competing densities  
 13 or densities that aren't consistent, yeah, they  
 14 could be bad. If you had a single family detached  
 15 house and now somebody comes in to build four family  
 16 units, at 17.4 units an acre, that may decrease your  
 17 property values if you own a single family detached.  
 18 MR. WISER: Or if I owned --  
 19 MR. BAUMAN: Quality of life would go  
 20 down. Quality of life would decrease. Parking  
 21 spaces could be now at a premium even more so.  
 22 MR. WISER: Or --  
 23 MR. BAUMAN: Property values.  
 24 Quality of life.  
 25 (Off the record.)

1 MR. WISER: I'm sorry. I'm sorry.  
 2 (Answer read back.)  
 3 MR. BAUMAN: Could become more of an  
 4 issue. Quality of life issues.  
 5 MR. SLACHETKA: And how would that be  
 6 solved through a de-annexation and then attachment  
 7 to Seaside Park?  
 8 MR. BAUMAN: Well, thanks for asking  
 9 that.  
 10 MR. SLACHETKA: I appreciate  
 11 that's --  
 12 MR. BAUMAN: Seaside Park could then  
 13 address the new de-an -- the new annexed parcel and  
 14 make that zoning more consistent with existing  
 15 zoning of Seaside Park.  
 16 MR. SLACHETKA: Okay.  
 17 MR. WISER: Wouldn't that -- wouldn't  
 18 that -- I'm sorry. Wouldn't that result in the  
 19 existing properties there being nonconforming?  
 20 MR. BAUMAN: It may. It may not if  
 21 they have COs, possibly. I know you're all familiar  
 22 with the CO process now from the last application.  
 23 It depends. It may or may not be existing  
 24 nonconforming. They may be -- they may be outright  
 25 illegal. So, I can't give a direct answer.

1 MR. WISER: Well, if you're rezoning  
 2 something, if something is there now, and let's  
 3 assume, aside from an anomaly, these things, these  
 4 widgets that are there, these uses that are there,  
 5 and structures that are there, are legal, your  
 6 change in zoning wouldn't make them nonconforming,  
 7 correct?  
 8 MR. BAUMAN: That happens all the  
 9 time when you rezone, yes. That's part of the  
 10 process. And unless if there's something that's  
 11 existing nonconforming, there may be cases where a  
 12 certificate of nonconformities are needed. There's  
 13 avenues and there's ways to remedy that.  
 14 MR. WISER: Go ahead.  
 15 MR. SLACHETKA: And we don't mean to  
 16 tag team. I apologize for that.  
 17 MR. BAUMAN: That's all right.  
 18 MR. SLACHETKA: But, and let me  
 19 follow through on a series of questions with regards  
 20 to that first. And I want to really kind of get to  
 21 the heart of this in the context of its relationship  
 22 to de-annexation.  
 23 So, you're saying that if Seaside --  
 24 South Seaside Park became part of Seaside Park,  
 25 there would be a planning review? Obviously, the

1 Seaside Park would have to go with -- that new  
 2 combined community would need to adopt a master plan  
 3 and/or a revise or update existing master --  
 4 MR. BAUMAN: Reexamination report.  
 5 MR. SLACHETKA: -- reexamination  
 6 report. I mean, essentially, it becomes a new  
 7 planning document, new master plan. And then, as a  
 8 result of those recommendations in the master plan,  
 9 there would be then an introduction of the zoning  
 10 for the South Seaside Park area that, in your  
 11 opinion, should be more consistent with the existing  
 12 characteristics of the development pattern within  
 13 South Seaside Park; is that correct?  
 14 MR. BAUMAN: The governing bodies and  
 15 planning board of Seaside Park could very well say,  
 16 we want to make that area a resort and throw, and  
 17 wipe off all this off, you know, and start new.  
 18 Can't make assumptions about what they would do if  
 19 they should de-annex. However, it's a better  
 20 opportunity or it's a -- through one municipality,  
 21 it's easier as one jurisdiction to remedy these  
 22 issues rather than working with adjoining  
 23 municipalities.  
 24 MR. SLACHETKA: So, in your mind, as  
 25 a planner, there's a fundamental problem here

1 because you think there's a disconnect between the  
 2 existing zoning and the existing land use  
 3 characteristics; is that correct?  
 4 MR. BAUMAN: In this case, there is,  
 5 yes.  
 6 MR. SLACHETKA: Okay. So, there's a  
 7 problem. We have a problem and we say we have a  
 8 zoning -- the zoning doesn't quite match up with the  
 9 existing land use characteristics. And your  
 10 objective as a planner is, or you think in this  
 11 context, it's important to recognize the existing  
 12 characteristics -- it's a fully developed area,  
 13 correct?  
 14 MR. BAUMAN: Yes.  
 15 MR. SLACHETKA: And so, therefore,  
 16 you're not -- you don't want to necessarily create a  
 17 brand new zoning scheme for the area but you want  
 18 your -- the zone plan should recognize the existing  
 19 build characteristics of the area; is that correct?  
 20 MR. BAUMAN: Whether Seaside Park  
 21 would recognize existing zoning patterns of South  
 22 Seaside Park?  
 23 MR. SLACHETKA: No, no, no, no. I'm  
 24 saying, we have a problem. The problem is, there's  
 25 a disconnect between the zone plan and, the existing

1 zoning and the existing characteristics of the area.  
 2 It's a fully developed community. I would assume,  
 3 and, you know, correct me if I'm wrong, that your  
 4 recommendation is, hey, we need to make some changes  
 5 to our existing zoning to make it more match up with  
 6 the existing characteristics of the area; is that  
 7 correct?

8 MR. MICHELINI: Let me just clarify.

9 Are you talking about Berkeley making those --

10 MR. MCGUCKIN: I'm talking about --  
 11 I'm talking about in any area. There's an issue  
 12 here, though.

13 MR. BAUMAN: There's reactionary  
 14 zoning and then there's proactive zoning. And if  
 15 you want to react to what's there and change it, you  
 16 can do it that way. If you want to be proactive and  
 17 create something new and suggestive of something  
 18 different, you can do that as well.

19 MR. SLACHETKA: And as a planner, I  
 20 would assume that you would think that it's  
 21 important to obtain the input from the community and  
 22 the public that are maybe affected from that zoning  
 23 before you implement any changes; is that correct?

24 MR. BAUMAN: Yes.

25 MR. SLACHETKA: Okay. So, I want to

1 read you a quote from page 38 of the township's new  
 2 master plan document, the reexamination report which  
 3 was prepared recently as part of the township's Post  
 4 Sandy Planning Assistance Grant program which was  
 5 recommended as part of the Township's Strategic  
 6 Recovery Planning Report.

7 So, with that, one of the  
 8 recommendations in that document on page 38, and  
 9 I'll quote it specifically. It references the  
 10 island zoning districts. The 2008 Land Use and  
 11 Circulation Element revised the Land Use Plan Map to  
 12 reflect several changes. In addition to the Town  
 13 Center districts, and nodes A-C, A through C, the  
 14 map was revised on the barrier island to, quote,  
 15 provide context sensitive residential and commercial  
 16 standards for this unique island neighborhood,  
 17 unquote. While the plan recommends that the zoning  
 18 ordinance is revised to reflect that these land use  
 19 districts, which would replace the existing  
 20 districts with island-specific zones, additional  
 21 study is recommended to ensure that any changes,  
 22 including approaches to improve storm resiliency, be  
 23 designed in a manner that is context sensitive to  
 24 South Seaside Park's community character. This is  
 25 unquote. That's the passage.

1 First question, do you -- do you  
 2 disagree with that as being an appropriate land use  
 3 policy expressed in the master plan?

4 MR. BAUMAN: To kick the can down the  
 5 street and recommend further study, no on that. I  
 6 would have liked to see more progressive results  
 7 from that rather than the study. It was in 2015.  
 8 It was in the previous plan documents all the way  
 9 through 2008 about this island district zoning. And  
 10 not much has been done on it, so I would expect more  
 11 from a reexamination report at this time if there  
 12 was more effort given to the South Seaside Park  
 13 area.

14 MR. SLACHETKA: With understanding  
 15 that the reexamination was prepared primarily  
 16 because of impacts of Superstorm Sandy and the need  
 17 to have a comprehensive planning policy that address  
 18 storm resiliency and community issues and concerns.

19 MR. BAUMAN: Right. You're talking  
 20 the strategic recovery planning report?

21 MR. SLACHETKA: I'm talking about the  
 22 master -- the 2015 master plan.

23 MR. BAUMAN: Okay.

24 MR. SLACHETKA: So, your thought  
 25 would be, that's not -- you're not disagreeing with

1 the idea? You're thinking that, hey, we need to  
 2 address that as quickly as possible?

3 MR. BAUMAN: Yes.

4 MR. SLACHETKA: So, let me ask you  
 5 this, and this kind of gets to the heart of this  
 6 issue. How is this -- how does this -- how does, A,  
 7 the process improve through de-annexation and is it  
 8 a de-annexation question? You know, if there's a  
 9 zoning question or issue or concern in any part or  
 10 neighborhood of a community, regardless of whether  
 11 it's on the barrier island or not, do we suddenly  
 12 de-annex a portion of community or do we address the  
 13 zoning questions or the land use questions through  
 14 the appropriate process, by addressing it through  
 15 the master plan and the zoning ordinance?

16 MR. BAUMAN: There are other -- I'm  
 17 sorry -- there are other issues at stake. There are  
 18 other means of why the residents want de-annexation.  
 19 It's not just zoning. And I'm only here to comment  
 20 about the zoning part on that. There's the easy way  
 21 and the hard way. The easy way would be to get this  
 22 island districts out of the study phase. Get into  
 23 the implementation phase. Include it in the vision  
 24 statements of the township. Include it in the plan  
 25 endorsement process. That's the easy way.

1 The hard way is what the residents  
2 have chosen to do through de-annexation, to have a  
3 voice of their own and to work with other like  
4 minded folks in Seaside Park.

5 MR. SLACHETKA: Well, yes and no --

6 MR. BAUMAN: So, okay.

7 MR. SLACHETKA: -- you know. And the  
8 first question is, would it be a faster process with  
9 the understanding the master plan was just adopted  
10 in 2015 and now the next step in the process is the  
11 various -- implementation of the various  
12 recommendations and the adoption of the new zoning  
13 districts.

14 MR. BAUMAN: Is there a timetable for  
15 that?

16 MR. SLACHETKA: No, there's no  
17 timetable. But, A, the master plan has just been  
18 adopted.

19 MR. BAUMAN: I can look backwards and  
20 tell you the timetable where it's been on the table.

21 MR. SLACHETKA: This master plan  
22 which is this -- this thought is expressed, has just  
23 been adopted. How could that be -- how could a  
24 de-annexation process where then you then need to go  
25 in and adopt the brand new master plan for this new

1 quasi community and adopt the zoning ordinances that  
2 would take time, how could that be faster and more  
3 effective than the existing processes already in  
4 place and underway?

5 MR. BAUMAN: I can't answer that.  
6 There's too many variables. There's a lot of  
7 speculation on that. I can't make those  
8 speculations.

9 MR. SLACHETKA: Well, I mean, you  
10 make one of -- one of your key points here in terms  
11 of why de-annexation is appropriate is because  
12 there's a disconnect in zoning. So, then, and now  
13 you're suggesting that, well, maybe it's not as  
14 important, that issue is not as important as maybe  
15 some other issues.

16 MR. MICHELINI: I'm going to object  
17 to that. He never said that. That's a  
18 mischaracterization of what he just testified to.

19 MR. MCGUCKIN: It's fair  
20 cross-examination. You can redirect at the  
21 appropriate time.

22 MR. MICHELINI: Well, yeah, but he  
23 can't put words -- he can't put words --

24 MR. MCGUCKIN: He can say, I never  
25 said that.

1 MR. MICHELINI: And I have the right  
2 to object.

3 MR. MCGUCKIN: You get your  
4 objection.

5 MR. MICHELINI: I have the right to  
6 object and to state why I object. You don't put  
7 words in a witness's mouth.

8 MR. MCGUCKIN: Certainly understand  
9 your objection. He can answer the question.

10 MR. SLACHETKA: Well, let me ask it,  
11 maybe a little more direct on that. Are you  
12 suggesting -- are you suggesting that zoning is an  
13 important -- rezoning is an important reason for  
14 de-annexation or not?

15 MR. BAUMAN: It's not the first thing  
16 that comes to the resident's mind. But from a  
17 professional planner's standpoint, zoning helps,  
18 rezoning helps, addressing these items in the master  
19 plan helps.

20 MR. SLACHETKA: Would you recommend  
21 to any of the towns that you represent -- you work  
22 for the City of Plainfield?

23 MR. BAUMAN: Right now.

24 MR. SLACHETKA: If there's a -- if  
25 there was a neighborhood in which the zoning in that

1 neighborhood, there was a disconnect in the zoning  
2 of the neighborhood, this maybe not quite match up  
3 to what existing characteristics, and the adjoining  
4 municipality had zoning that was completely  
5 compatible with that existing neighborhood, would  
6 you recommend, from a land use planning perspective,  
7 that it would be preferable to de-annex that  
8 neighborhood to join the adjoining community or  
9 address, through the appropriate master plan and  
10 zoning process within the community, to address that  
11 zoning disconnect?

12 MR. BAUMAN: All other factors  
13 constant and it was only zoning, then yes. But in  
14 this case, there are other issues at hand that has  
15 stirred the need for de-annexation. It's not just  
16 zoning there. When I did my informal interviews, I  
17 didn't hear anybody say, the zoning in Seaside Park  
18 is different than here, that inconsistency we can't  
19 stand, we're not going to deal with it. I didn't  
20 hear any of that. I heard a lot about people's  
21 traveling. I heard a lot of about our communities,  
22 the way the folks relate.

23 MR. WISER: So, then, the zoning is  
24 really not an issue of concern to the petitioners?

25 MR. BAUMAN: It is to me. And it is

1 to this board. It should be. Zoning is something  
2 that should be of concern. Not just all the other,  
3 the testimony provided by the residents, but also  
4 from the master plan and zoning perspective.

5 MR. WISER: So, are the residents  
6 there happy with the zoning?

7 MR. BAUMAN: You'd have to ask the  
8 residents.

9 MR. WISER: Well, you did the  
10 interviews. You put the report together.

11 MR. BAUMAN: I said informal. Six to  
12 12 people. That's not a wide enough spectrum to get  
13 an opinion of the residents about the zoning  
14 implications.

15 MR. WISER: Okay.

16 MR. SLACHETKA: What would you  
17 recommend? Do you think the barrier island is  
18 developed too intensely or less intensely than it  
19 should be?

20 MR. BAUMAN: I don't have enough  
21 information to answer that question.

22 MR. WISER: But -- so, you've  
23 identified something that you perceive to be a  
24 problem.

25 MR. BAUMAN: An inconsistency.

1 MR. WISER: An inconsistency?

2 MR. BAUMAN: Whether it's a problem  
3 or not, subject and relative to the person who's  
4 perceiving it.

5 MR. SLACHETKA: So, we can -- we can  
6 reasonably question whether or not the disconnect in  
7 zoning is -- we, being the board, can reasonably  
8 question whether or not the zoning issue is really a  
9 relevant issue with regards to whether or not the  
10 barrier island should be de-annexed from the  
11 community or not?

12 MR. BAUMAN: It's one of the bundles  
13 of items that need to be addressed. It's one of  
14 many.

15 MR. WISER: You just said that you  
16 don't know whether it's a problem or not. If it's  
17 not a problem, would it still be need to be  
18 addressed?

19 MR. BAUMAN: From my professional  
20 opinion, in reviewing the zoning, I observed  
21 inconsistencies and I know the -- I know what zoning  
22 inconsistencies could result in on that. And if the  
23 inconsistencies can't be addressed by the governing  
24 body there, then this option of de-annexation comes  
25 to light.

1 MR. SLACHETKA: Well, couldn't they  
2 be addressed? I mean, there's nothing that prevents  
3 them from being addressed through the appropriate  
4 procedures under the Municipal Land Use Law, which  
5 has already, in essence, started here in the  
6 township by the identification of the issue in the  
7 master plan.

8 MR. BAUMAN: It started in 2008. So,  
9 what's the holdup?

10 MR. SLACHETKA: Well, regardless. I  
11 mean, can that -- those zoning issues can be  
12 addressed through the planning zoning process that  
13 this planning board is involved with.

14 MR. BAUMAN: Perhaps if they were  
15 addressed in 2008, we wouldn't be here tonight  
16 discussing de-annexation.

17 MR. SLACHETKA: Well, you just --

18 MR. BAUMAN: Perhaps.

19 MR. SLACHETKA: I don't want this to  
20 be too much of a cross-examination here. I want it  
21 to just be to get information. But you just said  
22 that that wasn't even a relevant issue or concern to  
23 the people that you spoke to.

24 MR. BAUMAN: That's correct.

25 MR. SLACHETKA: Okay. Thank you.

1 Just give me a second.

2 MR. MCGUCKIN: Can I jump in?

3 MR. SLACHETKA: Yeah, sure.

4 MR. MCGUCKIN: Just want to clarify  
5 something. You said you did informal interviews  
6 with six to 12 people; is that accurate?

7 MR. BAUMAN: Yes. Yes.

8 MR. MCGUCKIN: And were those six to  
9 12 people members of the executive board or board of  
10 trustees of the homeowners association?

11 MR. BAUMAN: No.

12 MR. MCGUCKIN: Did you interview  
13 anyone else besides the six to 12 people that you  
14 mentioned that you interviewed informally?

15 MR. BAUMAN: When you say interview,  
16 I want to make sure we're on the same page with  
17 that. With discussion, casual discussion with an  
18 individual on this, hearing their -- hearing them  
19 out, hearing their issues, taking in their  
20 suggestions -- sorry.

21 MR. MCGUCKIN: No problem.

22 MR. BAUMAN: Taking in their  
23 suggestions on that. You know, we'd like you to see  
24 this. We'd like you to look into that. This is  
25 something that's been an issue to us. Those are the

1 type of questions and back and forth. It wasn't a  
 2 sit down interview.  
 3 MR. MCGUCKIN: And who told you that?  
 4 MR. BAUMAN: Who told me that?  
 5 MR. MCGUCKIN: Yes. Who gave you  
 6 those concerns? Who told you what those concerns  
 7 were?  
 8 MR. BAUMAN: The individuals that I  
 9 spoke with.  
 10 MR. MCGUCKIN: How many people was  
 11 that?  
 12 MR. BAUMAN: Six to 12.  
 13 MR. MCGUCKIN: Okay. And you  
 14 indicated you went to one general meeting of the  
 15 homeowners association. There were roughly 70 to  
 16 100 people there; is that correct?  
 17 MR. BAUMAN: Yes.  
 18 MR. MCGUCKIN: Did they take a vote  
 19 that evening of any type on this?  
 20 MR. BAUMAN: No. No, it was a  
 21 meeting to introduce me to the group and to hear  
 22 what they have to say and for me to, you know,  
 23 introduce myself to them.  
 24 MR. MCGUCKIN: Did you hear the  
 25 majority of them express their opinion?

1 MR. BAUMAN: I didn't take a hand  
 2 count, so I couldn't tell you if I had exact  
 3 majority.  
 4 MR. MCGUCKIN: And you indicated no  
 5 one mentioned this zoning issue as a concern,  
 6 correct?  
 7 MR. BAUMAN: That's correct.  
 8 MR. MCGUCKIN: And so, you had six to  
 9 12 informal interviews. And you spoke to the board  
 10 of trustees on two occasions. That's the same 12  
 11 people on that board?  
 12 MR. MICHELINI: No. He already  
 13 indicated that they were different than the board.  
 14 He already testified to that a few minutes ago when  
 15 you asked the question.  
 16 MR. MCGUCKIN: So, there were -- you  
 17 had two meetings. I thought you said there were two  
 18 meetings with the board.  
 19 MR. BAUMAN: You could call it board  
 20 meetings and then open general meetings.  
 21 MR. MCGUCKIN: Okay. And I count 36  
 22 people max that you actually spoke to, interviewed,  
 23 discussed in any detail this issue.  
 24 MR. BAUMAN: That's fair.  
 25 MR. MCGUCKIN: And I think in

1 response to questions earlier, did you have any  
 2 discussions with any residents of the mainland?  
 3 MR. BAUMAN: No, I have not.  
 4 MR. MCGUCKIN: Did you have any  
 5 discussions with any township officials prior to  
 6 your report?  
 7 MR. BAUMAN: No.  
 8 MR. MCGUCKIN: And you indicated,  
 9 back to page six, you talked about this different  
 10 set of priorities on the barrier island. You're a  
 11 planner for the City of Plainfield, I think you  
 12 said?  
 13 MR. BAUMAN: Right now, I am. We're  
 14 undergoing layoffs right now, outsourcing, Tuesday  
 15 night, but that's another topic.  
 16 MR. MCGUCKIN: Good night Tuesday.  
 17 Geez.  
 18 MR. BAUMAN: Yeah. Right now I am,  
 19 yes. I've been there 17 years, 16 years.  
 20 MR. MCGUCKIN: Are there different  
 21 and diverse neighborhoods within the City of  
 22 Plainfield?  
 23 MR. BAUMAN: Very much so.  
 24 MR. MCGUCKIN: And you said you did  
 25 work in Franklin Township?

1 MR. BAUMAN: I live Franklin Township  
 2 and I'm on the planning board and now the planning  
 3 board chair. Combined land use board, sorry.  
 4 MR. MCGUCKIN: Are there diverse  
 5 neighborhoods in Franklin Township?  
 6 MR. BAUMAN: Not really. There is  
 7 village and then there's fields. And then there's a  
 8 small village and then there's --  
 9 MR. MCGUCKIN: And --  
 10 MR. BAUMAN: This is Franklin and  
 11 Hunterdon County. Not in Somerset.  
 12 MR. MCGUCKIN: Thank you.  
 13 MR. BAUMAN: There's one in Warren.  
 14 I think there's like six or seven.  
 15 MR. MCGUCKIN: From a planner's  
 16 perspective, a community which has historically  
 17 developed with a number of different neighborhoods,  
 18 you believe that's an important part of a character  
 19 of a community, would you not?  
 20 MR. BAUMAN: It could be or it could  
 21 be an embarrassment as well.  
 22 MR. MCGUCKIN: Do you believe that a  
 23 township should foster diversity if it's  
 24 historically been evolved in a diverse manner?  
 25 MR. BAUMAN: That's up to them.

1 MR. MCGUCKIN: As a planner, do you  
2 think that's good planning?  
3 MR. BAUMAN: To foster diversity --  
4 (Off the record.)  
5 MR. MCGUCKIN: As a planner, if a  
6 township has promoted that, has been developed in  
7 that regard, do you think that's an appropriate  
8 thing for them to promote as a municipality?  
9 MR. BAUMAN: Diversity?  
10 MR. MCGUCKIN: Yes. Diverse  
11 neighborhoods, interaction between the neighborhoods  
12 and so forth?  
13 MR. BAUMAN: Not necessarily the  
14 town's responsibility. It's the neighbors'  
15 responsibility. It's as a civic, for residents to  
16 do. I don't think it's necessarily all on the  
17 burden of the governing body to do so.  
18 MR. MCGUCKIN: I'm not saying the  
19 burden. Do you think from a planning perspective --  
20 MR. BAUMAN: Not a burden.  
21 MR. MCGUCKIN: -- it's a good idea  
22 for a township to do that?  
23 MR. BAUMAN: Yes.  
24 MR. MCGUCKIN: Okay. Did you look at  
25 the rest of Berkeley Township to review their

1 existing neighborhoods patterns, community patterns  
2 and so forth?  
3 MR. BAUMAN: Yes.  
4 MR. MCGUCKIN: And did you find a  
5 number of diverse types of housing and commercial  
6 development within Berkeley Township?  
7 MR. BAUMAN: Yes.  
8 MR. MCGUCKIN: And you would agree  
9 that the barrier island is one of those  
10 neighborhoods, if you will?  
11 MR. BAUMAN: One of many.  
12 MR. MCGUCKIN: Okay. And there's a  
13 large senior type neighborhood, correct?  
14 MR. BAUMAN: Several.  
15 MR. MCGUCKIN: There's the  
16 Manitou Park section of town?  
17 MR. BAUMAN: Yes.  
18 MR. MCGUCKIN: There's the Bayville  
19 section of town, correct?  
20 MR. BAUMAN: Yes.  
21 MR. MCGUCKIN: All which have been  
22 part of Berkeley Township for a hundred and some  
23 years, correct?  
24 MR. BAUMAN: If that's the date on  
25 it. Since 1875.

1 MR. MCGUCKIN: And the township has  
2 developed in a diverse manner with different types  
3 of neighborhoods, correct?  
4 MR. BAUMAN: Using the word diverse  
5 is a little loaded, I think. If you're talking  
6 smaller homes versus larger homes or diverse in  
7 demographics or --  
8 MR. MCGUCKIN: Is Holiday City  
9 diverse from Bayville?  
10 MR. BAUMAN: Yes.  
11 MR. MCGUCKIN: Is Bayville diverse  
12 from the barrier island?  
13 MR. BAUMAN: Some of the housing's  
14 the same on that. I mean, you could find  
15 commonalities with all of this. While they're  
16 diverse, they do have some common thread.  
17 MR. MCGUCKIN: I think that's true  
18 and that's why I'm trying to address that.  
19 MR. BAUMAN: Okay.  
20 MR. MCGUCKIN: Same thing with  
21 Manitou Park, for instance.  
22 MR. BAUMAN: Right.  
23 MR. MCGUCKIN: So, in your report  
24 back on page five.  
25 MR. BAUMAN: Wow, the introduction.

1 MR. MCGUCKIN: You talk about the  
2 four statutory criteria. That the purpose of this  
3 report is to provide the basis and rationale for  
4 establishing certain things, correct?  
5 MR. BAUMAN: Right.  
6 MR. MCGUCKIN: Then you list four of  
7 them, right?  
8 MR. BAUMAN: Yes.  
9 MR. MCGUCKIN: And we can agree that  
10 you're not addressing anything economically, right?  
11 MR. BAUMAN: Except for the time and  
12 efforts spent by residents traveling to and from the  
13 mainland shown through the tables and the proximity  
14 of those facilities.  
15 MR. MCGUCKIN: So, you're talking  
16 about the economics of some residents of the barrier  
17 island?  
18 MR. BAUMAN: Time and money,  
19 economics.  
20 MR. MCGUCKIN: Some residents of the  
21 barrier island?  
22 MR. BAUMAN: Residents that signed  
23 the petition that are here for de-annexation, the  
24 majority of, 70 percent.  
25 MR. MCGUCKIN: Again, I went through



1 this before but let's clarify it. You didn't  
 2 interview everyone that signed the petition,  
 3 correct?  
 4 MR. BAUMAN: That's correct.  
 5 MR. MCGUCKIN: You don't know what  
 6 their motivations were for signing the petition, do  
 7 you?  
 8 MR. BAUMAN: No, I don't.  
 9 MR. MCGUCKIN: So, you don't know if  
 10 it was economic, correct? Correct?  
 11 MR. BAUMAN: Or --  
 12 MR. MCGUCKIN: No, answer that  
 13 question first.  
 14 MR. BAUMAN: Whether it's just  
 15 economic?  
 16 MR. MCGUCKIN: Yes.  
 17 MR. BAUMAN: I don't know.  
 18 MR. MCGUCKIN: And you don't know if  
 19 it was just social, correct?  
 20 MR. BAUMAN: No.  
 21 MR. MCGUCKIN: You don't know if it's  
 22 because something handed them a petition, they had  
 23 no idea what it was, do you?  
 24 MR. BAUMAN: After listening to the  
 25 residents, I have a good idea.

1 MR. MCGUCKIN: You don't know?  
 2 MR. BAUMAN: I can't say yes or no to  
 3 that.  
 4 MR. MCGUCKIN: You do know?  
 5 MR. BAUMAN: I can't say yes or --  
 6 yes, I know or no, I don't know.  
 7 MR. MCGUCKIN: Why can't you answer  
 8 that question? What's so hard about that question?  
 9 MR. MICHELINI: He's already -- he's  
 10 already said he has a good idea. He can't say yes  
 11 or no specifically, but he has a good idea. Stop  
 12 badgering him, please.  
 13 MR. MCGUCKIN: It's not badgering.  
 14 The question --  
 15 MR. MICHELINI: Yes, it is.  
 16 MR. MCGUCKIN: The question was, you  
 17 didn't interview everyone who signed the petition,  
 18 correct?  
 19 MR. BAUMAN: All 700 or --  
 20 MR. MCGUCKIN: Correct.  
 21 MR. BAUMAN: No. The  
 22 seventy percent, no.  
 23 MR. MCGUCKIN: So, you don't know  
 24 what the motivations were, correct?  
 25 MR. MICHELINI: The individual

1 motivation of 700 people?  
 2 MR. MCGUCKIN: Correct.  
 3 MR. MICHELINI: No, he doesn't know  
 4 that. We'll stipulate to that.  
 5 MR. MCGUCKIN: Thank you.  
 6 MR. MICHELINI: But he does know  
 7 generally what the petition --  
 8 MR. MCGUCKIN: Mr. Michelini, this is  
 9 cross-examination. You can redirect any time you  
 10 want as soon as we're done. All right.  
 11 You indicated you didn't talk to  
 12 anybody in Berkeley Township on the mainland side,  
 13 correct?  
 14 MR. BAUMAN: Correct.  
 15 MR. MCGUCKIN: And your report gives,  
 16 indicates that you believe it is for the well-being  
 17 of the majority of the residents of South Seaside  
 18 Park to seek de-annexation, correct?  
 19 MR. BAUMAN: Yes.  
 20 MR. MCGUCKIN: And your report  
 21 indicates that, according to number two, it's the  
 22 well-being for the majority -- excuse me -- number  
 23 three, it's, it will not cause significant injury to  
 24 the economic or social well-being of Berkeley  
 25 Township, correct?

1 MR. BAUMAN: Yes.  
 2 MR. MCGUCKIN: Yet, you did not  
 3 interview anybody on the mainland side to make that  
 4 determination; is that correct?  
 5 MR. BAUMAN: Did not have to.  
 6 MR. MCGUCKIN: My question is, did  
 7 you interview anyone --  
 8 MR. BAUMAN: No.  
 9 MR. MCGUCKIN: -- to reach that  
 10 conclusion?  
 11 MR. BAUMAN: No.  
 12 MR. MCGUCKIN: Thank you.  
 13 MR. BAUMAN: No, I didn't have to.  
 14 MR. MCGUCKIN: Thank you. That's all  
 15 I have.  
 16 MR. SLACHETKA: Want to take a  
 17 breath?  
 18 MR. BAUMAN: I'm good.  
 19 MR. SLACHETKA: Okay. I know I  
 20 wouldn't necessarily want to be cross-examined or  
 21 questioned by three or four people all  
 22 simultaneously. But we'll try to be as courteous as  
 23 we possibly --  
 24 MR. BAUMAN: Especially since I  
 25 wasn't given any indication of what questions you

1 were going ask me.  
 2 MR. SLACHETKA: You're doing a  
 3 fine --  
 4 MR. BAUMAN: So, we're --  
 5 MR. SLACHETKA: You're doing a fine  
 6 job.  
 7 I just want to talk a little bit  
 8 about open space recreation components. I want to  
 9 ask you a couple questions.  
 10 MR. BAUMAN: Sure.  
 11 MR. SLACHETKA: On 24, page 24. See,  
 12 at least we've jumped ahead --  
 13 MR. BAUMAN: Yeah.  
 14 MR. SLACHETKA: -- past five and six.  
 15 And I think we'll probably wind up jumping around a  
 16 little bit. But I'm trying to keep it to specific  
 17 issues and themes as much as we possibly can.  
 18 MR. BAUMAN: Thank you. I'll try to  
 19 do the same.  
 20 MR. SLACHETKA: On page 24 of the  
 21 report -- actually, the first thing that I noted is  
 22 that you didn't note the township owned White Sands  
 23 Beach. That is an important -- that's an important  
 24 open space and recreation facility in the township;  
 25 is that correct?

1 MR. BAUMAN: Is it a preserved open  
 2 space, though, because I call that a park and  
 3 recreation facility, rather than a preserved open  
 4 space.  
 5 MR. SLACHETKA: It is on the ROSI,  
 6 R-O-S-I, Recreation and Open Space Inventory of the  
 7 township.  
 8 MR. BAUMAN: If that's the case, then  
 9 that was an error on my behalf but it does not  
 10 change my opinion.  
 11 MR. SLACHETKA: Then you specify that  
 12 the loss of 2.2 percent of preserved open space in  
 13 South Seaside Park will not cause significant or  
 14 economic or social injury to the residents of  
 15 Berkeley Township and that 2.2 percent includes  
 16 this -- that 2.2 percent actually does include the  
 17 White Sands Beach; is that correct?  
 18 MR. BAUMAN: That --  
 19 MR. SLACHETKA: Maybe the first  
 20 question, what is the --  
 21 MR. BAUMAN: The 2.2 percent is the  
 22 Roberts Avenue Marsh, the 7.1 acres.  
 23 MR. SLACHETKA: That's all, is  
 24 included in the 2.2 percent?  
 25 MR. BAUMAN: On page 24, yes.

1 MR. SLACHETKA: You're not including  
 2 the White Sands Beach?  
 3 MR. BAUMAN: No.  
 4 MR. SLACHETKA: Okay.  
 5 MR. BAUMAN: Again, I call that more  
 6 of a recreational facility than a preserved open  
 7 space.  
 8 MR. SLACHETKA: Okay. But it is.  
 9 But now you know it's on the ROSI. Does that change  
 10 your opinion in terms of the percentage of open  
 11 space loss?  
 12 MR. BAUMAN: Well, that's 6.5 acres.  
 13 So, double it to 2.2 to 4.4, four and a half  
 14 percent. No, that doesn't change my opinion.  
 15 MR. SLACHETKA: Okay. As a planning  
 16 perspective planner, does open space and  
 17 recreational facilities have different values or  
 18 different -- serve different needs? Maybe that  
 19 would be the first question. Does open space and  
 20 recreation facilities serve different needs?  
 21 MR. BAUMAN: Yes.  
 22 MR. SLACHETKA: And then we have the  
 23 beach, which obviously serves certainly different  
 24 needs than the park that's located in South Seaside  
 25 Park, correct?

1 MR. BAUMAN: Correct. When you say  
 2 the park, the Roberts Avenue Marsh? Yes.  
 3 MR. SLACHETKA: And Roberts Avenue  
 4 Park?  
 5 MR. MICHELINI: As opposed to  
 6 Lyons Park. I think the only park testified to was  
 7 Lyons. I don't want to have confusion in the  
 8 record. Are you talking about the Lyons Basketball  
 9 Court?  
 10 MR. SLACHETKA: Well, let me ask  
 11 which --  
 12 MR. MICHELINI: In your question. In  
 13 your question. Your question asked about a park, so  
 14 that's what I'm trying to clarify.  
 15 MR. SLACHETKA: Well, actually, my  
 16 first question was, what did the 2.2 percent  
 17 include? And you said --  
 18 MR. BAUMAN: Just Roberts Marsh.  
 19 MR. SLACHETKA: Just Roberts Marsh?  
 20 MR. BAUMAN: Uh-hum.  
 21 MR. SLACHETKA: Not the Lyons Park?  
 22 MR. BAUMAN: Correct.  
 23 MR. SLACHETKA: Okay. So, we've got  
 24 Lyons Park and we've got the Roberts Marsh and then  
 25 we have the White Sands Beach?

1 MR. BAUMAN: Okay.  
 2 MR. SLACHETKA: Okay. And so,  
 3 collectively, you're estimating that it's what,  
 4 about 4.4 percent of the preserved open space within  
 5 the township?  
 6 MR. BAUMAN: More of a tech -- the  
 7 basketball court, that's not preserved open space,  
 8 is it? I don't think that's on ROSI list.  
 9 MR. SLACHETKA: I'm not sure. It may  
 10 very well be on the ROSI.  
 11 MR. BAUMAN: If it is, it's only  
 12 8,400 square feet, so it's the course --  
 13 MR. SLACHETKA: Quarter acre. It's  
 14 not -- it's a small area.  
 15 MR. BAUMAN: Right. It does not  
 16 change my opinion that the loss of those three  
 17 combined.  
 18 MR. SLACHETKA: So, the implication  
 19 is, hey, it's a small percentage of open space in  
 20 the township, therefore, Berkeley's not going to --  
 21 they'll not even know that it's gone?  
 22 MR. BAUMAN: Well, they also present  
 23 a meager amount of facilities and activities with  
 24 those open space and parks. So, it's not just the  
 25 physical land or you have a loss of a percentage of

1 land, but it's also what that land has to offer to  
 2 the residents. The Roberts Avenue Marsh is just for  
 3 fishing. The basketball court is just for  
 4 basketball. And the White Sands Beach is for  
 5 swimming, fishing and that's it, so --  
 6 MR. SLACHETKA: Just for swimming?  
 7 MR. BAUMAN: Swimming, fishing.  
 8 MR. SLACHETKA: Well --  
 9 MR. BAUMAN: Which can be done on the  
 10 bay fronts and in other places on the mainland.  
 11 MR. SLACHETKA: You don't think that  
 12 that's -- regardless of the percentage, let's just  
 13 say we --  
 14 MR. BAUMAN: I didn't bring a  
 15 percentage.  
 16 MR. SLACHETKA: Let's just say that  
 17 we lost an equivalent percentage of open space area  
 18 in the western end of the Pinelands. Would you say  
 19 that that would have less or more of an effect of  
 20 losing these facilities, including the White Sands  
 21 Beach?  
 22 MR. BAUMAN: Not knowing the specific  
 23 parts you're talking. They could have endangered  
 24 species. There could be something of significance.  
 25 And I can't say that the loss of this mysterious

1 piece of land on the mainland would not be a  
 2 significant loss or not.  
 3 MR. SLACHETKA: So, but you -- as  
 4 Mr. McGuckin had indicated or in response to  
 5 Mr. McGuckin's question, you had indicated that you  
 6 didn't do any surveys or interviews with regards to  
 7 residents on the mainland and what their opinion as  
 8 to the loss of that beach or that recreation open  
 9 space area would be to them and to their community?  
 10 MR. BAUMAN: That's correct.  
 11 MR. SLACHETKA: Okay. But it could  
 12 be that people's perception of open space and the  
 13 value that that open space provides to the community  
 14 can -- it's not just measurable on the acreage,  
 15 although acreage might be an important factor, but  
 16 there are other factors and other issues that are  
 17 associated with that open space and recreation  
 18 facilities that may be pretty significant in terms  
 19 of the community's perception of the importance of  
 20 that to the overall values of the community?  
 21 MR. BAUMAN: That's speculation. I  
 22 can't say yes or no.  
 23 MR. SLACHETKA: Okay. How many  
 24 residents, full-time residents, again, in South  
 25 Seaside Park?

1 MR. BAUMAN: According to the 2010  
 2 census, 490 population.  
 3 MR. SLACHETKA: Okay. And what's the  
 4 part-time? So it's 490 and --  
 5 MR. BAUMAN: The census doesn't keep  
 6 a part-time or, you know, seasonal population.  
 7 MR. SLACHETKA: Seasonal population,  
 8 I should say.  
 9 In here, we've got 490 full-time  
 10 residents. And, yet, one of the most significant  
 11 open space and recreation facilities in the entire  
 12 community is located on that -- on the barrier  
 13 island; isn't that correct?  
 14 MR. BAUMAN: What would that be?  
 15 MR. SLACHETKA: The White Sands  
 16 Beach?  
 17 MR. BAUMAN: Island Beach State Park?  
 18 MR. SLACHETKA: No, the White Sands  
 19 Beach.  
 20 MR. BAUMAN: I think it would be  
 21 Island Beach State Park.  
 22 MR. SLACHETKA: No, I'm talking about  
 23 within the -- let's discount Island Beach State  
 24 Park. White Sands Beach is not -- that's not a  
 25 significant facility for the community?

1 MR. BAUMAN: It's significant in the  
2 sense that other New Jersey municipalities don't  
3 necessarily have beachfront property on it. But  
4 it's not unique in the sense that you have adjoining  
5 Island Beach State Park that offers several -- all  
6 kinds of different facilities and activities that is  
7 still under the jurisdiction of Berkeley Township,  
8 owns it, and that we know there's an issue of  
9 maintaining it or collecting revenue from it. But  
10 as far as its uniqueness or significance --  
11 MR. SLACHETKA: Well, I mean, but  
12 it's Berkeley --  
13 MR. MICHELINI: Are you done with  
14 your answer?  
15 MR. SLACHETKA: I thought he was.  
16 I'm sorry.  
17 MR. MICHELINI: Let him finish his  
18 answer.  
19 MR. BAUMAN: Berkeley Township owns  
20 miles of beaches on Island Beach State Park.  
21 Berkeley Township doesn't have the burden of  
22 maintaining those beaches. Granted, the township  
23 doesn't receive revenue from the parking fee charged  
24 by the State, but anyone could walk in and utilize  
25 those facilities on Island Beach State Park similar

1 to that in White Sands Beach.  
2 MR. SLACHETKA: Well, that's -- that,  
3 actually, that wasn't really the question --  
4 MR. BAUMAN: I was --  
5 MR. SLACHETKA: -- I was asking.  
6 MR. BAUMAN: The loss of White Sands  
7 Beach is not a significant loss to Berkeley Township  
8 because Berkeley Township hasn't invested in White  
9 Sands Beach. Its lack of facilities or parking  
10 makes White Sands Beach just like any other beach up  
11 and down the coast. Many of the bay front  
12 properties owned by Berkeley Township are built up  
13 and utilized more than the White Sands Beach.  
14 I just saw your newspaper here.  
15 Sorry. Wrong one. That didn't work out well at  
16 all. The ones in the back. More residents are  
17 using the bay front beaches than ever before.  
18 MR. SLACHETKA: Be careful on the  
19 props that you do have.  
20 MR. BAUMAN: Yeah. Well, that one  
21 was left here for me. It was a plant.  
22 MR. SLACHETKA: That's no problem.  
23 MR. BAUMAN: So, if White Sands Beach  
24 also becomes part of Seaside Park, Berkeley Township  
25 residents will still be able to utilize White Sands

1 Beach. And, again, Berkeley Township has Island  
2 Beach State Park. Far more unique than White Sands  
3 Beach. And you'll still have it. It offers  
4 amenities and facilities that are far more unique  
5 and valuable to Berkeley Township. You won't lose  
6 it. Berkeley Township --  
7 MR. SLACHETKA: That's -- before I  
8 ask my next question. But that's your opinion,  
9 right?  
10 MR. BAUMAN: Yes.  
11 MR. SLACHETKA: And your opinion,  
12 that opinion is based upon?  
13 MR. BAUMAN: My observations. My  
14 interviews. And what I was paid to do here, yes.  
15 MR. SLACHETKA: And those  
16 observations and interviews are pretty much in the  
17 same framework that Mr. McGuckin just questioned you  
18 about?  
19 MR. MICHELINI: Well, observations --  
20 he didn't question about observations. He  
21 questioned about interviews.  
22 MR. SLACHETKA: Okay.  
23 MR. MICHELINI: Observations are  
24 different. That's -- observations are, you know,  
25 Island Beach State Park has a big facility for

1 bathrooms and showers and ten miles of beach that  
2 you can drive in. And you can have fires there on,  
3 you know, in the evening. There's a lot. There's a  
4 huge difference in terms of what you can observe  
5 between the two beaches.  
6 MR. SLACHETKA: That was his answer?  
7 MR. MICHELINI: That's my answer to  
8 show that your question was not correct in that he  
9 only -- that Mr. McGuckin only asked him about  
10 interviews, not observations.  
11 MR. SLACHETKA: Is -- is what your --  
12 the attorney just said, is that consistent with what  
13 your observations?  
14 MR. BAUMAN: I agree. I agree with  
15 his statements.  
16 MR. SLACHETKA: Okay. Then on  
17 page 26 of the report, you talked about the  
18 utilization of that beach, White Sands Beach. And  
19 you say it's underutilized by Berkeley Township  
20 residents. And, really, you're saying it just  
21 mainly serves the people in the area, it really  
22 doesn't serve the township as a whole. And I guess  
23 that jibes or that corresponds with what you were  
24 just saying about Island Beach State Park, that the  
25 township residents are primarily going to Island

1 Beach State Park and not using White Sands Beach; is  
2 that correct?  
3 MR. BAUMAN: Yes.  
4 MR. SLACHETKA: Okay.  
5 MR. WISER: Can I jump in there?  
6 Pardon me.  
7 MR. SLACHETKA: Yeah, sure.  
8 MR. WISER: Getting to that comment  
9 on page 26 that Mr. Slachetka was just discussing.  
10 You say that White Sands Beach is underutilized by  
11 Berkeley Township and mainly serves those who live  
12 in the area. How do you know that?  
13 MR. BAUMAN: From my interviews with  
14 the homeowners association, through observation of  
15 beach activities. There's no parking lots. How are  
16 folks supposed to utilize it if they're coming from  
17 out of the area? There's no transit that leads to  
18 it. There's nothing else on that island.  
19 MR. WISER: Have you ever been to  
20 Margate?  
21 MR. BAUMAN: Have I ever been to  
22 Margate? No.  
23 MR. WISER: Have you ever been to  
24 Ventnor?  
25 MR. BAUMAN: No.

1 MR. WISER: Have you ever been to  
2 Longport?  
3 MR. BAUMAN: No, I'm sorry, I  
4 haven't.  
5 MR. WISER: Very similar areas that  
6 have no parking lots. I don't know what makes this  
7 different. Again, what's -- how do you know that  
8 mainland residents aren't taking advantage of the  
9 White Sands Beach?  
10 MR. MICHELINI: Other than what he  
11 just testified to; is that what you're asking?  
12 MR. WISER: Well, you made a  
13 statement. And I'm asking you how you know, how you  
14 know -- how you came to know that to make that  
15 statement?  
16 MR. MICHELINI: He's already asked  
17 and answered that, but I'll let him expand if he  
18 wants to expand on it.  
19 MR. BAUMAN: There's no parking on  
20 the area. It's built for people within walking  
21 distance or biking distance. It's not set up that  
22 way. One of the -- there was -- it's in the report  
23 somewhere, hard to pin it, it was said that, you  
24 know, White Sands Beach is the hidden jewel of  
25 Berkeley Township. So, it's not --

1 MR. SLACHETKA: Would that express  
2 an attitude of the township and township residents  
3 towards that beach?  
4 MR. BAUMAN: Just the attitude of one  
5 person that was interviewed.  
6 MR. SLACHETKA: The -- maybe -- the  
7 question I was going to be getting at is --  
8 MR. WISER: I'm sorry.  
9 MR. SLACHETKA: -- related to more,  
10 related to the question of observations. And  
11 observations, and specifically the empirical data  
12 and analysis that supported those conclusions. And  
13 that would be, specifically looking at the  
14 utilization or the underutilization by township  
15 residents versus the South Seaside Park residents,  
16 did you do any -- did you go onto the beach and do  
17 any surveys, do any polling, did any analysis to  
18 make a determination of what percentage of people on  
19 that beach at any one particular time were township  
20 residents that were not Seaside Park --  
21 South Seaside Park residents?  
22 MR. BAUMAN: No.  
23 MR. SLACHETKA: So, you didn't do  
24 any, you know, any empirical analysis or anything  
25 that would support your conclusion that it's

1 underutilized by the township residents?  
2 MR. BAUMAN: Except for my  
3 observations and discussions with residents, no, I  
4 did not do --  
5 MR. SLACHETKA: Which residents?  
6 MR. BAUMAN: -- online surveys of  
7 residents of South Seaside Park.  
8 MR. SLACHETKA: So, they told -- the  
9 petitioners told you that nobody was using it from  
10 the township?  
11 MR. BAUMAN: The same folks who  
12 testified before this board before saying the same  
13 thing, yes. I believe them.  
14 MR. SLACHETKA: Okay. And at the  
15 same time, you don't think that losing that thousand  
16 feet or so of beach would cause any serious economic  
17 injury to the township; is that correct?  
18 MR. BAUMAN: No, not when you have  
19 ten miles of beach underneath it.  
20 MR. SLACHETKA: Did you take any --  
21 again, focusing on the empirical analysis, did you  
22 do any analysis from an economic perspective that  
23 would suggest that that would be the case?  
24 MR. BAUMAN: No.  
25 MR. SLACHETKA: Okay.

1 MR. MCGUCKIN: Can I ask a couple  
2 questions on this, Stan?  
3 MR. SLACHETKA: Sure.  
4 MR. MICHELINI: We will have an  
5 economist testify, again.  
6 MR. MCGUCKIN: I believe you  
7 testified about observations. You made an  
8 assumption that because there's not parking and  
9 because the limited number of people you interviewed  
10 told you that Berkeley residents from the mainland  
11 don't use the beach over there.  
12 MR. BAUMAN: That's, yes, that's how  
13 I got my information.  
14 MR. MCGUCKIN: And you said you made  
15 an observation within the summer, I assume?  
16 MR. BAUMAN: Yes.  
17 MR. MCGUCKIN: When were you there to  
18 make that observation?  
19 MR. BAUMAN: That was in June.  
20 MR. MCGUCKIN: Of 20 --  
21 MR. BAUMAN: This year.  
22 MR. MCGUCKIN: -- 15. And are you  
23 familiar with Island Beach State Park at all?  
24 MR. BAUMAN: I've been there a few  
25 times.

1 MR. MCGUCKIN: Are you familiar with  
2 Long Beach Island?  
3 MR. BAUMAN: Yes.  
4 MR. MCGUCKIN: Do they have a parking  
5 lot still on the oceanfront there?  
6 MR. BAUMAN: I can't recall that.  
7 It's been over ten years.  
8 MR. MCGUCKIN: How about Mantoloking?  
9 MR. BAUMAN: Haven't been there.  
10 MR. MCGUCKIN: Bay Head?  
11 MR. BAUMAN: Work your way up further  
12 north on that. No.  
13 MR. MCGUCKIN: Well, my point, I  
14 guess, is, in fact, there are a number of barrier  
15 island communities that have no parking?  
16 MR. MICHELINI: There's no foundation  
17 for that question.  
18 MR. MCGUCKIN: Well, that's what I'm  
19 trying to get to.  
20 MR. MICHELINI: You're talking about  
21 towns that he hasn't been to.  
22 MR. MCGUCKIN: I think it's a fair  
23 question to ask him.  
24 Are you familiar with any barrier  
25 island towns that also don't have parking?

1 MR. BAUMAN: That don't have parking,  
2 no.  
3 MR. MCGUCKIN: So, your assumption is  
4 that because there's not parking would apply in  
5 every town then that doesn't have parking, the same  
6 assumption that you're making here?  
7 MR. BAUMAN: Those assumptions were  
8 based not just on parking lots but also based on  
9 interviews with residents of South Seaside Park who  
10 have testified before this board. And I believe  
11 them.  
12 MR. MCGUCKIN: So, 12 people you  
13 talked to or testified here?  
14 MR. MICHELINI: He testified, I  
15 think, earlier that he talked to about 36 people. I  
16 think that was your question though, not 12.  
17 MR. MCGUCKIN: Interviewed, he said  
18 12. Informal interviews, you said 12.  
19 MR. BAUMAN: You added up 36. He  
20 said one, two --  
21 MR. MCGUCKIN: I counted 12 people at  
22 the meeting that you talked to before and after.  
23 MR. BAUMAN: Right.  
24 MR. MCGUCKIN: The board of trustees,  
25 which come up to 12 members and the other meeting

1 you had with six to 12 people.  
2 MR. BAUMAN: Right.  
3 MR. MCGUCKIN: Of the maximum of 36  
4 people you talked to, of which at least 12 of those  
5 are informal interviews, they -- you just talked to  
6 them before and after the meeting.  
7 MR. MICHELINI: He also testified  
8 that he was at a meeting with 70 to 100 people and  
9 heard their concerns. He didn't necessarily talk to  
10 them but he heard their concerns.  
11 MR. MCGUCKIN: I understand. So, my  
12 question is, you're not familiar with any other  
13 barrier island town that doesn't have parking lots  
14 that has people utilize the beach from the main  
15 portion of their community?  
16 MR. BAUMAN: I'm just familiar right  
17 now with South Seaside Park.  
18 MR. MCGUCKIN: Are you familiar with  
19 the parking along Central Avenue in South Seaside  
20 Park?  
21 MR. BAUMAN: Yes.  
22 MR. MCGUCKIN: There is parking along  
23 Central Avenue, correct?  
24 MR. BAUMAN: Yes.  
25 MR. MCGUCKIN: And summertime daytime

1 hours, can people park there, go to the beach?  
 2 MR. BAUMAN: I assume so, yes.  
 3 MR. MCGUCKIN: It's about two blocks  
 4 in many instances?  
 5 MR. BAUMAN: Yes.  
 6 MR. MCGUCKIN: Do you know if that's  
 7 what occurred? You were there in June. Did you see  
 8 that happen?  
 9 MR. BAUMAN: No, it was pretty empty.  
 10 MR. MCGUCKIN: And how many --  
 11 MR. BAUMAN: I was there -- it was --  
 12 it wasn't a time, probably, that would, so --  
 13 MR. MCGUCKIN: Middle of the week or  
 14 a weekend?  
 15 MR. BAUMAN: Middle of the week.  
 16 MR. MCGUCKIN: Was it evening or  
 17 daytime?  
 18 MR. BAUMAN: It was daylight.  
 19 MR. MCGUCKIN: Evening or daytime?  
 20 MR. BAUMAN: Daytime.  
 21 MR. MCGUCKIN: It's daylight till  
 22 nine o'clock in the summer around here.  
 23 MR. MICHELINI: I think he answered.  
 24 He said daytime.  
 25 MR. BAUMAN: I'd have to go back to

1 my records to get a --  
 2 MR. MCGUCKIN: So, it wasn't that --  
 3 there was plenty of parking then along Central  
 4 Avenue, correct?  
 5 MR. BAUMAN: Yes.  
 6 MR. MCGUCKIN: So, parking is not the  
 7 issue, you would agree, would you not?  
 8 MR. BAUMAN: I can't speculate on  
 9 that, whether parking is an issue.  
 10 MR. MCGUCKIN: You talked about  
 11 Island Beach State Park. And you said you were  
 12 there ten years ago or so. And I think you said  
 13 that it's owned by Berkeley Township. You know  
 14 that's not the case, right?  
 15 MR. BAUMAN: Who owns it?  
 16 MR. MCGUCKIN: The State of  
 17 New Jersey.  
 18 MR. BAUMAN: Okay.  
 19 MR. MCGUCKIN: Are you aware of that  
 20 or no?  
 21 MR. BAUMAN: I was aware that it was  
 22 Berkeley Township owned. It was a state park but  
 23 still falls under municipal jurisdiction of Berkeley  
 24 Township.  
 25 MR. MCGUCKIN: Well, it's within the

1 Township of Berkeley but we don't own it. You  
 2 understand that, right?  
 3 MR. BAUMAN: It's part of your  
 4 municipal boundary.  
 5 MR. MCGUCKIN: Sure. As is South  
 6 Seaside Park.  
 7 MR. BAUMAN: But you don't own it.  
 8 MR. MCGUCKIN: As is the lots in  
 9 South Seaside Park, correct?  
 10 MR. BAUMAN: I think it's owned by  
 11 the State of New Jersey, which, as Berkeley  
 12 Township, is a creature of the state, that we all  
 13 own it.  
 14 MR. MCGUCKIN: I guess what I'm  
 15 trying to say is, we don't own the lots in  
 16 South Seaside Park, correct? The township, I'm  
 17 saying.  
 18 MR. BAUMAN: The White Sands Beach?  
 19 MR. MCGUCKIN: No, the individual  
 20 residential homes in South Seaside Park, the  
 21 township does not own them, correct?  
 22 MR. BAUMAN: Correct.  
 23 MR. MCGUCKIN: Okay. And the  
 24 township, does it own Island Beach State Park or is  
 25 it simply within the township's border?

1 MR. BAUMAN: It's within the border.  
 2 MR. MCGUCKIN: Okay. So, we don't  
 3 own it, as far as you understand?  
 4 MR. BAUMAN: Right.  
 5 MR. MCGUCKIN: Okay. And we don't  
 6 control it, correct, the township?  
 7 MR. BAUMAN: Right. When enforcement  
 8 action comes, it does come to this court, but those  
 9 charges are pressed by state rangers.  
 10 MR. MCGUCKIN: We don't maintain that  
 11 beach, correct?  
 12 MR. BAUMAN: My understanding is yes.  
 13 MR. MCGUCKIN: We don't provide  
 14 lifeguards for that beach, correct?  
 15 MR. BAUMAN: Uh-hum.  
 16 MR. MCGUCKIN: I'm sorry?  
 17 MR. BAUMAN: Yes. Sorry.  
 18 MR. MCGUCKIN: And we don't maintain  
 19 facilities there, correct?  
 20 MR. BAUMAN: Correct.  
 21 MR. MCGUCKIN: We don't charge the  
 22 people who go into Island Beach State Park, correct?  
 23 MR. BAUMAN: The cars, you mean, not  
 24 the people?  
 25 MR. MCGUCKIN: Yes, the cars.

1 MR. BAUMAN: Right.  
 2 MR. MCGUCKIN: Okay. Do you know  
 3 what it costs for a car to go into that beach in the  
 4 summertime?  
 5 MR. BAUMAN: Just had those -- had  
 6 the brochure. I don't know. Do we still have  
 7 the --  
 8 MR. MCGUCKIN: Does \$20 sound about  
 9 right?  
 10 MR. BAUMAN: Yes.  
 11 MR. MICHELINI: No.  
 12 VOICE: Senior is for nothing.  
 13 MR. BAUMAN: There's various fee  
 14 schedules for carloads.  
 15 MR. MICHELINI: Different weekend to  
 16 weekday.  
 17 MR. MCGUCKIN: Do you know what a  
 18 weekend fee is for a carload of non-senior citizens?  
 19 MR. BAUMAN: I don't know offhand.  
 20 I'm not a senior yet, but if I did I would know.  
 21 MR. MCGUCKIN: Do you know what it  
 22 costs for a resident to obtain a seasonal beach  
 23 badge for the White Sands Beach in Berkeley  
 24 Township?  
 25 VOICE: \$30.

1 VOICE: \$35.  
 2 MR. MCGUCKIN: I know many of you do.  
 3 I'm just asking --  
 4 MR. BAUMAN: I'm hearing help from  
 5 the audience there. I don't really want to --  
 6 MR. MCGUCKIN: I think they're right.  
 7 MR. BAUMAN: -- call that out.  
 8 MR. MCGUCKIN: If you're not sure,  
 9 just say so.  
 10 MR. WINWARD: It's on page 25.  
 11 MR. BAUMAN: I know it's -- thank  
 12 you. I know it's in my report. It's at page 25. I  
 13 do give a outline of fees for --  
 14 MR. GINGRICH: At the bottom.  
 15 MR. BAUMAN: Thank you. White Sands  
 16 is \$5 daily, \$6 weekends.  
 17 The cost to access White Sands Beach  
 18 is \$5 daily, \$6 weekends and holidays, \$20 weekly.  
 19 Season badges are \$30 through June 15 and \$35  
 20 thereafter.  
 21 MR. MCGUCKIN: So, a Berkeley  
 22 Township resident can obtain a pass for the entire  
 23 summer to use that beach for \$30, correct?  
 24 MR. BAUMAN: Correct.  
 25 MR. MCGUCKIN: And seniors can go for

1 free, correct?  
 2 MR. BAUMAN: Over 62, yes.  
 3 MR. MCGUCKIN: And you indicated you  
 4 were at Island Beach State. Do you know how far the  
 5 bathing beach is from the entrance to Island Beach  
 6 State Park?  
 7 MR. BAUMAN: It's been at least ten  
 8 years since I've been there on that. So, I got to  
 9 say it's a short car ride.  
 10 MR. MCGUCKIN: Is it -- would three  
 11 miles sound about right to you?  
 12 MR. BAUMAN: Depending how fast you  
 13 go, yeah, it does sound --  
 14 MR. MCGUCKIN: So, if you were going  
 15 to the bathing beach in Island Beach State Park, you  
 16 would have to take a car, correct?  
 17 MR. BAUMAN: Or bicycle.  
 18 MR. MCGUCKIN: Or bicycle.  
 19 MR. BAUMAN: Or walking.  
 20 MR. MCGUCKIN: If you bring a  
 21 umbrella or cooler, you'd probably need to take a  
 22 car, correct?  
 23 MR. BAUMAN: It depends on your  
 24 health and physical agility.  
 25 MR. MCGUCKIN: So, a resident of

1 Holiday City in Berkeley Township --  
 2 MR. MICHELINI: I run in there every  
 3 Monday night. I do a 17-mile run. I'm going to  
 4 invite Mr. McGuckin to come with me.  
 5 MR. MCGUCKIN: I can't believe I  
 6 don't see you. I go early in the morning, Joe.  
 7 MR. MICHELINI: I know.  
 8 MR. MCGUCKIN: So, if a resident of  
 9 Holiday City wanted to go to Island Beach State  
 10 Park, they would take a car, would they not?  
 11 MR. BAUMAN: Yes.  
 12 MR. MCGUCKIN: Perhaps some of the  
 13 spry residents of Holiday City --  
 14 MR. BAUMAN: I would say it's safe to  
 15 say they would.  
 16 MR. MCGUCKIN: All right. But it's a  
 17 two block walk from public parking and less than  
 18 that from street side parking to go to the White  
 19 Sands Beach for Berkeley Township residents,  
 20 correct?  
 21 MR. BAUMAN: For any resident,  
 22 anybody. Anybody can use the beach, so --  
 23 MR. MCGUCKIN: Correct. All right.  
 24 And you don't think that that's something that the  
 25 community treasures and thinks is important for



1 Berkeley Township to have that access to a beach?  
 2 MR. BAUMAN: The three blocks?  
 3 MR. MCGUCKIN: Two blocks or the same  
 4 street?  
 5 MR. BAUMAN: Two blocks. No, not  
 6 when you have ten miles of beach and accessible in  
 7 the same manner through car and through walking.  
 8 MR. MCGUCKIN: You got to pay \$20 on  
 9 the weekends for a car, correct?  
 10 MR. BAUMAN: No, I'm sorry --  
 11 MR. MCGUCKIN: Then walk the three  
 12 miles to the beach, correct?  
 13 VOICE: It's \$40 for the senior --  
 14 (Off the record.)  
 15 MR. BAUMAN: Can you repeat the  
 16 question?  
 17 MR. MCGUCKIN: I'll try. If a  
 18 resident wanted to go to the beach in South Seaside  
 19 Park, the White Sands Beach, and they received their  
 20 annual pass, their beach badge, they could park on  
 21 any of the streets if they're available and they can  
 22 also park in the public parking lot along Central  
 23 Avenue, correct?  
 24 MR. BAUMAN: Correct.  
 25 MR. MCGUCKIN: They would walk onto

1 the beach, correct?  
 2 MR. BAUMAN: Yes.  
 3 MR. MCGUCKIN: And if the same  
 4 resident wanted to go to the Island Beach State Park  
 5 and taking some kids, an umbrella, a cooler, they  
 6 would have to drive them to Island Beach State Park,  
 7 correct?  
 8 MR. BAUMAN: They could drive or they  
 9 could walk. And there's nothing stopping a family  
 10 from walking, even if it's miles.  
 11 MR. MCGUCKIN: If I told you it was  
 12 3.3 miles from the entrance to the first bathing  
 13 beach on Island Beach State Park, would you -- would  
 14 that still be your opinion?  
 15 MR. BAUMAN: I know people that will  
 16 walk a long way to save money on that, so I don't  
 17 think it's out of -- out of the realm for people to  
 18 take that as a challenge.  
 19 MR. MCGUCKIN: Do you have children?  
 20 MR. BAUMAN: Do I? Yes.  
 21 MR. MCGUCKIN: Would you take them to  
 22 the beach with an umbrella, beach chairs and walk  
 23 3.3 miles to go to a beach?  
 24 MR. BAUMAN: If I had a wagon.  
 25 MR. MCGUCKIN: To save \$20? It's

1 okay. You can answer.  
 2 MR. BAUMAN: It depends.  
 3 MR. MCGUCKIN: Good enough. Good  
 4 enough. I think I've had enough. Thanks.  
 5 MR. BAUMAN: Depends what kind of day  
 6 I had.  
 7 MR. WINWARD: Additional questions?  
 8 MR. SLACHETKA: I do but I was just  
 9 wondering what's the board's pleasure.  
 10 MR. WINWARD: We're getting close on  
 11 time. I think the board --  
 12 MR. MICHELINI: How much --  
 13 MR. SLACHETKA: I have more  
 14 questions.  
 15 MR. MICHELINI: -- your  
 16 professionals, how long they have to ask questions.  
 17 Because I had not planned to bring Mr. Bauman to the  
 18 next meeting. We only got an hour and a half  
 19 tonight. So, if we could have an idea what we're  
 20 talking about to finish him up, I need to know that  
 21 because I had somebody else scheduled next time, for  
 22 one thing.  
 23 MR. MCGUCKIN: I think it's -- I  
 24 think we're going to have another meeting with  
 25 Mr. Bauman. I think that's safe to say. We really

1 only got to page six. A lot of that covers a lot --  
 2 MR. MICHELINI: Stan had, you know,  
 3 78 word questions, so I'm --  
 4 MR. SLACHETKA: Well, that's not  
 5 fair.  
 6 MR. MICHELINI: But it's true.  
 7 MR. SLACHETKA: And actually -- I  
 8 actually --  
 9 MR. MICHELINI: I'm teasing.  
 10 MR. SLACHETKA: I actually do take  
 11 offense to that.  
 12 MR. MICHELINI: I'm teasing. Don't  
 13 take offense. Don't take offense.  
 14 I'm just asking, how much do your  
 15 professionals, how long do they foresee in terms of  
 16 asking questions? Because I have another  
 17 professional I need to bring in here. We don't want  
 18 to pay him to sit here.  
 19 MR. MCGUCKIN: I think it's safe to  
 20 say --  
 21 MR. MICHELINI: I kind of need to  
 22 know.  
 23 MR. MCGUCKIN: I think it's safe to  
 24 say that our next meeting we would be able to finish  
 25 Mr. Bauman. But I don't think we would have any

1 additional testimony beyond that.  
 2 MR. MICHELINI: Do we know if we're  
 3 going for a half hour or an hour? If he's only  
 4 going to be a half hour, maybe I'll bring the other  
 5 professional in.  
 6 MR. MCGUCKIN: I think it's safe not  
 7 to bring them in, Joe. I think we're going to  
 8 have -- I think we'll have a whole other meeting  
 9 with Mr. Bauman.  
 10 MR. MICHELINI: That's, okay.  
 11 Whether it's next meeting or not depends upon his  
 12 availability, too, because we anticipated that he  
 13 would be here and be done tonight. But we'll have  
 14 to talk about that.  
 15 MR. MCGUCKIN: Unfortunately,  
 16 Tuesday, he may have more free time. I'm sorry.  
 17 MR. BAUMAN: It's all right.  
 18 MR. MICHELINI: Okay. So, we're  
 19 going to adjourn for tonight, I take it.  
 20 MR. WINWARD: Do you have anything  
 21 else you want --  
 22 MR. MICHELINI: I have a zillion  
 23 redirect questions, but I think I'll wait until the  
 24 end of cross.  
 25 MR. WINWARD: Okay.

1 MR. MICHELINI: Thank you.  
 2 MR. MCGUCKIN: Joe, let me know.  
 3 We'll talk in the next week or so and we'll figure  
 4 out --  
 5 MR. MICHELINI: We'll talk.  
 6 MR. MCGUCKIN: All right. Thank you.  
 7 (Matter adjourned.)  
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 2 C E R T I F I C A T E  
 3  
 4 I, LINDA SULLIVAN-HILL, a Notary  
 5 Public and Certified Court Reporter of the State of  
 6 New Jersey, do hereby certify that the foregoing is  
 7 a true and accurate transcript of the proceedings as  
 8 taken stenographically by and before me at the time,  
 9 place and on the date hereinbefore set forth.

10  
 11 *Linda Sullivan-Hill*  
 12

13 ~~Notary Public of the State of New Jersey~~  
 14 My Commission expires January 26, 2016

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 16 Dated: September 23, 2015  
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