

TOWNSHIP OF BERKELEY  
PLANNING BOARD

IN THE MATTER OF:

PRESENTATION OF ADOPTION  
OF THE NEIGHBORHOOD PLAN FOR  
SOUTH SEASIDE PARK AS ADDENDUMS  
TO THE BERKELEY TOWNSHIP  
MASTER PLAN PB #15-010B

Pinewald Keswick Road  
Bayville, New Jersey  
Thursday, June 1, 2017  
6:15 p.m.

BEFORE:

- Robert Winward, Chairman
- John Bacchione, Councilman
- Frederick Bell, Member
- Domenick Lorelli, Member
- Nick Mackres, Member
- Richard Callahan, Member
- Brian Gingrich, Member

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APPEARANCES:

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BY: GREGORY MCGUCKIN, ESQ.  
Attorneys for the Board

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Brick, New Jersey 08723  
BY: JOSEPH MICHELINI, ESQ.  
Attorneys for the Petitioners

ALSO PRESENT:

- Ernie Peters, Engineer
- John Camera, Administrator/Acting Secretary
- Nicholas Dickerson, Planner

MR. WINWARD: Well, in that case,  
we'll move on to the next one which is -- and we'll  
let our planner, Nick, run that discussion. It's  
amendments to the Neighborhood Plan for  
South Seaside Park and its addendums to the  
Berkeley Township Master Plan. So, we're just only  
going to discuss the amendments that were made, as  
the rest of it was previously discussed two months  
ago.

MR. DICKERSON: Yeah, that's correct.  
So, just like the Coastal Neighborhood Resiliency  
Plan, when the board voted to adopt in March, there  
were two conditions. Similar to the Coastal  
Neighborhood Plan, there was the condition just to  
address the comments from New Jersey Department of  
Community Affairs. And, again, those were more  
technical, you know, update page numbers that  
address any inconsistencies, questions like that.

The other condition specifically for  
the Coastal or the Neighborhood Plan for  
South Seaside Park was the condition in response to  
the discussion at the public hearing, was to add  
additional protections for single family residential  
development. And so, going back, we took another  
look at the plan and saw where we could make some of

those adjustments. And everyone should have a copy  
of the plan. The changes that address this  
condition are highlighted and underlined in the text  
and, as well as you'll see there's the errata sheet  
that came with your document and that just is line  
by line which items were made to reinforce that  
condition.

So, I'm going to just run through  
those couple items here. Goal five of the plan,  
which is on page 40, is, added additional objectives  
to the goal for recognizing and protecting coastal  
island's neighborhood character. That included,  
promote land uses that are consistent and compatible  
with existing densities and features that are  
characteristic of similar shore communities.

Encouraging new development, infill  
development, other retrofits to respect existing  
scale and character of the neighborhood in order to  
maintain light, air and open space.

Protect existing residential areas  
through the establishment of reasonable screening,  
parking and buffer requirements for commercial and  
high density residential uses.

And consider reductions to  
residential densities in order to limit the number

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1 of new dwellings that would be subject to damage  
2 from coastal flooding. Establish conditional use  
3 standards for multi-unit residential development  
4 types to incorporate storm resilience.

5           And then on page 45, we just add some  
6 text there that clarifies that any development  
7 should recognize and protect the community character  
8 of South Seaside Park, being supportive of the  
9 existing densities and features of the neighborhood.

10           Then we add some further  
11 clarifications to the residential land use districts  
12 with the island residential A land use area, which  
13 coincides with the R-50 zone on the barrier island.  
14 Just stipulating that uses not compatible with the  
15 existing character of the neighborhood. And,  
16 currently, R-50 permits such conditional uses such  
17 as mining operations, and then this, I guess,  
18 collective term known as hospitals, clinics and  
19 charitable institutions. That's not three different  
20 things, that's one thing. And there's certain  
21 conditions for anything that would go under that  
22 banner. So, I put those as two different types of  
23 uses, because with the hospitals' one, that requires  
24 a contiguous acreage of 25 acres.

25           Island Residential B, the other

1 change there is just, again, modify, making  
2 recommendation to modify the conditional use  
3 standards removing such things as the mining  
4 operations and the use known as the hospitals,  
5 clinics and charitable institutions.

6           The Island Residential Flex, which  
7 corresponds to the R-4F district, which is currently  
8 in place, the recommendation there -- well, there's  
9 some clarification just saying that, you know, what  
10 is currently permitted, how one to four-family is  
11 based on bulk and lot area requirements for its use.  
12 The recommendation here has been modified to say, to  
13 acknowledge that most of the existing houses in the  
14 area are single family in character; it is  
15 recommended that the R-4F district be revised to  
16 reflect these conditions, and that two through  
17 four-family development could be eliminated or  
18 permitted as a conditional use, subject to  
19 significant parking, buffer and floor area  
20 standards. And the recommendation would be that  
21 those would be conditional uses.

22           Oceanfront mixed use. This is just a  
23 quick clarification just saying that if any changes  
24 are made to that zone, while currently it defers any  
25 residential development to the R-50 zone, if the

1 R-50 zone is replaced with a island specific BR-50,  
2 this is just -- just acknowledgment that that  
3 cross-reference should be adjusted like the island  
4 beachfront residential 50 zone.

5           MR. CAMERA: Excuse me one second, if  
6 I can, through the Chair. I know sometimes there's  
7 issues if too many mikes are on. Thank you.

8           MR. DICKERSON: Then moving to -- is  
9 that better now? All right. And moving on to the  
10 island cottage community land use area. Just a few  
11 areas of clarification here. A large section of  
12 midway is currently zoned for neighborhood business,  
13 which, based on some of the recommendations for  
14 neighborhood business, it's not necessarily entirely  
15 compatible. So, the recommendation there is, if  
16 there is any sort of business proposal that should  
17 be used in a future zone district for this area, it  
18 should really reflect the design characteristics  
19 and -- of Midway Beach.

20           The island townhouse district  
21 corresponds to the island -- the existing  
22 residential townhouse zone. And, again, this -- the  
23 changes here acknowledge that there's -- these  
24 different modular communities have different  
25 ownership management structure, which will dictate

1 certain types of development on the ground. But,  
2 again, similar to the island flex, there's a  
3 recommendation that, currently, the area's single  
4 family cottages, the recommendation be that any zone  
5 changes include either the elimination of townhomes  
6 from the area or establish significant conditional  
7 use standards. Again, like parking, buffering,  
8 floor area standards. As well as -- and that would  
9 also apply to any permitted two through four-family  
10 uses, which is currently permitted in the townhouse  
11 district.

12           And also, the one other comment that,  
13 if appropriate, standards that complement community  
14 association rules and standards may be considered as  
15 part of the changes to the residential townhouse or  
16 through the creation of a separate zone for this  
17 area. And so, that takes us through that.

18           And then, finally, the only other  
19 change there was with the discussion about the  
20 neighborhood business zone in Midway Beach, proposed  
21 zoning map would remove that, the neighborhood  
22 business district there and create -- put that all  
23 under the island cottage community land use. And  
24 just, again, I just want to clarify that this is a  
25 plan. And, as such, these are just recommendations

1 that all of these things, if the plan is adopted.  
 2 This is not adopting any new zoning at this time.  
 3 That would come at a later point. The governing  
 4 body would have to introduce ordinances. They'd be  
 5 reviewed by the planning board. And then they'd be  
 6 voted upon at the governing body. So, again, this  
 7 is just the land use plan and its subsequent  
 8 recommendations.

9 The other changes throughout that  
 10 errata sheet, again, are either the ones to address  
 11 some of the DCA comments, as well as some formatting  
 12 typographical errors that we had noticed that we  
 13 just wanted to clear up. But we wanted just to make  
 14 sure that everyone was aware of, no, this didn't  
 15 change by itself. We wanted you to know that, yes,  
 16 these little changes were made to create some  
 17 clarity. So, that is about it on those changes.  
 18 So, I'm open to any questions from the board.

19 MR. WINWARD: Okay. Does anybody  
 20 have any questions from the board?

21 Seeing there's none, what I'd like to  
 22 do is open up the public portion. Because some of  
 23 these changes were initiated by comments from the  
 24 last time we had the hearing.

25 MR. FULCOMER: Jim Fulcomer,

1 356 Roberts Avenue, Berkeley Township. All right.  
 2 The -- first of all, the --  
 3 (Off the record.)  
 4 MR. FULCOMER: Can you hear me?  
 5 All right. Jim Fulcomer, 356 Roberts  
 6 Avenue, Berkeley Township.  
 7 All right. The Island A residential,  
 8 it's good that you're recommending the elimination  
 9 of mining operations, hospitals, clinics and  
 10 charitable institutions. That's correct in every --  
 11 all those categories, right?

12 MR. DICKERSON: Uh-hum.

13 MR. FULCOMER: But you still have, as  
 14 a permitted use, professional offices and churches  
 15 in residential A and B. Now, churches, first of  
 16 all, they'd have to tear down some houses. There is  
 17 one double lot where you could put a church. But if  
 18 you had a church, half of South Seaside Park would  
 19 be inundated with cars. The residents wouldn't like  
 20 that too much.

21 Now, the other thing, of course,  
 22 could be a mosque if it's a church or it could be a  
 23 temple. But the point is is that it really -- that  
 24 is not a neighborhood that's appropriate for  
 25 churches. That really should be eliminated as a

1 permitted use.

2 The -- I know from experience what  
 3 happens when you put a church without adequate  
 4 parking, off-street parking. What happens is,  
 5 blocks end up with homes with cars in front of their  
 6 homes. Sometimes parking close to the driveways  
 7 creates a problem. I know that from experience  
 8 because my father-in-law had that problem. He  
 9 didn't like it too much. So, I can never forget  
 10 that.

11 The other thing, professional  
 12 offices. I'm not too sure professional offices is a  
 13 good thing for that area. Because you can have a  
 14 professional office on one side of your house,  
 15 professional office on another. You could end up  
 16 having a lot of people and a lot of traffic. That  
 17 is really -- shouldn't be a permitted use in that  
 18 area. Particularly in the summer when there are --  
 19 there are, usually, are not enough parking spaces  
 20 for many of the residents. Because a lot of people  
 21 bring in their renters. And a lot of people bring  
 22 in their family. I, for example, have, on the verge  
 23 of having eight grandchildren. I have three  
 24 children with their significant others, spouses, et  
 25 cetera. If they're all there together that -- which

1 is the case of many other people, because their  
 2 families come in and take advantage of the  
 3 recreational pursuits in the area. That would not  
 4 be good. I don't think that would even be good for  
 5 a professional office.

6 Somebody could make the mistake of  
 7 having a professional office there. And a traffic  
 8 engineer come down in the middle of winter when  
 9 there are practically no cars there and 90 percent  
 10 of the people aren't living there, say, oh, it's  
 11 great, you know, plenty of room on the street. And  
 12 then in the summer, you have a problem. Even the  
 13 person with a professional office is going to have a  
 14 problem. So, I think that's a big mistake. There's  
 15 only one permitted use that makes sense. And that  
 16 is, in A and B, is one-family homes.

17 Now, the island residential flex.  
 18 Now, you still have professional homes is permitted,  
 19 according to what I see here in your amendment. You  
 20 have home occupations. Now, I know some people  
 21 might think home occupations are all right. Maybe  
 22 they are. Maybe -- but professional offices, same  
 23 problem. You're going to have a whole bunch of cars  
 24 there. They always have more cars than the  
 25 off-street parking allow for the professional

1 office. And I ought to know, because when I was a  
2 councilman in Rahway, I would get complaints from  
3 the neighbors. The doctor's office, all these cars.  
4 Then there's another one down the street. None of  
5 my guests have a place to park. And that was not an  
6 area where people recreate. So, that would be --  
7 would not be good for the neighborhood. And unless  
8 politicians in town like people complaining, I don't  
9 recommend that that be allowed, because you will get  
10 complaints.

11 The other thing is under island  
12 residential flex. You correctly recommend that  
13 two-family through four-family developments be  
14 eliminated. Those were wonderful words. Except you  
15 add the word or, or permitted as a conditional use,  
16 subject to significant parking, buffering, floor  
17 area. Well, they're still going to be, if they meet  
18 those conditions, because they are in the zoning  
19 ordinance. I was told that you don't go before the  
20 board. People are not given a notice that, all of a  
21 sudden, there's going to be a four-family house  
22 there or three-family or two-family house or -- I  
23 don't know about three-family. But, anyway, I think  
24 elimination is fine. That's what the people in the  
25 neighborhood want. Everyone living in the flex

1 zone, when this was discussed, said they do not want  
2 two-family through four-family development in their  
3 neighborhood. But they don't want it as a  
4 conditional use either. Those words, or permitted  
5 as a conditional use, should be eliminated, along  
6 with the rest of the sentence if you want to make  
7 people happy.

8 Now, the townhouse zone, island  
9 townhouse. Here he says it's recommended that  
10 townhouses be eliminated. That's fine so far. But  
11 then you add the words, or significant conditional  
12 use standards may be implemented, or. In other  
13 words, you're saying you can still have townhouses.  
14 I say you should eliminate, or significant  
15 conditional use standards be implemented. There  
16 shouldn't be townhouses.

17 And, by the way, I did a little  
18 research on townhouses. A lot of the -- for  
19 example, there is one townhouse in the flex use  
20 zone. And I think Councilman Bacchione probably  
21 campaigned there. This townhouse is fine as long as  
22 you have air conditioning. But on every -- on the  
23 east side and the west side, there are no windows.  
24 And then -- there are six of them. And they're very  
25 close together. I don't know where there are

1 windows where they're very close together, but I  
2 know that if there were windows, I could extend my  
3 hand and shake the hand of my neighbor if there were  
4 windows. There may not be windows. Now, what  
5 happens when there's no air conditioning in those  
6 type of houses? There's no cross breeze. I know  
7 that, too, because I had a shed built once. And I  
8 was advised by the, that if you don't have a window  
9 on at least three sides of the shed, there will be  
10 no cross breeze. So, whoever granted that zoning  
11 application should be ashamed of themselves.  
12 Because if the electricity goes down, boy, those  
13 people are going to suffer.

14 Also, townhouses in Leisure Village,  
15 et cetera, they have that same problem. They  
16 don't -- they don't have windows on two sides. I  
17 don't think that's the type of home that we would  
18 want anybody in Berkeley Township to endure. And I  
19 know the president of the -- of our local  
20 association has spoken out against townhouses  
21 repeatedly over the years. And he spoke out against  
22 the townhouse that was built. Of course, he did not  
23 get his wish. But he was absolutely correct, as the  
24 results indicate.

25 Then it says, in a later sentence, it

1 is recommended that two through four-family houses  
2 be eliminated. That's fine. That's wonderful. But  
3 then, again, you get into, or significant  
4 conditional use standards be implemented, which  
5 means that you can still have two through  
6 four-family houses. Nobody in that area, I can tell  
7 you, nobody that I talked to, nobody spoke to me,  
8 wants two through four-family houses in that  
9 neighborhood. That would greatly upset them. And  
10 you haven't seen them. But you wouldn't want them,  
11 since they're there mostly during the summer, to  
12 come out to a council meeting and complain about the  
13 possibility of that happening. So, I just recommend  
14 that if you get those changes, that would be good.

15 The only other thing that concerns  
16 me, even though I don't think anybody ever showed up  
17 to complain, there's no real protection in the  
18 oceanfront mixed use zone for single family homes  
19 that I can see. And there's some very nice homes  
20 there. They cost a lot of money. More than mine,  
21 probably. And it would be a shame to have their  
22 neighborhood, their immediate neighborhood disturbed  
23 by something they don't want.

24 So, that's it. Thank you very much  
25 for your time. I am pleased that there has been

1 some progress made in the municipal plan.  
 2 MR. WINWARD: Thank you.  
 3 MR. FULCOMER: Thank you.  
 4 MR. WINWARD: Is there anybody else  
 5 that would like to comment on the, on this plan and  
 6 the amendments?  
 7 MR. HARDENBURG: I brought ten  
 8 copies. I'll let you two gentlemen to share. Ask  
 9 you to hand those out, please.  
 10 MR. MCGUCKIN: Get your name on the  
 11 record first.  
 12 MR. HARDENBURG: Yes. I'll wait till  
 13 the copies are handed out.  
 14 MR. MCGUCKIN: You need to do it  
 15 first, then we'll mark.  
 16 MR. HARDENBURG: Okay. That's fine.  
 17 Mark Hardenburg, 36 Ocean, in the South Seaside Park  
 18 portion of Berkeley Township.  
 19 A major goal of the neighborhood plan  
 20 is to improve resilience. And talking to some  
 21 people, they mistakenly thought that because Midway  
 22 Beach limits the height of houses, that that would  
 23 force houses down into the floodplain. That's not  
 24 true. And on the second page of the handout that I  
 25 gave everyone, you can see Midway Beach's policies

1 and codes. And I circled the things that apply. It  
 2 talks about the foundation heights vary due to  
 3 floodplain requirements. The first floor of the  
 4 house must start one foot above the required flood  
 5 zone requirements, base flood elevation.  
 6 And then it goes on to say in the  
 7 other one, the height of the unit starting at this  
 8 one foot above the base flood elevation we just  
 9 talked about, up to the peak of the house cannot  
 10 exceed 16 feet. So, yes, we do limit the height of  
 11 the house, but it kind of depends on the base flood  
 12 elevation. So, allowing two-story houses on the  
 13 lanes in Midway will not increase resilience.  
 14 Resilience is already baked into Midway's  
 15 considerations for houses on the Lanes. Midway  
 16 already allows these one-story houses to be raised  
 17 or built above the floodplain. Allowing two-story  
 18 houses on the Lanes in Midway will stir up a  
 19 hornet's nest. And it does that without increasing  
 20 resilience. I know that there's a vocal minority  
 21 that wants it. Midway voted on this issue and the  
 22 majority of people in Midway didn't want it.  
 23 There seems to be two issues wrapped  
 24 up in this neighbor plan, resiliency and zoning. As  
 25 far as the zoning, from coming to the meetings, my

1 sense is that most residents looked around and,  
 2 without knowing what the ordinances said, say, said,  
 3 I like what I see, keep it the way it is. And what  
 4 they meant by that, I believe, is what I meant, was,  
 5 don't keep it the way it's written where you can do  
 6 strip mining, and all this other. Keep it the way  
 7 it is when I look around and I see it. And the same  
 8 applies to Midway. Midway has been two stories on  
 9 the ocean and one story on the land for years. And  
 10 we would ask you to keep it that way. As the  
 11 president of Midway Beach, I, again, ask that you  
 12 allow -- you do not allow two-story houses on the  
 13 Lanes.  
 14 Midway, people in Midway voted and  
 15 they didn't want this. If you do introduce it, it  
 16 will create a number of problems, including parking,  
 17 extremely intense use in the zone, utility problems,  
 18 et cetera. And even introducing all those problems,  
 19 it would not improve resilience. That's it. Any  
 20 questions?  
 21 MR. WINWARD: Do you have anything?  
 22 MR. DICKERSON: Yeah. Just to  
 23 clarify, and I believe we may have discussed some of  
 24 this before. It's just, I think the major  
 25 clarification here, and just so that we are on the

1 same page is, I don't think that there was any  
 2 recommendations to increase to a second story. That  
 3 was something that we had discussed at the last  
 4 community meeting in April. I think the  
 5 clarification here for the resiliency purposes was  
 6 to clarify the language in the ordinance. Because  
 7 right now, the dual zones that govern Midway  
 8 Beach -- and I'm not talking Lanes versus  
 9 oceanfront. I'm talking the BR district versus the  
 10 LR district, which actually permits residential  
 11 structures as high as 60 feet in height. Clarifying  
 12 that language to address the concerns that you have  
 13 raised.  
 14 MR. HARDENBURG: Right. The last one  
 15 that I saw, and maybe it was out of date, talked  
 16 about taking the BR zone, which is the beachfront  
 17 residential zone, which is two stories, and  
 18 expanding that all over Midway. And there was some  
 19 resistance to that. Now it sounds like what you're  
 20 saying is that there would be two zones, the BR and  
 21 the LRL?  
 22 MR. DICKERSON: Currently, the --  
 23 just to clarify, the BR zone has standards for the  
 24 oceanfront cottages, as well as those on the Lanes.  
 25 It's, the way the ordinance is currently written --

1 this is not in the plans, this is what is in the  
2 books right now, is that there -- the way BR is, you  
3 have the -- I forget the term that they use for on  
4 the Lanes. But there's oceanfront and then  
5 non-oceanfront structures. And there are standards  
6 for both. However, the BR zone, as a whole, for  
7 both the Lanes and the ocean, are not shown on the  
8 zone map. The zone map refers to an area that is  
9 called residential low rise. And there's nothing  
10 that defines what a low rise structure is, although  
11 it can be permitted to as high as 60 feet in height,  
12 as well as other -- and I think you need like a  
13 contiguous acreage, that's something very large, to  
14 build this. It's almost like a planned use  
15 development.

16 MR. HARDENBURG: I think there was a  
17 mismatch.

18 MR. DICKERSON: Yes.

19 MR. HARDENBURG: Where the mismatch  
20 was that the zone plan said one thing and the  
21 ordinance said something else. And --

22 MR. DICKERSON: That might be the  
23 case.

24 MR. HARDENBURG: And what we're  
25 asking here is, make it all conform to what it is

1 now.

2 MR. DICKERSON: And that's the intent  
3 of this recommendation.

4 MR. HARDENBURG: Okay. So, does that  
5 mean that, on the Lanes, they would be limited to  
6 one story?

7 MR. DICKERSON: Yeah, I think the  
8 recommendation is to maintain those types of  
9 standards.

10 MR. HARDENBURG: Okay. Okay. Any  
11 other questions for me while I'm here?

12 MR. WINWARD: We don't have any.  
13 Thank you.

14 MR. HARDENBURG: Okay. Thank you.

15 MS. FULCOMER: Hi. Cathy Fulcomer,  
16 356 Roberts Avenue in Seaside Park.

17 Now, I have a couple of questions on  
18 this. Because, when are the residents notified --  
19 were the residents -- okay.

20 Would the residents be notified if  
21 there's any change in conditional uses? Am I  
22 phrasing that right? You know, the conditional uses  
23 here, when -- like, I'm always notified if somebody  
24 wants to build a dock or something, or their deck is  
25 bigger. Is there anything in here any places where

1 we would be notified?

2 MR. DICKERSON: I'm going to need you  
3 to clarify that. Are you referring to --

4 MS. FULCOMER: Okay. If you're going  
5 to put --

6 MR. DICKERSON: -- if the ordinance  
7 that stipulates the conditions, are you talking  
8 about that, or if a specific development that is  
9 going forward that is applying for conditional use  
10 approval?

11 MS. FULCOMER: Okay. If someone's  
12 coming forward to apply for a conditional use, are  
13 the residents notified?

14 MR. DICKERSON: That conditional use  
15 application does go before the planning board. So,  
16 it would require the same notice that a conditional  
17 use application would entail.

18 MS. FULCOMER: But is that just the  
19 people that live around the anticipated conditional  
20 use, like a townhouse going in? Are they notified  
21 that a townhouse -- someone has applied to put a  
22 townhouse here where they aren't usually placed?  
23 That's what I'm trying to get at.

24 MR. DICKERSON: Again, just like any  
25 other application that goes before the zoning board,

1 if you are -- if an applicant is looking to develop  
2 something based on a conditional use and seeking  
3 conditional use approval, they would have to provide  
4 the notice that would be required of them that --  
5 for any application that would be going before the  
6 planning board.

7 MR. MCGUCKIN: It's a 200 foot notice  
8 requirement.

9 MS. FULCOMER: It's, pardon me?

10 MR. MCGUCKIN: It's a 200 foot notice  
11 requirement.

12 MS. FULCOMER: Oh, okay. That  
13 clarifies that. Thank you. Okay. That's good.  
14 Thank you.

15 All right. Then I have one, another  
16 question about the DHC -- I mean the DCA. I'm  
17 sorry. The DCA. Is there anything in -- just so I  
18 understand the procedure properly -- is there  
19 anything in your proposed land use plan that could  
20 be contrary to DCA standards, recommendations? In  
21 other words, once you, if you adopt the land use  
22 plan, is this ever referred to the Department of  
23 Community Affairs?

24 MR. DICKERSON: The plan was -- so,  
25 when we submitted the draft to the planning board,

1 the draft was also submitted to New Jersey --  
 2 MS. FULCOMER: Okay.  
 3 MR. DICKERSON: -- Department of  
 4 Community Affairs. They provided comment. And we  
 5 responded to those comments. And those edits are  
 6 the ones that are detailed in the sheet that was  
 7 attached to the document.  
 8 MS. FULCOMER: Okay. So --  
 9 MR. DICKERSON: And the final plan  
 10 ultimately gets sent to DCA as well, for their --  
 11 MS. FULCOMER: That was my question.  
 12 So, they -- so, it's not really finalized till they  
 13 actually approve it, since they're funding the  
 14 study?  
 15 MR. DICKERSON: On their side, for  
 16 their purposes, for the grants, they -- again, they  
 17 made their comments. We responded to them. They  
 18 said, these are great and they -- and there were  
 19 some comments. And they said, once you address  
 20 those comments, you upload it to us, and then they  
 21 sign off.  
 22 MS. FULCOMER: Oh, okay. All right.  
 23 Then I have a couple questions about terminology.  
 24 Maybe I should know this, but I don't. When you --  
 25 like, under where it says, island residential B, if

1 you're referring to modification of bulk standards,  
 2 could you give me an example of bulk standards. I  
 3 mean, I understand what the footprint would be or  
 4 the, you know, the measurements of the lot. Is bulk  
 5 like how big the second story is or the third story  
 6 or what is that?  
 7 MR. DICKERSON: What page are you  
 8 referring to? And is this one of the comments  
 9 that's -- that was one of the amendments?  
 10 MS. FULCOMER: Yeah, island  
 11 residential B. There's a number of places where I  
 12 see the word bulk and I'd just --  
 13 MR. DICKERSON: Bulk refers to --  
 14 MS. FULCOMER: -- like to understand  
 15 that.  
 16 MR. DICKERSON: -- setbacks. That's  
 17 going to be your front yard setback.  
 18 MS. FULCOMER: Oh.  
 19 MR. DICKERSON: Your side yard  
 20 setback.  
 21 MS. FULCOMER: I didn't know that.  
 22 MR. DICKERSON: Your lot coverage.  
 23 MS. FULCOMER: Oh, okay.  
 24 MR. DICKERSON: It can be floor area.  
 25 MS. FULCOMER: Oh.

1 MR. DICKERSON: Things like that.  
 2 Things that are not related to the use of the  
 3 property. It's more the design.  
 4 MS. FULCOMER: Oh, okay. That's not  
 5 what I was thinking it was. Okay. Thank you for  
 6 clarifying that.  
 7 And then I have another question  
 8 about buffers since, you know, I'm not in this  
 9 business or anything. I can understand the word  
 10 buffer, but I was wondering -- let's see, let me  
 11 make sure I'm on the right page here. Yeah. Island  
 12 residential B, let's see, recommended that R-4  
 13 districts be revised to reflect conditions that  
 14 two-family through four-family development be  
 15 eliminated or permitted, the conditional use clause,  
 16 subject to significant parking, I understand that,  
 17 buffer and floor area standards.  
 18 What would be a buffer? Even though  
 19 I can visualize something, in this particular case,  
 20 what would be a buffer standard? That's my  
 21 question.  
 22 MR. DICKERSON: Again, at this point,  
 23 it's a recommendation.  
 24 MS. FULCOMER: Uh-hum.  
 25 MR. DICKERSON: When it comes down to

1 the ordinance development, that would be where the  
 2 determination of what would constitute a sufficient  
 3 buffer. And that could be fencing. That could be  
 4 just an area of space. That could be plantings.  
 5 And I'm sure there are other design elements that  
 6 could serve as a, quote/unquote, buffer.  
 7 MS. FULCOMER: Okay. So, then, that  
 8 would be done, let's say, by the municipal -- by the  
 9 municipality and not the resident, then, right,  
 10 buffer standards? Or are you saying --  
 11 MR. DICKERSON: The standards would  
 12 be established and be put in the ordinance. And  
 13 then, so, any applicant would have to follow those.  
 14 MS. FULCOMER: Okay. Okay. All  
 15 right. So, I think I understand all of that. And I  
 16 didn't write down anything else.  
 17 I would just like to reiterate what,  
 18 some other comments that have been expressed and  
 19 what we expressed at the meeting that we had at the  
 20 first aid center. And thank you for that. That was  
 21 very good. Thank you for conducting that. Is that  
 22 we still -- no, not we -- me. I'm not speaking for  
 23 anybody but myself. I still feel relatively uneasy  
 24 about conditional. And I still feel that townhouses  
 25 would make our area too crowded, okay. That was

1 just my last comment on that. Thank you very much  
2 for your time.

3 MR. WINWARD: You're welcome. Thank  
4 you.

5 MR. WHITEMAN: Don Whiteman,  
6 2000 Barnegat Avenue, South Seaside Park. Excuse me  
7 for a minute.

8 First of all, I want to thank  
9 Berkeley Township for having, Nick having that  
10 meeting over at Tri-Boro. That was very helpful.  
11 And I think that the amount of people that attended  
12 the meeting to say and -- say that we are concerned  
13 about what's going on in South Seaside Park, I think  
14 you did hear what we were trying to tell you.  
15 Though, as I look over some of these changes that  
16 you made, I don't think you exactly heard what we  
17 wanted either.

18 I look at this conditional that you  
19 put in there, this conditional. As far as I know,  
20 conditional means the planning board and the zoning  
21 board. I believe we have one person from  
22 South Seaside Park on the planning board. On the  
23 zoning board, we have no one. Yet, you are deciding  
24 what's going to happen in South Seaside Park. We  
25 look at it and our only course to take is with what

1 you're telling us here with this plan, we're looking  
2 out for you. South Seaside Park residents, we're  
3 looking out for you.

4 I don't think you're looking out for  
5 me when I can still have and someone can still put  
6 townhouses from 14th Avenue to Beach Avenue. And  
7 those townhouses, because of the floodplain, can be  
8 40 feet there. I don't think you're looking out for  
9 us when you didn't tell us the density that can be  
10 put in there.

11 I look at this. I went up to Ortleby  
12 Beach, Toms River Township. I looked on the ocean  
13 side. And I see the density of townhouses, the  
14 density of condos, the density of four-family  
15 houses. Which, to me, conditionally, you can  
16 approve that. And I'm shocked that the people from  
17 Ortleby Beach haven't risen up and say, enough with  
18 the density in Ortleby Beach. You can't move. You  
19 can't park anywhere.

20 Now, you're telling me that,  
21 Mr. Whiteman, we're trying to keep a hold on that  
22 down there. Yet, in the flex zone, I still can see  
23 multifamily houses being built there. I see that  
24 the people of South Seaside Park said, when they  
25 said, leave it the way it is, they're talking about,

1 we want single family houses in the flex zone. We  
2 want single family houses on the ocean side.

3 I said, we want it -- which I thank  
4 you for putting that in, Nick -- to put lots that  
5 are 31.5 in that area now where the -- between  
6 14th Avenue and Beach. You did make mention of  
7 that. That's something that I think is positive.  
8 But the idea of townhouses in our area, I just look  
9 at the highly dense area in Toms River Township, and  
10 it's horrible. And I go up there during the  
11 summertime to get my bagel at The Bagel and I can't  
12 even find a place to park. That's the first thing.  
13 So, the conditional I don't like. Everything should  
14 have been single family put down. And then if a  
15 change comes, they see you. I don't see that.

16 I want to ask you, Nick, will you  
17 lose the grant, this grant that the government is  
18 giving you, if this is held up in court for four or  
19 five years? Is there a time limit or did you  
20 already get the money?

21 MR. DICKERSON: There are time limits  
22 to these grants. But I don't really have an answer  
23 to that kind of question.

24 MR. WHITEMAN: We are in a  
25 de-annexation situation. You're asking for some

1 changes in there. All right. Now, back in 1977,  
2 which I will say, when the last de-annexation took  
3 place, they had a master plan, Nick. It was held up  
4 in court for five years. They couldn't do anything  
5 for five years until the de-annexation was settled.  
6 They went to a judge. The judge said yes, nothing  
7 can change.

8 Will you use grant -- lose the grant  
9 money if that occurs?

10 MR. DICKERSON: I don't have an  
11 answer to that question.

12 MR. WHITEMAN: Okay. Someone, Nick,  
13 wants to put a bar in the area. Is this covered  
14 under this at all? Restaurant with a bar.

15 MR. DICKERSON: Is what covered  
16 and --

17 MR. WHITEMAN: In other words, if  
18 someone decides to put a bar in South Seaside Park  
19 in the area along Central Avenue, is that something  
20 where they have to go before the planning board and  
21 zoning board to do that? Is that something that is  
22 conditional?

23 MR. DICKERSON: Again, we're talking  
24 hypotheticals. And, again, I'm trying to understand  
25 what part of the plan you are referring to,



1 especially, I mean, given that we are looking at the  
2 area that is -- the areas that are being amended as  
3 we speak right now. So --

4 MR. WHITEMAN: Nick, I'll tell you  
5 why I'm concerned about this, okay, Nick. They  
6 tried to put a bar on 20th Avenue at Ebby's without  
7 telling anyone, without sending letters out. The  
8 town is going to look for us -- look out for us.  
9 The town didn't look out for us, okay. Then they  
10 put, Ebby's now has alcoholic beverages served  
11 there. Never contacted anyone. Never contacted  
12 within 200 foot. There's no parking for it. Yet,  
13 the town didn't look out for the residents in that  
14 area. Now we have the Pier House going for an  
15 alcoholic beverage license to put a bar there also.  
16 There hasn't been letters sent out within 200 feet  
17 to notify the people that there is a bar going up  
18 there also. The only time that they required that,  
19 is when Berkeley Seafood wanted to go with their  
20 alcoholic beverage, they were made to contact people  
21 within 200 feet. The town is looking out for us.

22 My point is this: That's all I'm  
23 hearing. You guys are looking out for us. I have  
24 to look at Berkeley Township and say, you're not  
25 looking out for the people of South Seaside Park.

1 we're looking one way about single family. You're  
2 looking at it from, we got your back, conditional.  
3 You'll come to our planning board, our zoning board.  
4 We have everything covered. That's my concern.  
5 Because you guys are not looking out for  
6 South Seaside Park. Not you, Nick. But  
7 Berkeley Township is not. My biggest thing is,  
8 again, changing this conditional, this or stuff. It  
9 doesn't help us out. Well, thank you.

10 MR. WINWARD: Thank you.

11 MR. DEMARCO: Nick Demarco, Seaside  
12 Park, South Seaside Park resident.

13 You kind of lost me. I don't know  
14 your name, sir.

15 MR. DICKERSON: Nick Dickerson.

16 MR. DEMARCO: Nick. Okay. Nick.  
17 Okay. You kind of lost me with the BRF and the 50  
18 zone, all that stuff. Okay. I went to the meeting  
19 in April. And a gentleman had all kinds of maps.  
20 And I believe my area was red, an R-50 zone, which  
21 is one-family house. Towards the end of the  
22 meeting, another gentleman there brought up the fact  
23 that there was a green zone on this map, which I  
24 believe is, could be or could conditionally be for  
25 townhouses. Okay. I was unaware of this. I know

1 the area you're talking about, Miller's Lane, the  
2 Shore Acres trailers, et cetera, et cetera. I'm  
3 totally against townhouses. I would allow -- not I  
4 will allow -- I would permit or like to see, single  
5 family homes only. Provided that they use the  
6 15-foot setbacks on the side and the 35-foot medium  
7 height.

8 Now, someone here mentioned something  
9 about 40 feet or 60 feet. When you go over three  
10 stories, I know the area I came from, if you have a  
11 three-story building, apartment building, whatever,  
12 now it's considered a commercial building. So, I  
13 don't know, you know, how many people here live on  
14 the mainland. How many people live on the barrier  
15 island. But there's an old saying, not in my  
16 neighborhood. I'll leave it go at that.

17 MR. WINWARD: Thank you. Nick, did  
18 you --

19 MR. DICKERSON: Yeah, I just want to  
20 offer just a few quick clarifications. That  
21 townhouse zone is something that is in place. That  
22 is not something that's being proposed. Just this  
23 quick clarification.

24 And with regard to these building  
25 heights. With the exception of the existing

1 residential low rise zone that I mentioned that  
2 permits 60-foot heights, all residential in  
3 South Seaside Park today is permitted a maximum  
4 height of 35 feet. Yes, you can elevate for it to  
5 comply with flood requirements. But that applies to  
6 all houses. That's not just something that applies  
7 only to townhomes. That applies to single family  
8 residential as well. So, just want to offer those  
9 clarifications.

10 MR. WHITEMAN: Don Whiteman,  
11 South Seaside Park again.

12 Nick, I understand what you're  
13 saying, but it's the mean height. So, you could  
14 have a height of a building that is 40 foot high at  
15 the peak, and the low area here is 36 feet, and what  
16 happens is, it's the mean height, it's not the peak  
17 height.

18 Second thing is the height of the  
19 floodplain level you do not count as part of that 35  
20 feet. So, if that 35 feet, if we started and we  
21 have to say this property here, your first floor  
22 elevation has to be six feet high, it then goes to  
23 35 feet added on to six feet, it makes it 41 feet.  
24 For clarification --

25 MR. DICKERSON: Yes.

1 MR. WHITEMAN: -- you're right,  
 2 35 feet, but let's get the true height of a  
 3 building.  
 4 MR. DICKERSON: Yes, and that applies  
 5 to all houses.  
 6 MR. WHITEMAN: Right.  
 7 MR. DICKERSON: Yes.  
 8 MR. WHITEMAN: Right.  
 9 MR. WINWARD: Then I have some  
 10 questions. Anybody else?  
 11 MS. FULCOMER: I just have -- I just  
 12 have one thing I'd like to ask if no one else,  
 13 because I'm up here twice. This is my second time.  
 14 I just want to clarify something by asking you a  
 15 question about this. So I want to make sure I  
 16 understand this.  
 17 For example, does the DCA mandate the  
 18 words conditional on places like the townhouse zone?  
 19 On certain zones, do they mandate the word  
 20 conditional be thrown in on any of the land use plan  
 21 or is that the idea of the planning  
 22 board/municipality? In other words, can this be  
 23 changed? Could that be eliminated, theoretically?  
 24 Even though it's there already, as you've indicated,  
 25 Nick, that it's there already, is there any barrier

1 to taking it out legally, as you draw up the plan?  
 2 MR. DICKERSON: Again, the DCA grants  
 3 are to, for municipalities, are to develop land use  
 4 plans, floodplain plans, and other things that help  
 5 promote the idea of resiliency, which is the idea  
 6 of, you know, getting back into your house quickly  
 7 following a storm, addressing any issues that might  
 8 be in place that would prohibit that. But then,  
 9 also, when the next storm hits, you're in better  
 10 shape. So, I don't understand necessarily your  
 11 question on this idea of --  
 12 MS. FULCOMER: Okay.  
 13 MR. DICKERSON: -- conditional. What  
 14 I'm saying is, it's a land use plan. There's  
 15 nothing that DCA is requiring for that purpose that  
 16 you're referring to.  
 17 MS. FULCOMER: Okay. Yeah, I can --  
 18 I tell you where my question's coming from, that's  
 19 where I -- that's why I jumped up. Because you said  
 20 to the previous speaker, and we know this because  
 21 you pointed that out over a couple of meetings, that  
 22 some of these requirements, the zoning is there  
 23 already. All right. So, then I'm to understand  
 24 that this planning board wants to keep the townhouse  
 25 in there and wants, for whatever reason you have, to

1 keep the word conditional. I just want this for the  
 2 record.  
 3 MR. DICKERSON: It's not keeping the  
 4 term conditional. It's a recommendation because,  
 5 currently, the townhouses, the townhouse zone  
 6 permits townhomes as a permitted use. Meaning, if  
 7 you check off the boxes, you can build.  
 8 Now, if it comes in as a conditional  
 9 use, then it's going before the planning board and  
 10 will be subject to meeting those conditions. And by  
 11 establishing those conditions, there's going to be a  
 12 lot more control than if it was just a use variance  
 13 that had to be -- is entirely much more of a  
 14 subjective process. By creating certain design  
 15 standards and goals outlined in the plan, the town  
 16 can hold certain standards in place as opposed to if  
 17 a townhome applied to be built in a single family  
 18 zone and needed that use variance. At which point,  
 19 it's going to be a lot more difficult to have  
 20 certain standards in place to affect how that thing  
 21 goes in.  
 22 MS. FULCOMER: Okay. It would be  
 23 more -- I'm sorry. I don't quite follow that line  
 24 of reasoning.  
 25 The point that I wanted to make is,

1 as we know, this is in your hands. And, apparently,  
 2 the draft you have of the proposed land use is, this  
 3 is what you're going to do. You're going to keep  
 4 the townhouse and you're going to keep the word up,  
 5 you know, the word conditional in there. And that's  
 6 really what I wanted to know. It's really what you  
 7 want to do. And whatever reasons the township has  
 8 for that, okay. I just wanted to clarify that.  
 9 MR. MCGUCKIN: Cathy, just so we're  
 10 clear.  
 11 MS. FULCOMER: Yeah.  
 12 MR. MCGUCKIN: One of the reasons  
 13 it's being done is because right now, there's no  
 14 conditions and it's permitted. So, the board, if it  
 15 adopts this, is recommending that the township, if  
 16 you're going to change the zoning, that you come up  
 17 with conditions so that it's not a permitted use  
 18 anymore. And it makes it harder to do.  
 19 MS. FULCOMER: I understand that it's  
 20 in there already. I do understand that. My  
 21 point -- I'm sorry -- my point is that we could take  
 22 that out. But, again, that's your --  
 23 MR. MCGUCKIN: I understand, Cathy.  
 24 MS. FULCOMER: That's your decision.  
 25 MR. WINWARD: That was my question,

1 too. I was going to ask. What there seems like I'm  
2 hearing they're asking for is they just want those  
3 words, townhouse, conditional crossed out. Can that  
4 be done?

5 MR. MCGUCKIN: First of all, it's up  
6 to the governing body, not us, as to whether or not  
7 it's a conditional use or not. But second of all,  
8 if you're going to eliminate the use, that's what  
9 you'll be doing, completely eliminating the use.  
10 Now you're affecting the people who already have an  
11 existing development there. And you're changing  
12 what they're permitted to do. So, if they want to  
13 put a garage, a shed or anything else, now they're  
14 forced to go to a zoning board to get an approval.  
15 And, again, that's something the governing body  
16 would decide if they ever adopt a change in the  
17 ordinance.

18 Right now, it's permitted. And this  
19 would make it harder, if the township goes along  
20 with it, would give the town more control over that,  
21 as opposed to none that it has currently as a  
22 permitted use. That's all it does.

23 MR. WHITEMAN: Don Whiteman again.  
24 My biggest concern is exactly what you're saying.  
25 You can come in there. And I talked to Mr. Cummings

1 (phonetic), which I'm going to bring up again,  
2 before he passed away. And he had been contacted by  
3 builders. They want to come in. They want to buy  
4 up the property. They want to put townhouses.  
5 Let's change this thing to single family. How do we  
6 change it to single family to say, all right, the  
7 lots just like the Midway Beach from Beach Avenue or  
8 from -- yeah, Beach Avenue all the way to  
9 Sprague Avenue, they're 31.5 area, let's do that and  
10 say, hey, let's have a nice community here of single  
11 family homes.

12 The townhouses, again, I'm looking at  
13 it and say, that's something that is conditional,  
14 leaving it up to my planning board and zoning board,  
15 I'm not keen on that.

16 MR. MCGUCKIN: As opposed to now. As  
17 long as they meet the requirements that --

18 MR. WHITEMAN: Exactly. That's why I  
19 say, let's --

20 MR. MCGUCKIN: Our requirements,  
21 they're a permitted use and they can build.

22 MR. WHITEMAN: Right. So, we change  
23 it. And we have the governing body change it. Then  
24 it can only be single family.

25 MR. MCGUCKIN: Yeah, when they do an

1 ordinance, they can -- that's one of the things they  
2 can do. That's absolutely perfect if that's what  
3 they choose to do.

4 MR. WINWARD: I need some  
5 clarification here, too. Maybe you can answer this,  
6 Greg. What we're discussing here, if I'm not  
7 mistaken, is a plan to help people get back into  
8 homes faster should there be another storm like  
9 Sandy. This isn't the ordinance, the zoning  
10 ordinance for the township.

11 MR. MCGUCKIN: That is correct, yes.

12 MR. WINWARD: Okay. So, I think  
13 that's some misnomer we have here. This is not the  
14 ordinance.

15 MR. WHITEMAN: Yes, I know that.

16 MR. WINWARD: This is a plan we're  
17 required to get in place because Sandy caught  
18 everybody with their pants down, so to speak, in the  
19 mainland as well. I'm on the coast. I was flooded.  
20 Just right across the bay from you. You know, the  
21 water doesn't respect boundaries. And we need  
22 guidelines in place for the, you know, so we can  
23 move faster, should -- and, hopefully, doesn't  
24 happen again, but --

25 MR. WHITEMAN: When the ex-mayor was

1 here, we tried to get the -- how can I say it --  
2 what was going to be built in South Seaside -- what  
3 was going to be allowed. We could never get it.  
4 That was a big problem. What is the -- what is the  
5 master plan? Oh, we're working on the master plan.  
6 We don't have it. And this is something where, when  
7 it is shown to us when we just see it, we're saying,  
8 where did this come from. I've been going to  
9 meetings way back when Jason Varano was mayor. And  
10 we were trying to find out what was going on. So,  
11 we're concerned about, as I say, the conditional  
12 use, you know.

13 MR. WINWARD: And you have some great  
14 concerns. And, also, I just want to clarify  
15 something, too. This body here, the planning board,  
16 we're not the body to initiate the change.

17 MR. WHITEMAN: Yes.

18 MR. WINWARD: We only deal with  
19 whatever is being brought before us,  
20 application-wise. So, you do have some legitimate  
21 concerns. I assume you would take that up with the  
22 township, you know, at a township meeting, you know.  
23 And, you know, have some concerns. There's not much  
24 room to work with over there, everybody gets that.  
25 And we're paying for a lot of the sins of the past,

1 maybe 100 years ago, maybe 50 years ago. You know,  
2 and the people to blame aren't even around anymore.

3 MR. WHITEMAN: Yeah, but they were  
4 Democrats and Republicans. Both parties did it to  
5 us.

6 MR. WINWARD: We're trying to clean  
7 the mess up the best we can.

8 MR. WHITEMAN: All right. Thank you.

9 MR. WINWARD: You're welcome.

10 MR. FULCOMER: Yes, I had a  
11 conversation -- Jim Fulcomer, 356 Roberts -- with  
12 Nick beforehand.

13 Are you saying that all conditional  
14 use applications must go before the planning board,  
15 or are you saying that if I submit an application  
16 for a conditional use home that meets all the  
17 conditions listed in the planning board, I can just  
18 build without going to the planning board?

19 MR. DICKERSON: No. If you meet all  
20 the conditions, you're going before the planning  
21 board. As soon as you do not meet one of those  
22 conditions, you're going before the zoning board for  
23 a variance.

24 MR. FULCOMER: Oh, okay. All right.  
25 So, if there is no permitted use for townhouses and

1 no conditional use for townhouses, the only way to  
2 build a townhouse is to go before the planning --  
3 before the zoning board. Which gives you a lot of  
4 protection because the people come out, when there's  
5 a zoning change, before the zoning board. I mean,  
6 that is really --

7 MR. MCGUCKIN: Keep in mind that  
8 while I understand the concerns you may have, the  
9 people who own those townhomes, obviously, may have  
10 a different concern.

11 MR. FULCOMER: There's nobody who  
12 owns townhomes except at the end of Beach. And that  
13 was granted by the zoning board over the objections  
14 of the neighborhood. And the only, the only area in  
15 South Seaside Park --

16 MR. MCGUCKIN: Jim, I understand.  
17 What I'm trying to say is, if the township adopts an  
18 ordinance completely eliminating them, in all  
19 likelihood there would be a suit challenging that  
20 ordinance from the people who own townhomes in  
21 Seaside Park -- South Seaside Park.

22 MR. FULCOMER: There is nobody --  
23 first of all, there is -- there's, as far as I know,  
24 correct me if I'm wrong, Don -- is Don here? Well,  
25 correct me if I'm wrong. There are no townhouses

1 anywhere in the area, let's say, west of Central  
2 Avenue, except at the end of Beach. And that is not  
3 zoned for townhouses. The area -- and one of the  
4 reasons why it was allowed is because the area right  
5 next to it, the island townhouse zone, allowed  
6 townhouses. But there are no townhouses there.  
7 There are no townhouses there. I've walked through  
8 it many times. No townhouses. They don't want  
9 townhouses. They don't know -- they don't want what  
10 was built at the end of Beach either. They would be  
11 very shocked if that happened.

12 Now, let me just say this: Since  
13 there are no townhouses in the island townhouse  
14 zone, I would suggest you take out the word  
15 island -- the word townhouse in that zone. And you  
16 change it to island single dwelling houses. Or  
17 island, you know, whatever you find. Single  
18 dwelling houses. All right. That would be --

19 MR. MCGUCKIN: I understand.

20 MR. FULCOMER: And just totally  
21 eliminate the conditional use that would allow  
22 townhouses and two to four-family homes. This  
23 eliminates conditional uses. Then if somebody wants  
24 to build a townhouse, they have to go before the  
25 zoning board. Everybody, I'm sure, feels more

1 comfortable if the way to get a townhouse,  
2 townhouses in there is to go through the zoning  
3 board. Because if it's not a permitted use, that's  
4 the only way it can happen.

5 MR. MCGUCKIN: Two things. Two  
6 things I would -- I just want to add. Completely  
7 understand and in many respects agree with  
8 everything you just said. This is not a master plan  
9 amendment.

10 MR. FULCOMER: I know. It's --

11 MR. MCGUCKIN: If it was a master  
12 plan amendment, that would be appropriate for the  
13 board to make those recommendations to the changes  
14 in the zoning. That's not what this is. This is a  
15 grant resiliency plan, neighborhood plan for  
16 South Seaside Park. That's what it is. And if we  
17 were amending the master plan, I think we would have  
18 the right to do exactly what you're saying. And I  
19 think the council would then decide if they wish to  
20 agree with the master plan amendments that the  
21 planning board recommends. But that's not what this  
22 is. And if we're going to use this process to amend  
23 the master plan, we're going to have a problem,  
24 because this was not done as a master plan  
25 amendment.

1 MR. FULCOMER: This is a  
2 recommendation. And based on --  
3 MR. MCGUCKIN: It's not a master plan  
4 amendment. There's a big difference. The master  
5 plan amendment has to follow a completely different  
6 procedure before it could be adopted. And that's  
7 why using this plan to amend the master plan, which  
8 is really, realistically what you're trying to say,  
9 I don't believe is appropriate. As a matter of law,  
10 I don't think we can.  
11 MR. FULCOMER: Well, my understanding  
12 is, when somebody -- I asked years ago. Give me a  
13 master plan for South Seaside Park. Anybody have a  
14 copy of a master plan for South Seaside Park under  
15 the previous mayor? We don't have any master plan  
16 for South Seaside Park. Oh, we're working on it.  
17 Well, this is it. This is it. This is the master  
18 plan for South Seaside Park.  
19 MR. MCGUCKIN: It's an addendum.  
20 MR. FULCOMER: However you put it  
21 together, that's it. We have zoning regulations.  
22 MR. MCGUCKIN: Right.  
23 MR. FULCOMER: Yes. But we don't  
24 have a master plan. And if so, show me the master  
25 plan. I've asked for it for years. It doesn't

1 exist for South Seaside Park. This is it. And  
2 whatever is in here is an argument for something  
3 else. And whatever is in here lays a foundation for  
4 zoning changes in South Seaside Park. And that is  
5 my understanding of this. And that is why I'm here.  
6 Now, why on earth would you have any  
7 use whatsoever for townhouses in an area where there  
8 are no townhouses, and where the people don't want  
9 townhouses? It's just beyond belief. That has to  
10 be eliminated. Now, why would you have two --  
11 recommend conditional use for two to four-family  
12 houses, in an area where there are no two to  
13 four-family houses and where the people don't want  
14 two to four-family houses? And feel crowded enough.  
15 I rest. Now I rest my case.  
16 MR. MCGUCKIN: I don't disagree.  
17 MR. FULCOMER: But I just have one  
18 question to Nick. Are you -- you're -- so you're  
19 saying that on conditional uses, if you satisfy all  
20 conditional uses when you put in your application,  
21 it still has to go to the planning board?  
22 MR. DICKERSON: That is correct.  
23 MR. FULCOMER: All right. And there  
24 is a 200-foot mailing for that?  
25 MR. DICKERSON: Yes, I believe.

1 MR. MCGUCKIN: Correct.  
2 MR. FULCOMER: Okay. We don't want  
3 conditional uses. We just want permitted use,  
4 single family, simple. And I bet if you were in our  
5 situation, you'd want the same thing. Thank you.  
6 MR. VERASCA: MY name is  
7 Rich Verasca. I live at 158A Central Avenue in  
8 South Seaside Park.  
9 I just want to make an observation.  
10 This is my third meeting. I know you've had five or  
11 six of them on this topic. But I must have heard  
12 40, 50, maybe 60 or 80 people say they want  
13 one-family houses only. And when I go to these  
14 meetings, everybody that's sitting -- I've never  
15 been in a meeting in front of you guys -- but  
16 council people, et cetera, uh-hum, we hear you, yep,  
17 we know what you're saying, yep, we feel for you,  
18 but every time I come to a meeting, I hear  
19 townhouses again.  
20 I have not heard one person -- maybe  
21 there's some guy lurking down the hallway there  
22 that's saying, make sure you keep townhouses in  
23 there because I want townhouses. But everybody,  
24 every single person I've heard speak, doesn't want  
25 it. I just needed to say that.

1 MR. WINWARD: Thank you.  
2 MS. ZOPPI: My name is Leann Zoppi,  
3 I'm 222 21st Avenue in South Seaside.  
4 So, I'm hearing about this master  
5 plan. And I'm hearing about what this gentleman  
6 said and about nobody wanting -- they're here at  
7 these meetings objecting to the single family home  
8 opposed to the townhouses, et cetera. My concern  
9 is, when they're objecting to these things, is it at  
10 a meeting or do you go out to vote to the people?  
11 Because, I got to tell you, I can't tell you how  
12 much it irks me just to come here. It's such an  
13 inconvenience to come from Island Beach State Park  
14 all the way here. You got to pay a toll. Takes you  
15 half hour to get here. It's obnoxious.  
16 And a lot of people, just like, it's  
17 beautiful out, they can't be bothered and whatnot.  
18 And I'm hoping that it's not exclusive only to these  
19 meetings that you hear what people have to say.  
20 Because there's a lot of people that object. And  
21 they're just not present at the meetings.  
22 MR. WINWARD: I don't know if we're  
23 able to address that. I don't know if you heard  
24 what I said before. We're the planning board.  
25 MS. ZOPPI: Right.

1 MR. WINWARD: We're all residents  
 2 just like yourself. Nonpaid volunteers --  
 3 MS. ZOPPI: Right.  
 4 MR. WINWARD: -- appointed by the  
 5 mayor to hear these, to hear applications.  
 6 MS. ZOPPI: But when --  
 7 MR. WINWARD: We're hearing -- we're  
 8 doing a public hearing, things are going into the  
 9 record. But we don't have the power to change  
 10 ordinances and things like that. That would have to  
 11 go through the town council, the township  
 12 themselves. But, like I said, we care. We're  
 13 residents. We all have neighborhoods. You know, we  
 14 all have concerns about what's going on in our  
 15 neighborhoods as well. We have a resident of South  
 16 Seaside Park on our board. And there should be  
 17 availability of a master plan. I don't know why  
 18 there isn't. But it would just -- it's a tough  
 19 section of town to deal with, because of all these  
 20 things that happened before there were regulations.  
 21 So, it's kind of hard after the fact. But right  
 22 now, we're having a hearing not on a master plan but  
 23 just on a --  
 24 MR. DICKERSON: It's an addendum to  
 25 the master plan.

1 MR. WINWARD: Okay.  
 2 MS. ZOPPI: And then how does it get  
 3 decided upon? That's what I'm saying. How does it  
 4 get decided upon? Does it get decided upon because  
 5 we're out here speaking up about it or because there  
 6 a vote of some sort or --  
 7 MR. WINWARD: Can you address that,  
 8 Nick, maybe what the procedure is.  
 9 MR. DICKERSON: Yes. Well, this --  
 10 development of this plan has, you know, taken place  
 11 over the course of many months with numerous public  
 12 forums. Actually, three of which were located in --  
 13 at Tri-Boro First Aid in Seaside Park to solicit  
 14 input and, you know, modify the plans as needed.  
 15 So, there has been that process.  
 16 There was also the public hearing  
 17 that took place on March 2, where, for the first  
 18 iteration of the plan that was adopted. And so,  
 19 this has been the process going forward in building  
 20 this plan, again, which is serving as an addendum to  
 21 the master plan.  
 22 What -- what this plan doesn't do,  
 23 though, is change ordinances. Adoption of this plan  
 24 doesn't mean that, all of a sudden, you know,  
 25 townhomes are permitted or townhomes are not

1 permitted, things like that. There's the ordinance  
 2 amendment process that then needs to take place,  
 3 whereby an ordinance would be introduced by the  
 4 governing body, town council. And it would be  
 5 referred to this planning board. They would review  
 6 it. And there would be, again, opportunities for  
 7 comments.

8 It would go before the governing body  
 9 again for second reading at a public hearing. And  
 10 that's where people would also voice their comments,  
 11 concerns. And that's where those amendments to  
 12 zoning would actually take place.

13 MS. ZOPPI: Okay. I think that, you  
 14 know, the objection with the townhomes, I'm with the  
 15 people, I don't want to see it either. I'd rather  
 16 see a much less dense area. But I don't know if  
 17 anybody even knows this answer. But these homes  
 18 that, back in the day, were allowed to have the back  
 19 house, once that back house is removed, are they  
 20 able to expand on that property or do they have to  
 21 build in the same footprint of what they've taken  
 22 down?

23 MR. DICKERSON: I guess to clarify.  
 24 So, you're saying that if there were two houses on  
 25 one lot --

1 MS. ZOPPI: Right.  
 2 MR. DICKERSON: -- and one of them  
 3 were removed, would the other lot be able to, the  
 4 other structure be able to expand?  
 5 MS. ZOPPI: No, would that -- the  
 6 new, the one that's been taken down, like if there's  
 7 a back house --  
 8 MR. DICKERSON: Yes.  
 9 MS. ZOPPI: -- and you take it down,  
 10 can you rebuild that back house and make it twice as  
 11 large?  
 12 MR. DICKERSON: No, you cannot,  
 13 without seeking a use variance because --  
 14 MS. ZOPPI: So, you can get a  
 15 variance.  
 16 MR. DICKERSON: -- having multiple  
 17 residential units on one lot, if it's a single  
 18 family zone, you would need to get a use variance.  
 19 MS. ZOPPI: Right. That's probably  
 20 how it happened. Because what's happening in the  
 21 area is, ever since Sandy, these homes that had been  
 22 allowed to have the back houses, now they're raising  
 23 them. And they're atrocious. They're like, they  
 24 encroach on other people's property and it's just --  
 25 and then you talk about putting townhouses. Already

1 the two houses on a single family lot, it's so --  
 2 the topography of the area is so ugly. You know,  
 3 it's a shame. And we just would like to see like a  
 4 much prettier town with some amenities, you know.  
 5 And I know they had mentioned about  
 6 the bars coming in the area. I'm not necessarily  
 7 saying I want bars to come in the area. But I  
 8 certainly would like to see some sort of something  
 9 coming into the area. Because it's -- I mean, if  
 10 you're down -- I live down there permanently.  
 11 That's my permanent home. When you're down there in  
 12 January and February, it's pretty ugly. It's --  
 13 thank God for Bum Rogers. But, you know, I'd like  
 14 to see something, you know, in the summertime to  
 15 make it like inviting and pretty. And we're the  
 16 cash cow over here for Berkeley. South Seaside is  
 17 the cash cow for Berkeley. And we look at this and  
 18 say really. What did you give us for this? A  
 19 beach. You know, we'd like to see something. We'd  
 20 like to get something more into the house -- into  
 21 the area instead of just townhouses or  
 22 overpopulation.  
 23 Thank you for your time.  
 24 MR. WINWARD: You're welcome.  
 25 MR. WHITEMAN: Don Whiteman again.

1 You got to clarify something on me, Nick, here. Are  
 2 you recommending an addendum to the master plan with  
 3 this? I heard you say that. And if this is what  
 4 we're doing, making a recommendation of an addendum  
 5 to the master plan, okay, that's what we're doing.  
 6 That's what you're doing, right?  
 7 MR. DICKERSON: That's correct.  
 8 MR. WHITEMAN: Okay. So, if you're  
 9 making that recommendation, then you guys are able  
 10 to change what the recommendation will be, okay. In  
 11 other words, you can make that recommendation to the  
 12 governing board that the people want to see single  
 13 family houses in the townhouse zone. And they want  
 14 to see single family. It's not up to the planning  
 15 board to do -- I mean, the council to do that. But  
 16 you, since you are making a recommendation, this  
 17 group is making a recommendation to the master plan,  
 18 you can make a change right now to say, this is what  
 19 we feel we want done. You don't leave it to go to  
 20 the council to make that change. You have the  
 21 responsibility now, since this is the  
 22 recommendation, to change your recommendation and  
 23 say, yeah, we hear what the residents of  
 24 South Seaside Park want. We want to basically agree  
 25 with them and say, yes, we want single family.

1 Am I right on that, Nick, or should I  
 2 ask the attorney? Correct?  
 3 MR. WINWARD: Might be a better  
 4 choice.  
 5 MR. MCGUCKIN: You're correct.  
 6 MR. WHITEMAN: Okay. So, you  
 7 gentlemen can make that change for us.  
 8 MS. FULCOMER: Yeah, that's what I  
 9 was going to say. Because you have resolution under  
 10 item E here. And I understand that you don't have  
 11 the power to pass the ordinance, that's the  
 12 municipality. And I know you're all volunteers.  
 13 And I've done that kind of stuff myself. But all  
 14 one of you have to do is say, you know, I move that  
 15 we adopt the following resolution, start off with a  
 16 whereas saying that, whereas, the residents of  
 17 South Seaside Park have repeatedly expressed their  
 18 desire to have single family homes and not  
 19 townhouses, however you want to write it. Throw in  
 20 another whereas, and then say, therefore, be it  
 21 resolved that we recommend to the municipal council  
 22 that these items be taken out, the -- oh, gee -- the  
 23 conditional and the townhouse. Yeah. For a minute  
 24 I had a blank. But all you got to do is do a few  
 25 whereas's and a therefore be it resolved, and you're

1 all set. And one of you can do that. The other one  
 2 can second. And then you can vote on it. Then  
 3 we'll know where everybody stands. Thank you.  
 4 MS. LUCIANO: Carol Luciano, 103 23rd  
 5 Avenue, South Seaside Park.  
 6 I have a question. On the plan,  
 7 there's what was neighborhood business is being  
 8 changed to Main Street, correct?  
 9 MR. DICKERSON: Just for the term  
 10 referring to the land use designation.  
 11 MS. LUCIANO: Okay. Now --  
 12 MR. DICKERSON: which is different  
 13 from what the zone would be.  
 14 MS. LUCIANO: All right. So, but,  
 15 the buildings that exist there, the businesses, some  
 16 of the homes, some of the homes, the way I  
 17 understand it, can now have businesses below,  
 18 correct?  
 19 MR. DICKERSON: I believe the  
 20 recommendation -- and, again, this was part of the  
 21 original plan that had been adopted, this is not  
 22 part of the amendments for tonight -- was that we  
 23 were looking to accommodate existing residential in  
 24 the neighborhood business zone. Because, currently,  
 25 as the way that the neighborhood business zone is

1 written, only permits businesses. So, if you're a  
2 homeowner in this area and, say, you know, a storm  
3 happens, you're going to have to jump through a  
4 couple more hoops just because you live in the  
5 neighborhood business zone.

6 MS. LUCIANO: Right.

7 MR. DICKERSON: So, there was the  
8 recommendation in the plan -- excuse me while I pull  
9 this up -- was to permit some additional conditions  
10 for residential so that these folks would be able to  
11 rebuild.

12 There is also the, yes, if you are a  
13 business, you could have a second floor residential  
14 and business on the ground floor. Again, these --  
15 anything with residential, I believe the  
16 recommendation would be to establish conditions that  
17 would, you know, create buffering and other  
18 standards to protect conflicting uses.

19 MS. LUCIANO: Just, I've been there,  
20 so, my question is, so, let's just say we have  
21 several businesses and in your report it says this  
22 area is built out. Then you go on to say that you  
23 want to add residences above businesses. So, do you  
24 think that that is good? Because it's -- the way it  
25 reads, it's that you can have a business with

1 residence above. Now, now, in the new Main Street.  
2 Prior, you could not.

3 MR. DICKERSON: You could not have  
4 any residential --

5 MS. LUCIANO: Correct.

6 MR. DICKERSON: -- on the Main  
7 Street.

8 MS. LUCIANO: Correct. But now you  
9 can.

10 MR. DICKERSON: We're trying to  
11 accommodate those residents that are in the  
12 neighborhood business district.

13 MS. LUCIANO: Okay. So -- but what  
14 about the business? Let's say you have a business  
15 there you want to put residences above. Now that's  
16 acceptable, according to this plan, the way I read  
17 it.

18 MR. DICKERSON: Again, the  
19 recommendation would be, it's not acceptable, it  
20 would be -- again, these conditional use standards  
21 would be put into place to allow someone to do it if  
22 they met a whole series of standards that would  
23 permit that. So, it doesn't permit it -- I mean, it  
24 has a path to permitting it. But there are going to  
25 be standards that makes it more difficult for them

1 to do it and makes sure that anything that is done  
2 really helps to conform to a desired characteristic,  
3 which would be developed as part of the ordinance  
4 development part of this, in the next phase, not  
5 this plan.

6 MS. LUCIANO: Okay. Another question  
7 on that same, similar to this. On the Main Street  
8 business, second floor business. Yes or no?

9 MR. DICKERSON: Say again. I'm  
10 sorry.

11 MS. LUCIANO: Second floor business.

12 MR. DICKERSON: What about it?

13 MS. LUCIANO: Can that exist?

14 MR. DICKERSON: There are no  
15 standards that permit that right now.

16 MS. LUCIANO: And how about in the  
17 Main Street?

18 MR. DICKERSON: Wait. The first --  
19 you're referring in the first question to, what's  
20 that?

21 MS. LUCIANO: The neighborhood  
22 business --

23 MR. DICKERSON: Yes, neighbor  
24 business --

25 MS. LUCIANO: -- changing to Main

1 Street.

2 MR. DICKERSON: Yes. Okay. So,  
3 again, just to clarify, what is being referred to as  
4 Island Main Street is the land use plan designation  
5 for the area that is currently zoned neighborhood  
6 business.

7 MS. LUCIANO: Right.

8 MR. DICKERSON: So, the  
9 recommendation is for the area that's referred to in  
10 the land use plan as Island Main Street, would be to  
11 make -- to recommend any changes to the neighborhood  
12 business zone. So, yes, it would accommodate the  
13 existing single family that is in the neighborhood  
14 business.

15 MS. LUCIANO: Uh-hum.

16 MR. WINWARD: And also, based on  
17 these conditions, it would permit second floor  
18 residential.

19 MS. LUCIANO: Just residential?

20 MR. DICKERSON: Residential.

21 MS. LUCIANO: All right. Okay. I  
22 think that's it. Thank you.

23 MS. DANIS: Christine Danis,  
24 239 22nd Ave., Berkeley Township.

25 I have a couple of comments on the



1 neighborhood plan, not specifically to townhouses,  
2 but, page 35, goal two, ensure safety of buildings  
3 and structures. And this is part of the resiliency  
4 plan of it. And I'd like to ask your consideration  
5 of vacant buildings that still exist after Sandy.

6 These buildings were at one time posted for  
7 condemnation. They haven't been condemned,  
8 particularly photos 23 and 24, appendix one.

9 I'm wondering how you could  
10 strengthen the language, at least in that part of  
11 it, to not only speak to ensuring safety of  
12 buildings for code construction but buildings that  
13 have not been addressed since Sandy that have  
14 been -- actually, are dangerous. And if another  
15 storm comes, they would propose more danger to  
16 residents and first responders. And they remain  
17 today.

18 I would also offer that they offer  
19 great opportunities, which I did not see reference  
20 of, and perhaps I've missed it, to Blue Acre  
21 acquisition and to stormwater management and open  
22 space. And if there could be a connection between  
23 looking at any properties that, to date, are either  
24 complicated or frustrated by a development, that  
25 maybe that could be solved by becoming a Green Acre

1 or Blue Acre combination Open Space and stormwater  
2 resiliency. Particularly those that are on the  
3 waterfront.

4 Another thing, on action seven, page  
5 53, bullet two, I live on 22nd Avenue. I ask that  
6 you consider further strengthening the language of  
7 bullet two. Instead of follow-up to ensure that the  
8 22nd Avenue project is done in accordance with the  
9 state plan, that you start off with, ensure that. I  
10 don't believe we need to follow-up. I believe we  
11 need to ensure that that structure, and all of those  
12 structures that came about out of that state funding  
13 and DOT project, are not followed up on and not  
14 encouraged, but ensure that they are done in  
15 accordance with the state regulations and protocols  
16 that were put in place.

17 And, thirdly, my -- is a question.  
18 How does the grandfathering of zone changes affect  
19 properties that haven't been developed since Sandy,  
20 but have a footprint that is grandfathered by the  
21 Sandy destruction? And if a zone change does  
22 happen, do they get the zoning of the zone that was  
23 in place at the time of Sandy or are they subject to  
24 the zone that would -- perhaps if a zone change does  
25 happen for that property, do they -- are now

1 subject -- they're no longer grandfathered under  
2 Sandy. They're now under the new zone. Is there  
3 any grandfathering zoning to Sandy destruction  
4 properties that have not yet filed a building  
5 permit?

6 MR. MCGUCKIN: If the zoning is  
7 changed, that would be decided in the zoning  
8 ordinance. So, if the township was to change a  
9 zoning in a particular area, they can grandfather,  
10 they cannot grandfather. They can put that right in  
11 the ordinance.

12 MS. DANIS: Is there any  
13 recommendation in this plan regarding grandfathering  
14 of land use structures as to the Sandy conditions,  
15 pre-Sandy conditions?

16 MR. DICKERSON: I do not believe that  
17 there are any recommendations pertaining to any  
18 grandfathering because there are standards in place  
19 township-wide that permit some degree of  
20 grandfathering. I'm not too clear on what --  
21 there's certain specific standards that must be met.  
22 But this plan does not address the grandfathering  
23 that is in place on the township-wide level.

24 MS. DANIS: Is it the board's  
25 preference to grandfather as the pre-Sandy zone or

1 the board's preference that the land use plan go  
2 forward with the proposed zoning?

3 MR. MCGUCKIN: I think that would be  
4 for the governing body to decide, not the planning  
5 board. They would decide --

6 MS. DANIS: But the land use plan is  
7 your decision, correct?

8 MR. MCGUCKIN: That ordinance would  
9 come to the planning board for consideration.

10 MS. DANIS: Right.

11 MR. MCGUCKIN: But it's their  
12 decision as to how it should be applied. That's not  
13 a planning issue. That's more of a --

14 MS. DANIS: A zoning issue, yeah.

15 MR. MCGUCKIN: -- zoning issue.

16 MS. DANIS: But the land use plan  
17 could make a recommendation regarding the exist --  
18 it does speak to existing conditions. And indicates  
19 that existing conditions are either not meeting  
20 existing zoning setbacks and other things. So,  
21 there is some recognition in the land use plan that  
22 the existing conditions of the -- of the build  
23 environment are reflected in the land use plan.  
24 They may not go as far as to a zoning  
25 recommendation, but there is a level of

1 recommendation regarding those existing conditions.  
 2 Am I correct?  
 3 MR. BACCHIONE: Through the Chair.  
 4 Miss, that's already an ordinance here in Berkeley  
 5 Township.  
 6 MS. DANIS: Right.  
 7 MR. BACCHIONE: So, it's already on  
 8 the books.  
 9 MS. DANIS: The grandfathered?  
 10 MR. BACCHIONE: It's a good question  
 11 you're asking. And it's been thrown around for the  
 12 last few months, this ordinance that you're talking  
 13 about. So, I'm surprised you're asking. It's a  
 14 good question.  
 15 The way it stands now is, you're  
 16 grandfathered in to the existing footprint unless  
 17 you have setbacks that exceed the current setbacks.  
 18 So, if you need seven and ten on your side setbacks  
 19 and you don't have those, you have to go in front of  
 20 the zoning board to get those, to get a variance.  
 21 But from what I'm hearing, and I'm not on the zoning  
 22 board, that most of these applications have been  
 23 approved since Sandy, Sandy related.  
 24 MS. DANIS: Correct. So, there's --  
 25 MR. BACCHIONE: It's a great

1 question.  
 2 MS. DANIS: There are some  
 3 considerations regarding residents who have not yet  
 4 rebuilt from Sandy who may be coming in who, their  
 5 neighbors have benefited from those grandfathering  
 6 setbacks that are sort of zoning and legal  
 7 precedence for the community. That now, if they  
 8 come through and the zoning change happens -- there  
 9 should be clarity is what I'm saying, regarding if  
 10 the zone change happens and setbacks change, what it  
 11 means for those that were pre-Sandy and didn't do  
 12 anything yet. And what it means for those that --  
 13 and own that property, and those that buy that  
 14 property, to redevelop it, and were not the  
 15 pre-Sandy owners.  
 16 MR. BACCHIONE: Great question.  
 17 MS. DANIS: Thank you.  
 18 MR. DEMARCO: I have one more quick  
 19 question. Nick Demarco, resident of South Seaside  
 20 Park.  
 21 I have two questions, basically. If,  
 22 I reiterate if, if the town council powers to be  
 23 decided to have townhouses, if, two things, will  
 24 there be ten percent put aside for affordable  
 25 housing, number one?

1 Number two, will there be tax  
 2 abatements granted to the townhouse developers?  
 3 Maybe can't answer that now. I don't know.  
 4 MR. DICKERSON: The township -- the  
 5 recent housing settlement that the township and  
 6 their new housing plan, requires a -- there is an  
 7 inclusionary set aside for any multifamily  
 8 township-wide.  
 9 In terms of tax abatements, tax  
 10 abatements are granted only in cases of  
 11 redevelopment. And this not a -- nowhere in  
 12 South Seaside Park is there a designated  
 13 redevelopment area. So, there are no tax abatements  
 14 being granted.  
 15 MR. DEMARCO: Okay. Thank you.  
 16 MR. WHITEMAN: Don whiteman. This  
 17 will be very short.  
 18 So, from what I heard tonight, I  
 19 heard Mrs. Fulcomer's, that she'd like the changes.  
 20 I heard that you guys can recommend those changes.  
 21 And I heard you can change what is said in here to  
 22 basically say, we hear what the public says. We'll  
 23 make those changes.  
 24 Is there any of you who will make a  
 25 motion to do that? And do we have anyone who will

1 want to second the motion to do that?  
 2 MR. WINWARD: I'm writing something  
 3 to that effect now.  
 4 MR. WHITEMAN: Okay.  
 5 MR. WINWARD: Because I have to read  
 6 it. And then somebody seconds.  
 7 MR. WHITEMAN: All right.  
 8 MR. WINWARD: But we're also --  
 9 MR. WHITEMAN: That's -- I didn't  
 10 know whether you were doing it --  
 11 MR. WINWARD: We're also giving the  
 12 public the due diligence to be heard, too.  
 13 MR. WHITEMAN: Yes.  
 14 MR. WINWARD: We're not trying to cut  
 15 you off.  
 16 MR. WHITEMAN: I understand. I just  
 17 wanted to make sure that, you know, what you heard  
 18 tonight is, and what she said, is something that  
 19 these changes are what -- what we would like, you  
 20 know.  
 21 Thank you.  
 22 MR. WINWARD: Does anybody on the  
 23 board have any questions or any -- care to clarify  
 24 or comment or ask any of the professionals? Fred?  
 25 MR. BELL: I do have a question.

1 MR. WINWARD: Okay.  
 2 MR. BELL: Where is the master plan  
 3 for South Seaside after how many years? I mean, you  
 4 can't see it. I mean, why can't they get a copy  
 5 of -- what was it you were asking for, Mr. Fulcomer,  
 6 the master plan?  
 7 MR. FULCOMER: Yeah, it doesn't -- as  
 8 far as I know, it doesn't exist.  
 9 MR. BELL: But they're telling you it  
 10 does exist.  
 11 MR. FULCOMER: Well, I think the  
 12 attorney is not aware of what really exists for  
 13 South Seaside Park.  
 14 MR. BELL: Okay. Then my question  
 15 is, is there a master plan? And if it is, why can't  
 16 you get it or why can't we get it?  
 17 MR. DICKERSON: The township's last  
 18 master plan was adopted in, I believe, 1997. That's  
 19 actually on the township's website.  
 20 MR. BELL: And it includes  
 21 South Seaside?  
 22 MR. DICKERSON: It's the township  
 23 wide. So that includes the mainland, it includes  
 24 Pelican Island and it includes South Seaside Park.  
 25 MR. FULCOMER: There's practically

1 nothing for South Seaside Park.  
 2 MR. DICKERSON: It's a township-wide  
 3 plan.  
 4 MR. FULCOMER: Right. Uh-hum.  
 5 MR. BELL: Okay.  
 6 MR. FULCOMER: This addendum would be  
 7 a more comprehensive master plan for South Seaside  
 8 Park.  
 9 MR. DICKERSON: That is correct.  
 10 MR. BELL: That's all I had.  
 11 MR. WINWARD: Okay. Seeing there's  
 12 no more testimony from the public, we're going to  
 13 close the public portion. And seeing there's no  
 14 more questions from the board, I believe what we're  
 15 doing here is, we're recommending adoption of the  
 16 plan. And it goes to the town council for approval.  
 17 MR. MCGUCKIN: No, it would be your  
 18 plan.  
 19 MR. WINWARD: Okay. Well, then, I'd  
 20 like to redirect the resolution.  
 21 MR. DICKERSON: And just quickly.  
 22 And this is dealing with the amendments to the  
 23 neighborhood plan? Just a quick clarification  
 24 there. Sorry.  
 25 MR. WINWARD: Okay. We're -- what

1 we're doing is recommending the adoption of the  
 2 amendments to the South Seaside Park neighborhood  
 3 plan.  
 4 whereas, the residents are in  
 5 opposition to the townhouses as conditional or  
 6 permitted, and we recommend removing of the  
 7 terminology.  
 8 Do I have a second? I mean, I'm  
 9 sorry. A motion and a second?  
 10 MR. MACKRES: Motion.  
 11 MR. CALLAHAN: Question. Why only  
 12 eliminate the townhouse? Eliminate three-family,  
 13 four-family house and two-family houses.  
 14 MR. WINWARD: I think they're  
 15 already -- that was already in there, wasn't it?  
 16 MR. CALLAHAN: Well, no.  
 17 MR. WINWARD: Okay.  
 18 MR. FULCOMER: They're a conditional  
 19 use for that. Be nice to eliminate that, too.  
 20 MR. CALLAHAN: Eliminate the whole --  
 21 MR. WINWARD: Yeah. So, what we're  
 22 hearing is, residents are in opposition to  
 23 townhouses or anything other than single family  
 24 houses, as conditional, or permitted, and we  
 25 recommend the removal of these terms.

1 So, I'll need a motion and a second.  
 2 MR. GINGRICH: I'd like to question  
 3 for, a legal question, to Mr. McGuckin or whoever.  
 4 Is this even the avenue for this? Are we -- are  
 5 they in the right spot for this?  
 6 MR. MCGUCKIN: Yes. The board has  
 7 the right to take this plan that's been presented to  
 8 you after the public hearing and make  
 9 recommendation -- make changes to it or vote on  
 10 whatever changes you think is appropriate. Because  
 11 I understand one of the changes that are proposed is  
 12 to eliminate multifamily or townhouse uses as a  
 13 permitted or conditional use in South Seaside Park.  
 14 That's what I understood from what was just  
 15 discussed. And you can make that -- you could adopt  
 16 the plan with those changes, if that's your choice,  
 17 if that's your choosing.  
 18 MR. WINWARD: I think we had a motion  
 19 to adopt with the changes.  
 20 MR. MACKRES: That was townhomes,  
 21 multi-family?  
 22 MR. WINWARD: Yes.  
 23 MR. MACKRES: I'll put the motion in.  
 24 MR. WINWARD: And we need a second.  
 25 MR. CALLAHAN: How about the

1 elimination of the residence above the businesses on  
 2 the --  
 3 MR. WINWARD: There aren't any.  
 4 MR. CALLAHAN: If they're allowed,  
 5 what is it?  
 6 MR. DICKERSON: There is a  
 7 recommendation. This wasn't part of the amendments.  
 8 But, yes, there was a recommendation to permit  
 9 second floor residential above.  
 10 MR. MCGUCKIN: Mixed use in a  
 11 commercial zone?  
 12 MR. DICKERSON: Yes.  
 13 MR. WINWARD: Can we put that in the  
 14 resolution?  
 15 MR. MCGUCKIN: That's up to the  
 16 board, whatever you would like.  
 17 MR. WINWARD: What are your guys'  
 18 feelings on that part?  
 19 MR. MACKRES: Isn't it grandfathering  
 20 if somebody has it already?  
 21 MR. WINWARD: There is nobody right  
 22 now.  
 23 MR. MACKRES: Nobody has it.  
 24 MR. WINWARD: No. So, we'd also like  
 25 to add the resolution that there be no second story

1 businesses on the Main Street.  
 2 MR. MCGUCKIN: I'm sorry. Two  
 3 different things. I understood the question being  
 4 residential on the second or third floor on top of a  
 5 commercial use?  
 6 MR. DICKERSON: Yes.  
 7 MR. MCGUCKIN: And the recommendation  
 8 is to include that as a mixed use, but only in that  
 9 one zone, correct?  
 10 MR. DICKERSON: Let me just double  
 11 check the language here just to confirm. The  
 12 recommendation is, recommended that NB zone be  
 13 revised to permit residential and -- residential and  
 14 mixed use, which is residential over first floor  
 15 retail, as conditional uses in the district,  
 16 incorporating standards that would provide  
 17 sufficient buffering from nonresidential uses and  
 18 off-street parking.  
 19 MR. MCGUCKIN: And the basis of that  
 20 is there are some that are like that now or there  
 21 was a question as to whether that could be?  
 22 MR. DICKERSON: I don't believe there  
 23 are any in place right now. I think it was largely  
 24 to permit the existing residential on the ground,  
 25 but also permitting this other, newer thing, being

1 the multifamily -- not multifamily but the mixed  
 2 use.  
 3 MR. MCGUCKIN: So, the question for  
 4 the board is, do you want to permit mixed use in  
 5 that NB portion of South Seaside Park?  
 6 MR. WINWARD: How do you guys feel  
 7 about that?  
 8 MR. CAMERA: Through the Chair. Is  
 9 it appropriate if I add something?  
 10 MR. WINWARD: Yes.  
 11 MR. CAMERA: I know I'm sitting as  
 12 secretary. Okay. Good. Just in my position  
 13 tonight.  
 14 Nick and I were involved in these  
 15 discussions. I just want to make sure I add to the  
 16 record the -- every meeting I've been at and the  
 17 discussion that has come forward has been clear that  
 18 the majority -- and all the notes that were taken --  
 19 the majority of the people that spoke out want this  
 20 taken a little further, like you're already  
 21 recommending. Right now, the townhouses and the two  
 22 to four-family homes are allowed, are allowed there.  
 23 The planner's recommendation, which I  
 24 think was great, was to make it more difficult for  
 25 them to be here. The people, I think, to clarify,

1 have largely and consistently recommended to go a  
 2 step even further, which is what now you're  
 3 recommending, and just say not eliminate it or keep  
 4 it conditional, just eliminate those uses. But when  
 5 it comes to the mixed use in that neighborhood  
 6 business, the only thing I wanted to make the board  
 7 aware of is that there was discussion and there were  
 8 comments from both sides, in fact, you heard some  
 9 tonight, about the idea of wanting that neighborhood  
 10 business zone a little more developed so that there  
 11 were some nice little stores, maybe nice little  
 12 places to eat, so there was something more than just  
 13 residential.  
 14 So, the two reasons that I remember,  
 15 just so you know, the rationale, like Mr. McGuckin  
 16 was getting to as to why, the addition of  
 17 residential as an allowed use was because there are  
 18 some residential properties there now, I believe, in  
 19 the neighborhood business. But the idea of the  
 20 allowing as a conditional use the second story  
 21 residential over business, the rationale there was,  
 22 and nobody knows if it will work, but the theory was  
 23 that you may have more luck getting somebody to open  
 24 a new little restaurant that because of the seasonal  
 25 use, it's very hard to open businesses down there.

1 Because, like you said, in the winter, it's dead.  
 2 If -- the idea was that this could stimulate  
 3 somebody to then be able to make it economically,  
 4 excuse me, viable, to possibly have another small  
 5 business there if they could also have a unit on top  
 6 for either their own use, the manager, rental, that.  
 7 I just wanted to make the board aware  
 8 of the discussion I've heard and we have heard from  
 9 residents. It has not been consistent from  
 10 everybody that, no, we want all single family, even  
 11 in that neighborhood business zone. We have heard  
 12 that people would like a little neighborhood  
 13 business or main street area. Thank you.  
 14 MR. WINWARD: Okay. What I'm going  
 15 to do is, I'm going to re-read what I originally  
 16 asked for, then.  
 17 We recommend the adoption of the  
 18 South Seaside Park neighborhood plan amendments.  
 19 Whereas, the residents prefer single family only and  
 20 are in opposition to multifamily or townhouses as  
 21 conditional or permitted uses, and we recommend  
 22 removal of these terms.  
 23 So, now, with that amended, I'd like  
 24 a motion and a second.  
 25 MR. MACKRES: Excepting --

1 MR. WINWARD: I didn't put that in  
 2 there.  
 3 MR. MACKRES: Okay. So, we're fine  
 4 with that.  
 5 MR. WINWARD: So, we need a motion  
 6 and a second.  
 7 MR. MACKRES: Make sure that we have  
 8 all our bases covered.  
 9 MR. GINGRICH: So, now you are  
 10 allowing the businesses and the residence, over the  
 11 residence? You have business over residence? This  
 12 is what John was saying.  
 13 MR. MCGUCKIN: A residence over  
 14 business in that one zone.  
 15 MR. GINGRICH: In one zone, you're  
 16 allowing that?  
 17 MR. MCGUCKIN: That was the  
 18 recommendation. Chairman's suggestion was to leave  
 19 it as it is.  
 20 MR. WINWARD: Yeah. Yeah.  
 21 MR. CALLAHAN: I don't think there's  
 22 any in there.  
 23 MR. CAMERA: No, there are not.  
 24 MR. CALLAHAN: So, why add it?  
 25 MR. WINWARD: If it comes up.

1 MR. CALLAHAN: So, why add it?  
 2 MR. WINWARD: We're not adding it.  
 3 MR. CALLAHAN: Well don't.  
 4 MR. WINWARD: He just said we're  
 5 allowing it. Like, if somebody came in and wants to  
 6 have his business and anyone live upstairs or rent  
 7 it out --  
 8 MR. BELL: During the wintertime.  
 9 MR. WINWARD: -- when it's closed.  
 10 Yeah.  
 11 MR. BELL: Can't stay there  
 12 otherwise. Can't sustain the building.  
 13 MR. WINWARD: And that doesn't seem  
 14 to be an objection.  
 15 MR. CALLAHAN: I object to it anyway.  
 16 MR. WINWARD: Any more questions or  
 17 concerns?  
 18 MR. MACKRES: I put that motion in.  
 19 MR. WINWARD: Okay. Then we need a  
 20 second. Then we can vote.  
 21 MR. BELL: I'll second it.  
 22 MR. WINWARD: Okay. John, could we  
 23 have a vote?  
 24 MR. CALLAHAN: Could we read the  
 25 motion first?

1 MR. WINWARD: I did.  
 2 MR. CALLAHAN: Re-read it.  
 3 MR. WINWARD: Okay. We recommend the  
 4 adoption of the South Seaside Park neighborhood plan  
 5 amendments. Whereas, the residents prefer single  
 6 family only and are in opposition to multifamily or  
 7 townhouses as conditional or permitted uses, and we  
 8 recommend removal of these terms.  
 9 MR. CAMERA: And we have Mr. Mackres  
 10 made the motion and Mr. Bell seconded?  
 11 MR. WINWARD: Yes. That's correct.  
 12 MR. CAMERA: And you'd like a roll  
 13 call?  
 14 MR. WINWARD: We need a vote.  
 15 MR. CAMERA: Mr. Mackres.  
 16 MR. MACKRES: Yes.  
 17 MR. CAMERA: Mr. Gingrich.  
 18 MR. GINGRICH: Yes.  
 19 MR. CAMERA: Mr. Lorelli.  
 20 MR. LORELLI: Yes.  
 21 MR. CAMERA: Councilman Bacchione.  
 22 MR. BACCHIONE: Yes.  
 23 MR. CAMERA: Mr. Bell.  
 24 MR. BELL: Yes.  
 25 MR. CAMERA: Mr. Callahan.

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MR. CALLAHAN: Yes.  
MR. CAMERA: And Chairman Winward.  
MR. WINWARD: Yes.

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C E R T I F I C A T E

I, LINDA SULLIVAN-HILL, a Notary  
Public and Certified Court Reporter of the State of  
New Jersey, do hereby certify that the foregoing is  
a true and accurate transcript of the proceedings as  
taken stenographically by and before me at the time,  
place and on the date hereinbefore set forth.

~~Notary Public of the State of New Jersey~~  
My Commission expires January 26, 2021

Dated: June 21, 2017

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