

TOWNSHIP OF BERKELEY
PLANNING BOARD

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4 IN THE MATTER OF:
5 SOUTH SEASIDE PARK HOMEOWNERS
6 AND VOTERS ASSOCIATION
7 DE-ANNEXATION PETITION HEARING
8 -----

Pinewald Keswick Road
Bayville, New Jersey
Thursday, August 6, 2015
8:15 p.m.

10 B E F O R E:

- 11 Robert Winward, Chairman
- 12 John Bacchione, Councilman
- 13 Frederick Bell, Member
- 14 Domenick Lorelli, Member
- 15 Richard Callahan, Member

23 -----
24 LINDA SULLIVAN-HILL & ASSOCIATES
25 CERTIFIED COURT REPORTERS
46 SOUTH LAKEVIEW DRIVE
JACKSON, NEW JERSEY 08527
(732) 833-0001

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6 BY MR. McGUCKIN 85, 89
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16 A-42 Amendment to the Planner's Report in Support of De-annexation of South Seaside Park from Berkeley Township, New Jersey, dated February 19, 2015 75
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2 APPEARANCES:

3 DASTI MURPHY, McGUCKIN, ULAKY,
4 CHERKOS & CONNORS, ESQS.
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6 Forked River, New Jersey 08731
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11 Brick, New Jersey 08723
12 BY: JOSEPH MICHELINI, ESQ.
13 Attorneys for the Petitioners
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11 ALSO PRESENT:

12 Kelly Hugg, Secretary
13 Ernie Pefers, Engineer
14 James Oris, Planner
15 Stuart B. Wiser, Planner
16 Nicholas Dickerson, Planner
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1 MR. WINWARD: We'd like to resume
2 with the South Seaside Park discussion.
3 MR. MICHELINI: Good evening, Mr.
4 Chairman, members of the board, the professionals.
5 MR. BACCHIONE: Good evening.
6 MR. MICHELINI: Joseph Michelini
7 appearing on behalf of the petitioner signers from
8 the South Seaside Park Homeowners and Voters
9 Association.
10 Tonight we're going to continue with
11 the testimony. And we have with us a municipal
12 planner by the name of Scott Bauman. I would like
13 to have him sworn and go directly with his
14 testimony. I'd like to present as much as possible
15 without interruption and then, of course, allow
16 questions at the end. It would be great if we can
17 get it done tonight. I don't know if that's
18 possible.
19 MR. BAUMAN: Scott Bauman.
20 SCOTT BAUMAN, having been duly sworn, according to
21 law, upon his oath, testified as follows:
22 EXAMINATION BY MR. MICHELINI:
23 Q Mr. Bauman, what is your current
24 occupation?
25 A I'm a municipal planner for the City

1 of Plainfield in Union County, New Jersey.

2 Q Can you give the board the benefit of
3 your education?

4 A Absolutely. I received a bachelor's
5 of science at Rutgers University in 1993 in human
6 ecology. In 1995, a master's in city and regional
7 planning from Rutgers university.

8 MR. WINWARD: Okay. Thank you.
9 We'll accept those qualifications.

10 MR. MICHELINI: I appreciate that.
11 We'll -- I'm just going to go through -- for the
12 record, I'm still going to go through his
13 qualifications, but I appreciate that you're
14 accepting them. And we'll try to get it done
15 quickly.

16 BY MR. MICHELINI:

17 Q Do you hold any professional
18 licenses?

19 A Yes, New Jersey professional
20 planner's license, 5522. My license is current and
21 active.

22 Q And how long have you had that?

23 A I've had that license since 1999.

24 Q And did you do what was necessary to
25 get that license?

1 A Right. The process for getting it is
2 working under the supervision of a licensed planner
3 for three years and then taking a written exam from
4 the State of New Jersey, which I passed.

5 Q And in addition to your education and
6 your license, do you hold any certifications that
7 relate to planning?

8 A I have two. I have a certificate in
9 historic preservation from Drew University, Madison,
10 New Jersey, 2004. And the certificate of American
11 Institute of Certified Planners since 2005.

12 Q And you indicated that you're the
13 municipal planner for the City of Plainfield. How
14 long have you held that position?

15 A Been there for 16 years, since 1991
16 as a full-time position.

17 Q And that is full-time for the past 16
18 years?

19 A Yes.

20 Q What is your position?

21 A Civil Service title is principal
22 planner.

23 Q What does that entail?

24 A I review land development
25 applications submitted to the land use board, zoning

1 board and planning board. I review them for
2 completeness. I prepare reports for both of the
3 boards. And should an application be approved, I
4 proceed with resolution compliance review.

5 I also meet with land developers and work
6 with them on submitting better developments in the
7 city. In addition, I prepare master plan elements.
8 I'm sorry.

9 Q Slow it down.

10 A I prepare master plan elements in the
11 reexamination reports. In need of redevelopment
12 studies and redevelopment plans. Capital
13 improvement programs and land use ordinances.

14 I'm a staff liaison to the city's Historic
15 Preservation Commission where we have over 500
16 properties listed on the state and national
17 registers. I also assist the zoning officer with
18 review of zoning applications.

19 Q What kind of -- when you say you have
20 over 500 properties in Plainfield, of course, on the
21 registers, what register are we talking about?

22 A State and national registers of
23 historic places.

24 Q So, you're familiar with those
25 particularly, correct?

1 A Yes.

2 Q Have you ever served as an official
3 in local government?

4 A Yes, I've lived in my hometown of
5 Franklin Township in Hunterdon County since 2002.
6 And since then, I've served on the environmental
7 commission, the land use board. I've served a
8 three-year term on their, on our governing body,
9 which included one year as mayor. Presently, I'm
10 the chairman of my land use board since 2013.

11 Q And is that a combined land use and
12 zoning board?

13 A Yes, it is.

14 Q And those experiences also added to
15 your knowledge as a principal planner?

16 A Yes, it has.

17 Q In your career as a professional
18 planner, have you had occasion -- it's an obvious
19 question but I assume that you've had occasion to
20 prepare reports analyzing existing zoning ordinances
21 and proposed amendments, things of that nature?

22 A Yes.

23 Q Okay.

24 A Both as a planner for Plainfield and
25 as a planning board member in Franklin Township.

1 Q And I assume that you've given
2 testimony dozens, if not hundreds of times, in
3 conjunction with plans, reports that you've
4 prepared?
5 A Yes.
6 Q And have you done any master plan
7 re-evaluations?
8 A Yes, for the City of Plainfield.
9 Q How big of a city is Plainfield?
10 A It's about 50,000 people, seven or
11 eight square miles.
12 Q Have you prepared any planning review
13 analyses and reports on any development
14 applications?
15 A Yes.
16 Q Okay. And have you had occasion to
17 prepare a report in conjunction with any
18 de-annexation or annexation proposal?
19 A No, I can't say that I have. They're
20 extremely rare.
21 Q And are you being compensated for
22 your services here today?
23 A Yes, I am.
24 Q And you've already been accepted as
25 an expert. Did you -- I'm going to ask that any

1 opinions that you express in your testimony to be to
2 a reasonable degree of planning probability. So,
3 rather than put those words into questions and make
4 my questions longer, I'm just going to ask,
5 generally, that when you express an opinion as an
6 expert, and this board has accepted you as an
7 expert, that you do so to a reasonable degree of
8 planning probability, okay?
9 A Yes.
10 Q Did you prepare a report in this
11 particular matter?
12 A Yes, I did.
13 Q Now, you did that at my request?
14 A Yes.
15 Q Did anyone assist you in preparing
16 your report?
17 A No.
18 Q And what was the subject matter of
19 the report that you were asked to prepare?
20 A I was asked to prepare a report that
21 proves a context and planning rationale for the
22 de-annexation of South Seaside Park from Berkeley
23 Township.
24 Q And did you, as a professional, try
25 to bring your best objective perspective to that

1 task?
2 A Yes, as a licensed professional I
3 did.
4 Q Were you prepared to reject the
5 services of testifying and preparing a report if the
6 findings would not support the petition signers for
7 South Seaside Park?
8 A Yes.
9 Q Okay. And what did you understand
10 the purpose of the report to be?
11 A The purpose was to determine whether
12 there's rationale to establish that the township's
13 refusal for -- to allow de-annexation would be
14 detrimental to the economic and social well-being of
15 the Seaside Park residents. Also, a consent to
16 de-annexation would benefit the economic and social
17 well-being of the South Seaside Park residents.
18 The de-annexation would not cause significant
19 injury to the economic and social being, well-being
20 of Berkeley Township. And furthermore, that
21 de-annexation would not have a negative impact to
22 the township's master plan, zone plan, affordable
23 housing plan, TDR program or 2020 vision statement.
24 Q So, those were four specific areas
25 that you looked at in doing a report or analyzing

1 this issue, if you will?
2 A Yes.
3 Q Correct. And did you focus only on
4 planning issues that are within your area of
5 expertise?
6 A Yes.
7 Q Did you make any site inspections?
8 A Yes, I did.
9 Q How many did you make?
10 A I made four site inspections.
11 Q Okay. And when and where did you go?
12 A South Seaside Park in June and July
13 of 2013 and May of 2015, and Berkeley Township in
14 July of 2015.
15 Q Okay. Did you talk to people in the
16 community as well?
17 A Yes.
18 Q Talk to some of the homeowners who
19 have testified in this matter?
20 A Yes.
21 Q And did you review the transcripts of
22 the testimony that have occurred up until this
23 point?
24 A I read each one since January.
25 Q Did you review any documents in

1 conjunction with arriving at an opinion on this
2 matter?
3 A Yes, I read the township's 1997
4 master plan; 2008 master plan housing element and
5 fair share plan; 2008 land use and circulation plan,
6 master plan elements; 2008 master plan reexamination
7 report; 2012 environmental resource inventory; 2012
8 Berkeley Township plan endorsement; 2012 transfer of
9 development rights, real estate market analysis;
10 2012 TDR transfer element and draft; 2014 strategic
11 recovery planning report; and 2015 master plan
12 reexamination report and master plan elements.
13 Q Okay. There's, I suppose, public
14 documents that you were able to access?
15 A Yes.
16 Q Other than reviewing the zoning
17 ordinance, the master plan, the environmental
18 inventory and the other things you just mentioned,
19 did you do any research to find any professional
20 literature to assist you in your report?
21 A I also reviewed the 2008 Seaside Park
22 master plan; 2008 to 2012 American Community Survey
23 data; 2010 U.S. Census data; Berkeley Township Board
24 of Education website; Ocean County Planning board
25 website; and the Berkeley Township website.

14

1 Q We'll go through your findings and
2 why and how you came to reach your opinion. But
3 tell us briefly what you concluded and then I'll
4 take you back through it.
5 A Sure. I concluded that de-annexation
6 of South Seaside Park from Berkeley Township would
7 not result in significant economic or injury to
8 Berkeley Township residents. And there are
9 significant benefits to residents of South Seaside
10 Park if de-annexation is granted from a planning
11 standpoint.
12 Berkeley Township's refusal to consent to
13 de-annexation would be detrimental to economic and
14 social well-being of South Seaside Park residents
15 and that de-annexation would not have a negative
16 impact to Berkeley Township's planning documents.
17 Q I'd like to take you back through
18 what you did. And I would like you to give me a
19 brief overview, and keep it brief, if you would, of
20 what you found out about Berkeley Township as a
21 whole. We'll talk about South Seaside Park a little
22 bit later on.
23 A Sure. A bit of Berkeley's history.
24 It was incorporated in eighteen-seventy --
25 MR. MCGUCKIN: Before we -- sorry to

1 interrupt. Before we go any further. If there's a
2 report, are you going to circulate a report to the
3 professionals?
4 MR. MICHELINI: Yeah, I -- what I
5 would like to do, I'm electing to put in the report
6 at the end because I think the tendency is for
7 people to not listen to the testimony and then to,
8 you know, be leafing through the report during the
9 testimony. I would prefer that the testimony go
10 unimpeded in that way and then I'll hand out the
11 report. It's basically from, you know, the
12 testimony that he's giving, I will represent, is set
13 forth in the report.
14 MR. MCGUCKIN: Certainly your choice.
15 However, with the report, there may be follow-up
16 questions, which we wouldn't be able to get to
17 tonight if we don't have it.
18 MR. MICHELINI: I understand.
19 MR. MCGUCKIN: Okay. Very good.
20 Thank you.
21 BY MR. MICHELINI:
22 Q Okay. Mr. Bauman.
23 A Sure.
24 Q I forget which -- where we were.
25 A We're down to Berkeley's history. It

16

1 was incorporated in 1875. Since then, there have
2 been 13 cases of de-annexation, most recently, in
3 1965 on the barrier island. In 1898 Seaside Park
4 was formed from Berkeley Township. And in 1913,
5 Seaside Heights was formed from Berkeley Township.
6 Berkeley's geography is 41 square miles of
7 land with 35 miles of shoreline.
8 Q Let me stop you there.
9 A Sure.
10 Q I know you spoke briefly about
11 history. Where did you get your information on the
12 history?
13 A Sure. I got that from a book titled
14 from John Snyder called, The Story of New Jersey's
15 Civil Boundaries, 1606 to 1968. Stunning read.
16 Q What kind of read?
17 A Stunning.
18 Q Stunning. And I take it that is the
19 type of history book that you as a professional
20 planner would normally rely upon for the information
21 that you just testified to.
22 A For the historic information, yes.
23 Q Go ahead. Tell us about Berkeley
24 geography, if you will.
25 A Sure. Berkeley is 41 square miles of

1 land, with 35 miles of shoreline. It's ten miles of
2 oceanfront, 18 miles of bay frontage and seven miles
3 of creeks, streams or rivers.

4 The township has three distinct geographic
5 areas. The western mainland, the eastern mainland
6 and the barrier island.

7 Q I'm not going to ask you on every
8 occasion, but where did you get that information?

9 A From the Environmental Resource
10 Inventory.

11 Q Is that a Berkeley Township document?

12 A Yes, it is.

13 Q Okay. And that 41 square miles of
14 land doesn't include the water, that's just land
15 itself?

16 A Correct.

17 Q So, if you were to include the
18 land -- the water that is pretty significant between
19 the barrier peninsula and the mainland, that square
20 mileage would be much greater, since nobody lives in
21 the water --

22 A No.

23 Q -- we don't think.

24 A No.

25 Q Tell us about the population, if you

1 I got those numbers from your 2012 environmental
2 resource inventory.

3 Berkeley's master plan describes itself as an
4 evolving bedroom community that wants to redevelop
5 existing commercial centers and direct new
6 development to plan compact mixed use town centers.

7 Q Does it -- does that mean that
8 Berkeley is looking to continue to develop both
9 commercial uses, as well as to develop residential
10 growth?

11 A Yes, it does.

12 Q Tell us a little bit specifically
13 about the community of South Seaside Park and what
14 you learned about that in coming to a opinion on
15 this matter.

16 A Sure. South Seaside Park is about
17 150 acres or a quarter square mile in size, consists
18 of about one -- .5 percent of Berkeley Township.
19 The area has 2,900 linear feet of oceanfront and
20 5,000 linear feet of bay front. South Seaside Park
21 is south of Seaside Park and north of Island Beach
22 State Park.

23 Q And the residents?

24 A According to the 2010 U.S. Census,
25 South Seaside Park contains 490 residents or about

1 will.

2 A Sure. According to the 2010 U.S.
3 Census, Berkeley has 41,255 persons. Obviously, the
4 seasonal population is much greater, but there's no
5 Census data to track that. However, I can say that
6 the Census information told me that 2,127 housing
7 units are for seasonal use.

8 Q And that would include, obviously,
9 some on the mainland and some over on the barrier
10 peninsula?

11 A Right, correct.

12 Q And briefly tell us about the
13 schools, housing and the land uses.

14 A Sure. Berkeley has four elementary
15 schools, one regional public middle school, one
16 regional high school and one regional vocational
17 school. As far as housing, Berkeley has 24,094
18 housing units. Ninety-four percent of those are
19 detached, one unit detached, I'm sorry. Two percent
20 are one unit attached. And two percent are ten and
21 more units. I got that information from the 2008 to
22 2010 American Community Survey.

23 As far as the land uses in Berkeley Township,
24 48 percent residential, 38 percent vacant,
25 seven percent industrial, seven percent commercial.

1 one-tenth of one percent of Berkeley Township.

2 As far as seasonal swing goes, the Census
3 data showed 1,103 housing units as seasonal, so we
4 can assume that seasonal swing is there.

5 Q And the schools in South Seaside
6 Park?

7 A They share the same schools with
8 Berkeley Township. There are no school or learning
9 facilities, institutions on the -- in South Seaside
10 Park.

11 Q And the housing, can you tell us a
12 little about South Seaside Park housing?

13 A Sure. 1,468 housing units,
14 87 percent of those one unit detached.
15 Eight percent, ten and more -- ten or more units.
16 Four percent are two to four units.

17 Q What are the land uses in South
18 Seaside Park?

19 A Overall, it's mostly residential. A
20 small percentage, about four percent, is commercial.
21 They have restaurants like Bum Rogers which we just
22 heard about, Island Beach Cafe, Ebby's Cafe
23 Alfresco. The remaining lands are public use for
24 beach and designated open space.

25 Q Can you tell us what the sense of

1 community is, if any, in South Seaside Park, as a
 2 planner?
 3 A South Seaside Park identifies with
 4 other barrier island communities that have similar
 5 characteristics. Its remoteness from mainland
 6 Berkeley Township offices and the recreational
 7 facilities has contributed to the South Seaside Park
 8 residents relating more to its neighboring
 9 municipalities.
 10 This area has limited space and physically it
 11 can't evolve. It's built out. There's no more room
 12 for development, even according to the 2020 vision
 13 statement. Even the physical appearance of the
 14 South Seaside Park area is more similar to Seaside
 15 Park than it is to the mainland of Berkeley
 16 Township.
 17 Q Okay. And I take it that that sense
 18 of community is different than mainland Berkeley
 19 Township; is that correct?
 20 A That's correct.
 21 Q Can you tell us a little bit about
 22 the general population characteristics of Berkeley
 23 Township?
 24 A Sure. Again, I'm taking these
 25 numbers from the 2010 U.S. Census. Berkeley

1 Township, the median age is 61.1 years.
 2 Thirteen percent are under age of 18.
 3 Sixty-three percent are between the ages of 18 and
 4 74. And 26 percent are 75 years and older.
 5 Berkeley's income. 29,591 per capita income.
 6 \$43,565 median household income. The people of
 7 Berkeley Township, how they work, their occupation,
 8 their work force. Thirty percent of residents are
 9 involved in management and professional positions.
 10 Thirty percent are involved in sales and office
 11 work. Eighteen percent in the service industry.
 12 Twelve percent in construction. And eleven percent
 13 in production, transportation and material moving.
 14 Regarding the racial composition --
 15 Q Where did you get all that
 16 information from?
 17 A 2008 to 2012 American Community
 18 Survey.
 19 Q Okay.
 20 A The racial composition of Berkeley is
 21 95 percent white, five percent Hispanic, two percent
 22 black, one percent Asian. And you notice this
 23 doesn't add up to 100 percent because Hispanic
 24 origin is not a race and persons of Hispanic origin
 25 may be of any race. So, if you add them up, that's

1 why it's over 100 percent.
 2 Q What about the household composition
 3 in Berkeley Township, can you tell us about that?
 4 A It reflects a retirement setting,
 5 40 percent one person households and 60 percent of
 6 two or more person households.
 7 Q How does that compare with South
 8 Seaside Park?
 9 A It's exactly the same. Forty percent
 10 one person and 60 percent two or more persons per
 11 household.
 12 Q And how is the general population
 13 characteristics compared?
 14 A About the same. In South Seaside
 15 Park, the median age is 61.9 years. Berkeley
 16 Township was 61.1.
 17 Q Okay.
 18 A Three percent are under the age of 18
 19 in South Seaside Park, whereas 13 percent were under
 20 the age of 18 in Berkeley Township. Eighty-one
 21 percent are between the ages of 18 and 74, similar
 22 to 63 percent in the township. And 16 percent of
 23 the residents of South Seaside Park are 75 years and
 24 over, which is a little less than Berkeley Township,
 25 which is 26 percent.

1 Q Okay. And how do the other things
 2 about which you testified, how do they compare?
 3 A Income is higher in South Seaside
 4 Park. The per capita income is \$53,657 versus
 5 29,500 in Berkeley Township. The median household
 6 income in South Seaside Park was \$68,194 versus
 7 43,565 in Berkeley.
 8 Q And how do the occupations and work
 9 forces line up against each other?
 10 A They were very similar as well.
 11 Thirty-eight percent involved in management and
 12 professional, whereas thirty percent in the
 13 township. Thirty-four percent in sales and office,
 14 thirty percent in the township. Fourteen percent in
 15 service and industry, eighteen percent in the
 16 township. Four percent in construction,
 17 twelve percent in the township. And ten percent in
 18 the production, transportation material moving,
 19 whereas Berkeley Township had eleven percent. So,
 20 they're very similar.
 21 Q And you also spoke about race and
 22 household composition. If you would review Seaside
 23 Park -- South Seaside Park versus Berkeley Township
 24 as a whole with regard to those areas.
 25 A Certainly. South Seaside Park racial

1 composition is 99 percent white, whereas the
2 township is 95 percent. South Seaside Park is one
3 and a half percent Hispanic and Berkeley Township is
4 five percent. And Asian is 0.5 percent. There's
5 one percent in Berkeley Township. And
6 African-American did not show up on the -- on the
7 Census for South Seaside Park is zero.

8 Q Okay. What about household
9 composition?

10 A As I said earlier, it's the same as
11 Berkeley Township. Forty percent one person
12 households and the remaining sixty percent were two
13 or more person households.

14 Q And that information was obtained
15 from the U.S. Census or Berkeley Township or the --

16 A The American Community --

17 Q -- various documents that you all
18 reviewed, correct?

19 A Yes.

20 Q Okay. Now, you just went through and
21 testified for probably about 15 minutes or so about
22 statistics. Would you put a little meaning to those
23 statistics and tell us why you went through them and
24 why they're meaningful.

25 A Well, I felt that de-annexation,

1 unique in terms of age of people, because they're,
2 essentially, the same age overall, 61-point
3 something. Is that essentially what you're saying?

4 A That's correct. They're homogenous,
5 for the most part, and the separation would be no
6 loss for either.

7 Q From those standpoints?

8 A Right.

9 Q Does the township ever have any
10 public meetings in South Seaside Park, to the best
11 of your knowledge?

12 A None that I was made aware of.

13 Q And, indeed, there isn't really a
14 facility there for that, correct?

15 A I understand there was one meeting
16 but it was held in Seaside Park for South Seaside
17 Park residents.

18 Q Okay. And how many and what kind of
19 recreational facilities does Berkeley have on the
20 mainland? I know some of this testimony was
21 previously testified to by a layperson, but as a
22 planner, you did your own analysis, correct?

23 A Yes, from the 2012 environmental
24 resource inventory, Berkeley Township touts 13
25 developed parks, totaling about 496 acres. These

1 after reviewing the demographics of both geographic
2 areas, that de-annexation of South Seaside Park will
3 not mean a loss of young people or people with
4 unique ethnic or racial characteristics or people
5 with unique and special working skills.

6 Conversely, South Seaside Park would not
7 experience a loss in terms of the type of
8 individuals who live in Berkeley Township.

9 And, thirdly, Berkeley Township would not
10 experience a brain drain or create any cultural
11 chasms should de-annexation be approved.

12 The people on the barrier island and the
13 people on the mainland are mostly the same. They
14 both share very similar characteristics with regards
15 to age, race, occupation and the composition of
16 their households and income.

17 Q So, the loss of that -- those groups
18 of people of various races, of various household
19 compositions, of various ages, over in South Seaside
20 Park, should this de-annexation be granted,
21 you're -- am I -- I don't want to put words in your
22 mouth, but you're saying that's not going to be a
23 substantial loss because you're not losing something
24 unique in terms of an age group, unique in terms of
25 a race, unique in terms of a household make-up,

1 facilities have areas for playgrounds, ball fields,
2 picnic areas, tennis, biking, basketball, golf and
3 roller skating.

4 They also offer summer camp for resident
5 children. The programs for the children are held on
6 the mainland. And group trips for children
7 departing and arriving from the mainland.

8 Q Are any of those held on the barrier
9 island?

10 A No.

11 Q To the best of your knowledge?

12 A Not to -- to the best of my

13 knowledge, no.

14 Q Okay.

15 A There's also a rail trail. Ocean
16 County is developing a 15-mile, non-vehicular rail,
17 rail to trail on the mainland. But there's no such
18 proposed or dedicated trails or connections in South
19 Seaside Park.

20 Q Since that, in fact, really no room
21 for them, correct?

22 A That's correct.

23 Q Does the township sponsor any
24 programs for its residents at any of those mainland
25 facilities?

1 A There's a summer concert series,
2 farmers markets, cultural festivals and community
3 events. They're all held at Veterans Park,
4 Manitou Park and the recreation center.

5 Q What kind of recreation facilities
6 does Berkeley Township have within the South Seaside
7 Park area?

8 A There's two. The Sergeant John A.
9 Lyons Memorial Park, an 8,400 square foot basketball
10 court at the intersection of Barnegat and 24th
11 Avenues. The area has no bathrooms, no bleachers,
12 no shade, no trees, no lights, no parking. And
13 given the demographics, the basketball court, in my
14 opinion, does not best serve South Seaside Park
15 residents.

16 Q Why is that? Because of their age or
17 their --

18 A I would -- well, not to say -- I'm
19 sure there's some folks here that might beat me in
20 basketball that are older than me. But I would say
21 the age probably has something to do with it, yes.

22 Q What else is over in South Seaside
23 Park?

24 A The second recreational facility is
25 the White Sands Beach. That's 6.7 acres with a

1 thousand feet of oceanfront between 20th and
2 23rd Avenues. But, again, it's a facility with no
3 changing facilities or a parking lot.

4 Q Does Berkeley Township sponsor any
5 events there that you were able to find out about?

6 A One party at the White Sands Beach
7 during the summer. Just had it last week, last
8 Thursday.

9 Q Anything else?

10 A That's all I know. And that's, from
11 speaking with folks who live there, that's all I was
12 able to gather.

13 Q Does Berkeley Township sponsor any
14 programs or events for seniors, generally?

15 A Yes, they do. Senior programs are
16 administered through the recreation department. The
17 programs are held at Silver Ridge, Silver Park West
18 and consist of exercise programs, senior softball at
19 Whispering Pine, and bus trips originating for the
20 various 55 and over communities on the mainland.

21 Q So, those, if you want to go to those
22 programs, you got to go to Silver Ridge or
23 Silver Ridge Park West or somewhere on the mainland,
24 correct?

25 A Yeah, you got to jump in the car and

1 go over the bridge.

2 Q Is there any bus service from the
3 mainland to or from South Seaside Park in order to
4 attend those programs?

5 A Not that I'm aware of, no.

6 Q Okay. And how many of these programs
7 are held, if any, in South Seaside Park?

8 A No senior programs are held in South
9 Seaside Park. I feel the senior population's not
10 being served. No events, no arranged transportation
11 to the mainland for the township events.

12 Q Does Berkeley Township provide any
13 kind of transportation for South Seaside Park
14 seniors?

15 A The township provides a bus service
16 for seniors with nine bus stops on the mainland.
17 But there's no bus stop for seniors living in
18 South Seaside Park.

19 Q And what kind of public transit
20 services are there available between South Seaside
21 Park and mainland Berkeley Township?

22 A Again, there's no public transit
23 service that connects South Seaside Park residents
24 with mainland Berkeley Township. The Ocean County
25 Bus Service Ocean Ride only benefits mainland

1 Berkeley Township residents. These bus routes also
2 serve the senior communities on the mainland.
3 However, during the summer months, there is a New
4 Jersey Transit bus that leaves from Toms River and
5 goes to Island Beach State Park only.

6 Q So that doesn't stop in South Seaside
7 Park and that leaves from the bus station in Toms
8 River, correct?

9 A Correct.

10 Q So, that's not going to serve the
11 people from South Seaside Park too well, correct?

12 A That's correct.

13 Q How much preserved space is there in
14 Berkeley Township, to the best of your knowledge?

15 A According to their 2012 Environmental
16 Resource Inventory, there's 316 acres of preserved
17 open space.

18 Q And how much of that is in South
19 Seaside Park?

20 A About two percent of the municipal
21 total, seven acres. It's the Roberts Avenue Marsh.

22 Q Do you have an opinion about whether
23 or not the loss, should de-annexation be granted,
24 whether or not the loss of seven acres at the
25 Roberts Avenue Marsh would cause any significant

1 injury or detriment to Berkeley Township?
 2 A If de-annexed, there would be no
 3 significant loss to Berkeley Township of the Roberts
 4 Avenue Marsh.

5 Q Why is that? Because of its size.
 6 It's percentage.

7 A It's two percent of the total on
 8 that. And there's a lot more on the mainland than
 9 there is on the barrier island.

10 Q How about natural or environmental
 11 resources? Talk about that a little bit.

12 A Sure. The shellfish growing waters
 13 are under state control, but Berkeley Township is
 14 blessed to have two approved harvest areas under any
 15 condition. Barnegat Bay south of Good Luck Drive
 16 and the Atlantic Ocean. Berkeley Township will not
 17 lose either shellfish areas if South Seaside Park
 18 were de-annexed.

19 Q What about the fourth, the -- are
 20 there any community wells or noncommunity wells in
 21 Berkeley Township?

22 A According to the Environmental
 23 Resource Inventory, there's 14 public community
 24 wells and 27 public non-community wells. And none
 25 are located in South Seaside Park. And Berkeley

1 Township will get to keep these if South Seaside
 2 Park is de-annexed.

3 Q So, there's no detriment to Berkeley
 4 in the event of de-annexation with regard to those
 5 wells, correct?

6 A Correct.

7 Q What about preserved farmland?

8 A Farmland, Berkeley Township has
 9 53 acres of preserved farmland. None of that's,
 10 obviously, in South Seaside Park. Also, Berkeley
 11 has over 2,600 acres of statewide important soil and
 12 6,200 acres of unique important farmland soils.
 13 None of those are located in South Seaside Park
 14 either. So, Berkeley Township's not losing any
 15 important farming soils should de-annexation be
 16 granted.

17 Q What does that mean, statewide
 18 important soil and unique important soils?

19 A Those are different soils that are
 20 able to produce agricultural crops on an ongoing
 21 basis or rotational basis. It has to do with the
 22 minerals and compositions. I can give you that.
 23 That information is, put on my Franklin Township hat
 24 where we're all agricultural. I learned a lot about
 25 soils over the last time 10 years.

1 Q I don't want you to go into that.

2 Suffice it --

3 A No, you don't want to.

4 Q I don't want to do that. Suffice it
 5 to say that any unique or important soils that are
 6 located in Berkeley Township are on the mainland and
 7 will not be lost or changed through de-annexation,
 8 correct?

9 A That's correct.

10 Q All right. What kinds of cultural
 11 resources are there in Berkeley Township?

12 A Cultural resources, they have
 13 historic sites on it. There's three historic listed
 14 properties. The U.S. Life Saving Station number 14
 15 on Island Beach State Park; the Manitou Park
 16 Schoolhouse on 167 Third Avenue; and the Double
 17 Trouble State Park.

18 Q Okay. Let's just stop there. What
 19 does it take to become an historic listed property?
 20 You have experience with that, correct?

21 A Yeah, it should -- it should be 50
 22 years or over in age. It should have some
 23 significance to the property, either architectural,
 24 cultural or archeological significance in short.

25 Q In those three historic properties,

1 the U.S. Life Station on Island Beach State Park,
 2 that's not going to be lost, correct, because Island
 3 Beach State Park is going to stay with
 4 Berkeley Township?

5 A That's correct.

6 Q If de-annexation is granted?

7 A Right.

8 Q The manitou Park schoolhouse, that's
 9 on the mainland, correct?

10 A On the mainland.

11 Q And Double Trouble State Park is
 12 right down the road. You probably came by it when
 13 you came here tonight, correct?

14 A Couldn't miss it.

15 Q Okay. And, obviously, those will
 16 stay with the mainland and are not part of any
 17 de-annexation.

18 A Right.

19 Q Continue with regard to any cultural
 20 or historic sites.

21 A Sure. Two properties in Berkeley
 22 have received a certificate of eligibility from the
 23 State Historic Preservation office. That's the AT&T
 24 transmitter building and antenna field on Route 617
 25 and the Cedar Creek Trestle on the Barnegat Branch

1 Railroad.
 2 Q Okay. And what does it take to get a
 3 certificate of eligibility?
 4 A That's done, that satisfies any
 5 prerequisite for state funding. So, if state
 6 funding is going to occur near these sites, they are
 7 given opinion or a certificate of eligibility from
 8 the State Historic Preservation Office.
 9 Q And are those properties then on
 10 their way to becoming historically listed properties
 11 or not?
 12 A No.
 13 Q Okay. It's a separate thing?
 14 A No. It's simply saying it is --
 15 it's -- they're there. They can almost -- if the
 16 work was done, they have a good chance on becoming
 17 registered.
 18 Q Okay. And it allows them to be
 19 eligible for funding, correct? Both those, the --
 20 A It's an impact on state funding.
 21 Whether or not if -- if state funding is going to
 22 occur around one of these areas, that they would
 23 have a -- they would determine whether or not that
 24 property is eligible to be listed on the national or
 25 state registry.

1 Q I see. Okay. And the one property
 2 over on Bayview Avenue or Route 617 and the other
 3 property, the Cedar Creek Trestle, obviously, those
 4 are on the mainland, correct?
 5 A Yes.
 6 Q And neither one of those would be
 7 lost in the event of de-annexation?
 8 A That's correct.
 9 Q Are there any other categories of
 10 cultural or historic sites within the township?
 11 A Sure. There's one called the opinion
 12 or State Historic Preservation Office opinion, and
 13 Berkeley Township has three properties.
 14 Q What does that mean, State Historic
 15 Preservation Office opinion?
 16 A Those are in response to federally
 17 funded activities, the same as the state funded
 18 activity as described in the first two properties.
 19 Q Okay. And are there any properties
 20 that are subject to State Historic Preservation
 21 opinions?
 22 A There's three that have -- the State
 23 Preservation Office has given opinions on. And
 24 that's the Coast Guard station 112 on Island Beach
 25 State Park; the Garden Parkway Historic District;

1 and the Midway Campus Historic District in
 2 South Seaside Park.
 3 Q And can you describe -- the first
 4 two, obviously, are not part of any de-annexation
 5 effort, correct? They wouldn't --
 6 A Uh-hum.
 7 Q -- they would stay with the --
 8 A They're on the mainland.
 9 Q Well, except Island Beach State Park.
 10 A Right. Sorry.
 11 Q Okay. But the other one is,
 12 obviously, on the mainland and the other one, the
 13 Coast Guard station is on the barrier peninsula, but
 14 it's part of Berkeley Township that is not being
 15 part of the de-annexation petition, correct?
 16 A Correct.
 17 Q Discuss for a moment the Midway
 18 Campus Historic District in South Seaside Park.
 19 What is that?
 20 A It consists of about 400 one-story
 21 houses bounded by Central Avenue to the west,
 22 13th Avenue to the north, Ocean Avenue to the east
 23 and 20th Avenue to the south.
 24 Q And those are those little cottages
 25 that are on those small roads just before you get

1 into Island Beach State Park?
 2 A Small, one-story houses.
 3 Q Okay. And if -- obviously, they are
 4 part of the property that, for which de-annexation
 5 is sought, correct?
 6 A Yes.
 7 Q And if de-annexation is granted,
 8 would the loss of Midway Beach and those little
 9 homes cause, in your opinion as a licensed
 10 professional planner, any significant detriment or
 11 injury to Berkeley Township? And tell us why.
 12 A No, there's no significant
 13 architectural features. No tours are given in that
 14 area. No income would be lost in that sense.
 15 Q Okay. Indeed, are there any -- is
 16 there any effort by the township to give any kind of
 17 reference to that, if not by a tour, by some
 18 special -- some special event that celebrates the
 19 Midway Beach area that you're aware of?
 20 A None that I'm aware of, no.
 21 Q Okay. There's not been any
 22 resolutions that you're aware of dealing with the
 23 historic nature of Midway Beach --
 24 A Not that I'm aware of.
 25 Q -- to your knowledge? And as you

1 indicated, there's no income that the township makes
2 from Midway Beach, other than taxes which they make
3 from everybody in every part of the town, correct?

4 A Correct.

5 Q And that is the only historic item or
6 structure.

7 A I just cited all the -- the inventory
8 of listed historic structures in Berkeley Township.

9 Q Okay. Just very briefly about the --
10 you mentioned before that there were four elementary
11 schools, a regional middle school, a regional high
12 school, and a regional vocational school. But no
13 schools were located in South Seaside Park?

14 A That's correct.

15 Q And, indeed, none would be lost,
16 correct?

17 A Uh-hum.

18 Q And who gets the same school system
19 in all events, right?

20 A Right.

21 Q Are there any public libraries?

22 A Berkeley Township participates in the
23 county library system. There's four branches near
24 the township. The closest to South Seaside Park is
25 the Upper Shores Branch in Lavallette. It's about

1 four miles from South Seaside Park. So, no
2 libraries would be lost should de-annexation be
3 granted.

4 Q And the Berkeley Township Library, as
5 I understand it, is over here on the mainland,
6 correct? Part of it's in the Ocean County Library
7 System.

8 A Yes.

9 Q And to come to that would be what,
10 approximately, 15 miles or more?

11 A Another 30 or 40 minutes in the car.

12 Q So, the people who live in South
13 Seaside Park, if they want to go to the Ocean County
14 Library, they go to the Upper Shores Branch, I would
15 assume, correct?

16 A Yes.

17 Q That is the closest branch.

18 Does Berkeley Township hold any of its public
19 meetings in South Seaside Park?

20 A Again, no.

21 Q You already testified to that.

22 A Yeah, not that I'm aware of.

23 Q What kinds of municipal services does
24 Berkeley Township provide in South Seaside Park?

25 A Well, police protection's provided

1 but the headquarters is 15 miles from South Seaside
2 Park. Solid waste and recycling services are
3 provided. The township does not provide fire
4 protection. The service is provided by the Seaside
5 Park Volunteer Fire Department. And there's no
6 first aid or EMS service that the township provides.
7 The service is provided by the Tri-Borough First Aid
8 Squad. The services originate from South Seaside
9 Park versus the mainland.

10 Q And what kinds of commercial
11 establishments are there in Berkeley Township? Just
12 generally?

13 A It runs the gamut, restaurants,
14 hotels, commercial nodes, retail shopping, strip
15 malls, mixed use commercial and residential.

16 Q And what about commercial in
17 Seaside Park? We heard a witness earlier, you were
18 here to hear one witness say there's not much left
19 there.

20 A Yes, I found that interesting.

21 Q And is that accurate?

22 A Yes. Yes. There's three
23 restaurants, two bars with restaurants, one hotel
24 and one motel and a retail marine supply store.

25 Q Can you tell us whether or not the

1 establishments in South Seaside Park are as diverse
2 in number or quantity as those in Berkeley Township?

3 A No, the establishments in
4 South Seaside Park are limited in diversity and
5 quantity. There's no loss to Berkeley Township
6 should South Seaside Park be de-annexed.

7 Q Okay. So, they wouldn't experience
8 much of a loss by the loss of a couple of
9 restaurants, as you've described, and a couple of
10 commercial establishments, correct?

11 A That's correct.

12 Q Did you examine the zoning ordinance
13 and the zone plan as part of your preparation?

14 A Yes, I did.

15 Q And what are the permitted uses in
16 South Seaside Park under the zoning ordinance?

17 A There's residential and there's
18 nonresidential uses. The residential uses are
19 detached single family dwellings, attached single
20 family dwellings, four family dwellings, and low
21 rise residential structures.

22 As far as nonresidential uses, home
23 occupations, that include professional offices,
24 churches, public buildings, retail service
25 establishments, hotels, motels, restaurants,

1 theaters, eating and drinking establishments,
2 commercial parking lots, and remote parking lots.
3 While these uses are permitted, many do not exist in
4 South Seaside Park today.

5 Q There's no theaters over there, as
6 far as you know --

7 A No.

8 Q -- correct? How about any public
9 buildings?

10 A No.

11 Q Any churches?

12 A No.

13 Q And the restaurants are a few. I
14 think three. And hotels and motels are one apiece,
15 correct?

16 A Correct.

17 Q And are these consistent with the
18 mainland?

19 A The zone designations, there are
20 similar zone designations that exist on the mainland
21 that are in Seaside Park as well -- South Seaside
22 Park.

23 Q Will Berkeley Township lose any
24 unique special uses if South Seaside Park, from a
25 zoning and planning type perspective, will Berkeley

1 recommends additional study to ensure that any zone
2 changes, including approaches to storm resiliency,
3 be designed in a manner that is context sensitive to
4 South Seaside Park's community character.

5 If the zone districts recommended in the 2008
6 master plan were achieved through codification, the
7 changes to residential character and density would
8 affect South Seaside Park. Kind of give a breakdown
9 with the different zones on there. I'll try to make
10 this real quick on that.

11 Island residential A zone replaces the R-4F
12 zone on Beach Drive, eliminating four family zoning
13 and permitting single family zoning.

14 Island residential B zone replaces the
15 R-4F zone between Beach Drive and 20th Avenue,
16 eliminating four family zoning and permitting single
17 family zoning.

18 Island townhouse zone replaces the R-31.5
19 zone on Central Avenue north of 20th Avenue,
20 eliminating single family zoning and permitting
21 townhouse zoning.

22 Island townhouse zone also replaces the
23 R-31.5 zone south of 14th Avenue between South
24 Bayview Avenue and Central Avenue, which eliminates
25 single family zoning and permits townhouse zoning.

1 Township lose any special uses that exist over there
2 if de-annexation is granted?

3 A I did not observe -- I did not see
4 any special zones in South Seaside Park that would
5 be unique or special if they were lost through
6 de-annexation.

7 Q And the things that are there are not
8 so unique or special because they all exist --

9 A That's correct.

10 Q -- on the mainland?

11 A Right.

12 Q And they exist in much greater
13 quantity on the mainland, do they not?

14 A Absolutely, yes.

15 Q You also reviewed the master plan. I
16 believe you testified to that, correct?

17 A That's correct.

18 Q What's the difference between the
19 master plan and the zoning ordinance of Berkeley
20 Township achieve those objectives? How would it
21 affect South Seaside Park?

22 A Well, the 2008 master plan calls for
23 five island zones for South Seaside Park, but those
24 recommendations were never adopted into the township
25 land use ordinance. The 2015 reexamination report

1 Island cottage community zone would be a new
2 zone. It would cover the Midway Beach community.
3 It would permit five acre minimum planned unit
4 residential development.

5 Island mixed use zone replaces the resort
6 commercial zones and eliminates single family
7 zoning, churches, public buildings, hotels, motels,
8 restaurants, theaters, eating and drinking
9 establishments, commercial parking lots, remote
10 parking lots, and permits single family and
11 multifamily condominium zoning.

12 So, then, the island mixed use zone also
13 replaces the neighborhood business zone on Central
14 Avenue south of 20th Avenue, eliminating retail
15 sales, business and personal service establishments,
16 and permits retail, restaurant and recreational
17 uses.

18 Q All right. So, those changes are
19 from the 2008 master plan. But have they been
20 implemented or adopted?

21 A No, they have not.

22 Q I think you said that only further
23 study has been requested.

24 A Uh-hum. Yes.

25 Q So, there is no change that's

1 actually occurred from what has been present for a
2 very long time over there in terms of zoning and
3 planning, correct?

4 A Correct.

5 Q Okay. Can you tell us, what are the
6 objectives that are set out in Berkeley Township's
7 master plan for the township as a whole?

8 A The master plan calls the area
9 between the Parkway and the bay on the eastern
10 mainland as the area of primary focus for Berkeley's
11 future development and redevelopment. The master
12 plan objectives address completing the build out of
13 neighborhoods; encouraging new development in town
14 center and corridor nodes; and addressing the
15 opportunities and challenges of the Route Nine
16 corridor.

17 The 2015 master plan reexamination report
18 gives a great synopsis of the goals and objectives
19 set out by Berkeley Township since 1997. If I
20 could, I would like to share a brief summary of
21 those goals for the purpose of showing how they've
22 evolved over the last 18 years.

23 In 1997, the goals were to keep neighborhoods
24 free from clutter in front yards and streetscapes;
25 eliminate on-site well and septic systems;

1 plans; concentrate new community facilities in new
2 town centers; foster economic development in the
3 town center and commercial nodes. Again, all these
4 efforts and planning objectives were focused on the
5 mainland.

6 Q Okay.

7 A 2008 brings the first time that
8 island zoning is introduced. In addition to that,
9 it reiterates the goals from the 2020 vision
10 statement and placed special emphasis on town center
11 development; implementation of the open space and
12 recreation plan; implementation of the Route Nine
13 corridor master plan; and island zones for South
14 Seaside Park. And, again, this is the first time
15 that South Seaside Park was mentioned. But nothing
16 has been adopted to implement it. The focus is
17 really 95 percent mainland and five percent South
18 Seaside Park.

19 The 2015 reexamination report calls
20 objectives. Recommends implementing green building
21 techniques and storm resilient infrastructure; and
22 encourages locating future capital projects and
23 affordable housing outside of flood hazard areas;
24 recommends amending the stormwater management plan.

25 The goals/objectives address evacuation

1 rehabilitate housing stock within older planning
2 retirement communities; attract office and retail
3 development along the Route 166/Route Nine corridor;
4 and advocate for new exit ramp on Garden State
5 Parkway to connect Route Nine. These goals were all
6 focused on the mainland. That was 1997. Fast
7 forward five years --

8 Q So, there was nothing in there about
9 South Seaside Park, 1997, to the best of your
10 knowledge?

11 A This summary of goals and objectives
12 that were in the 2005 master plan reexamination
13 report.

14 Q 2015?

15 A I'm sorry, yes. They do not address
16 anything on South Seaside Park.

17 Q When referring to 1997?

18 A Right.

19 Q Okay.

20 A Fast forward to 2003. The master
21 plan had goals to pursue the goals outlined in the
22 2020 vision statement. New development to town
23 centers; redevelop existing commercial centers;
24 complete the plan build-out of existing residential
25 neighborhoods; create recreation and open space

1 routes and bicycle circulation. It recommends
2 adopting green buildings and environmental
3 sustainability master plan elements. Also considers
4 the preparation of an economic plan/master plan
5 element, in addition to implementing the township's
6 TDR program and town center plans. It's very, every
7 five years, I have to compliment you, you come back
8 and you really look at your town on that. I say
9 that that's good. I see a lot of towns where they
10 don't touch the master plan for another ten years
11 and then they just do a quick reexamination. But
12 this is a good evolution of planning on the
13 mainland.

14 Q And the 2015 master plan
15 reexamination, was that also focused primarily on
16 the mainland?

17 A Yes.

18 Q According to the master plan
19 reexamination, what are the long-term goals for
20 Berkeley Township?

21 A Well, they continue to be focused --
22 Berkeley Township continues to be focused on
23 directing future growth in town centers and
24 commercial nodes on the eastern mainland. Through
25 the transfer development rights program for TDR, the

1 township wants to preserve open space and introduce
2 planned development in designated areas on the
3 mainland. The township wants to develop new zoning
4 districts for mixed use nodes identified in their
5 2020 vision plan. And they want to focus on
6 Route Nine corridor improvements. All these
7 long-term goals are related to the mainland, not
8 South Seaside Park.

9 Q Do any of these goals or objectives
10 have any impact in South Seaside Park?

11 A No. The only long-term goal cited in
12 the 2015 reexamination report is to prepare a land
13 use study for South Seaside Park to analyze and
14 review existing zoning in the area. The 2015
15 reexamination report continues by stating that the
16 existing zone plan for South Seaside Park does not
17 adequately reflect established land use patterns,
18 i.e., certain areas are zoned multifamily
19 residential, where single family and/or commercial
20 or retail uses currently exist.

21 Q Do you know if that study has been
22 done in South Seaside Park?

23 A To the best of my knowledge, it has
24 not.

25 Q What kind of development potential

1 does Berkeley Township envision for South Seaside
2 Park?

3 A No significant development potential.
4 It's already built out. The 2008 build-out analysis
5 from the township revealed that there's no
6 developable land in South Seaside Park.

7 Q Okay. And the -- South Seaside Park
8 is there for -- is it a community that can grow or
9 not grow?

10 A No, it's a maturing community that --
11 it's not a maturing community that can grow. It's a
12 remote part of Berkeley Township that lacks planning
13 and zone regulations that address its special
14 community character. It's pretty much built out.

15 Q Does the master plan have any
16 reference to South Seaside Park other than what
17 you've already talked about?

18 A No, just the island district zone
19 changes. And in the 2015 reexamination report
20 recommends that this initiative undergo further
21 study.

22 Q How would the South Seaside Park
23 changes help fulfill the goals or objectives of the
24 master plan overall?

25 A Preparing a study about the

1 recommended Island District zoning would not further
2 fulfill any overall township wide master plan goals
3 or objectives, but it is a small step.

4 Q Has Berkeley taken any steps to amend
5 its zoning ordinance to implement the master plan on
6 the mainland?

7 A Yes. Specifically, the TDR program,
8 town center program and the zone changes that
9 support these initiatives.

10 Q So, they've taken positive steps
11 forward with regard to mainland zoning, correct?

12 A Yes.

13 Q Has it amended its zoning ordinance
14 to implement the master plan changes for
15 South Seaside Park?

16 A No amendments to the zoning ordinance
17 that I'm aware of.

18 Q What kind of provision does the
19 master plan make for fulfilling Berkeley Township's
20 fair share of affordable housing?

21 A Well, the third round, the 2008
22 obligation number for the township was 1,230 units.
23 And as of 2011, the township had credit for 306 new
24 construction, 227 completed new, and 135
25 rehabilitated housing units.

1 Earlier this year, the New Jersey Supreme
2 Court established a new process for dealing with the
3 municipal fair share housing plans. And according
4 to the 2015 township master plan reexamination
5 report, the township's submission for third round
6 substantive certification in 2009 makes Berkeley
7 Township a participating municipality. Berkeley
8 Township is following through with the preparation
9 of response to the courts to address compliance for
10 this affordable housing obligation.

11 Q Okay. And will there be any
12 affordable housing units or any rehabilitation in
13 South Seaside Park, as far as you can tell, from
14 looking at all the documents?

15 A None that I'm aware of. I was not
16 able to find any plans for new affordable housing
17 units or rehabilitation of units for affordable
18 housing in South Seaside Park.

19 Additionally, the 2015 master plan
20 reexamination report recommends amending the master
21 plan housing element and fair share plan to
22 encourage locating future affordable housing outside
23 of flood hazard areas.

24 Q So --

25 A Which isn't a bad thing.

1 Q -- would there be any impact at all
2 from an affordable housing standpoint in terms of
3 de-annexation?

4 A No.

5 Q And has South Seaside Park ever in
6 the past received any benefit from any of the
7 township's previous affordable housing plans?

8 A I wasn't able to find any. No new
9 affordable housing units have been built in South
10 Seaside Park. And between 2000 and 2008,
11 \$1.6 million in Ocean County development block
12 grant, housing rehabilitation program -- you got
13 that -- program funds were used to rehabilitate
14 housing units in Berkeley Township mainland. Not
15 one housing unit was in South Seaside Park.

16 I found that list of properties in the
17 rehabilitation component of Berkeley Township's 2008
18 fair share plan. Since South Seaside Park has not
19 been included in any affordable housing plans, the
20 township's compliance would not be affected. It has
21 never relied on South Seaside Park to meet its
22 obligation.

23 Q You mentioned earlier having reviewed
24 something called the 2020 vision plan. Just tell us
25 a little bit about that and how it affects

1 South Seaside Park.

2 A Sure. Between 2002 and 2003,
3 Berkeley Township conducted a public visioning
4 process to identify long range goals for the
5 township's physical, recreational, business and
6 community development with the eastern mainland
7 section of the township in mind.

8 The plan focused on future development of a
9 town center and three commercial nodes on the
10 eastern mainland. The plan does not have a plan for
11 South Seaside Park. And it fails to include how
12 South Seaside Park would be linked to the mainland
13 town center in those commercial nodes.

14 Q Can you tell us what kind of
15 development Berkeley Township is anticipating in the
16 near future from your review of all the documents?

17 A They intend to shift growth away from
18 environmentally sensitive areas and redirect it to
19 areas zoned and prepared for growth. The kind of
20 growth they expect is that, what would be generated
21 from residential, retail and industrial development.

22 The TDR, transfer development rights, is the
23 mechanism. It establishes, it establishes --
24 sorry -- sending and receiving areas and uses
25 development credits. This mechanism was approved by

1 the State Planning Commission. And --

2 Q Go ahead.

3 A There's not much development
4 potential west of the Garden State Parkway or on the
5 barrier island, so this eastern mainland is the area
6 for future growth for Berkeley Township.

7 Q And how is that going to be focused
8 on the eastern mainland?

9 A Looking at new development will focus
10 on the eastern mainland. And that stretches from
11 the Garden State Parkway to the shores of Barnegat
12 Bay. And the eastern mainland covers 15.6 square
13 miles or 37 percent of the township's total land
14 area. 54 percent of that area is undeveloped, but
15 25 percent of that area is preserved as open space.

16 The predominant zoning category in that area
17 is medium density residential with minimum lot sizes
18 running from 10,000 to 20,000 square feet. The New
19 Jersey State plan recognizes this area as a suburban
20 planning area two. There is present or reasonably
21 accessible public water. Most of these areas are
22 within the sewer service area.

23 Q So, there is projected growth by the
24 township in the area between the Parkway and the
25 bay, correct?

1 A Yes.

2 Q Is there any projected growth by the
3 township according to anything that you reviewed
4 over in South Seaside Park?

5 A Could not find anything in writing,
6 no.

7 Q So --

8 A No new growth expected in South
9 Seaside Park.

10 Q What are the population projections
11 for Berkeley Township, generally?

12 A The projections. To determine the
13 projections, I analyzed population trends from the
14 1990 to 2010 Census data; municipal population
15 estimates for 2013; and population projections
16 through 2040. I also reviewed land development
17 activity trends in Berkeley Township by studying the
18 number of residential building permits issued
19 between 1992 and 2012, as well as site plan activity
20 from 2000 to 2013. That information provided by the
21 Ocean County Planning Board.

22 The current population of Berkeley Township
23 as of 2013 is about 41,829. Berkeley Township
24 experienced a lot of growth between 1960 and 1990.
25 But growth slowed after 1990. But in the next 20

1 years, between 1990 and 2010, the township
2 experienced about a ten and a half percent increase
3 in population.

4 Between the 2010 Census and the 2013
5 estimates, it's estimated that Berkeley grew by 574
6 persons. And by comparison, South Seaside Park has
7 490 persons.

8 Looking ahead, growth is trending upward. In
9 2013, the North Jersey Transportation Authority
10 anticipates a 0.9 percent annual population growth
11 to 2040 for Berkeley Township.

12 Q So, one -- almost one percent each
13 year, correct?

14 A Uh-hum. So, I analyzed the lowest
15 growth rate and the highest growth rate. The lowest
16 being the 2000/2010 Census and the highest growth
17 rate by the North Jersey Transportation Authority.
18 That range was from between 0.32 percent and
19 0.9 percent. Using those numbers and analyzing it,
20 the township could experience growth of 664 to 1,890
21 people just by 2020, and another 1,330 to 3,867 by
22 2025.

23 Also, the TDR estimates for the transfer
24 development rights program, estimate results at
25 about 50,925 persons in 25,125 households by 2030.

1 I'll start over. The TDR -- strike that.

2 A study done by Urban Partners Real Estate
3 Market Analysis estimates that the TDR program could
4 result in 50,925 persons in 25,125 households.

5 Q By what year?

6 A By 2030.

7 Q Okay. And the --

8 A South Seaside Park, the residents are
9 already a tiny percentage of residents in the
10 township, and that percentage will continue to
11 shrink as the mainland population grows.

12 Q And how many household units would
13 you anticipate, based upon the low growth number of
14 664 people, added to the township by 2020, versus
15 the higher growth number, in other words, the
16 bracketing of the percentages that you talked about
17 of 1,890 people by 2020? What does that translate
18 to in terms of additional residential units, if you
19 know?

20 A I'm sorry. Can you ask -- repeat
21 that.

22 Q Based upon this population growth
23 anticipated by 2020, do you know how many additional
24 housing units that would -- based upon the average
25 housing units, how many --

1 A About two persons per housing units.

2 Q So, about half of -- so, if you
3 anticipate 664 to 890 people --

4 A 300 and --

5 Q -- to be added, anywhere from 332 to
6 945 housing units.

7 A Thank you for doing the math for me.

8 Q Is my math correct?

9 A Yes.

10 Q All right. So, you indicated South
11 Seaside Park residents are already a tiny percentage
12 of the township as a whole, correct?

13 A Yes.

14 Q And that percentage, I think you said
15 it was less than half of one percent or something.

16 A Like four-tenths of a percent.

17 Q About four-tenths of a percent. That
18 percentage is going to continue to shrink over the
19 next several years --

20 A I'm sorry. One-tenth of a percent.

21 Q One-tenth of a percent. Only
22 one-tenth of a percent. But that percentage of
23 population is going to continue to shrink over the
24 next several years based upon all the documents that
25 you've cited, including the Census numbers, as the

1 population grows on the mainland?

2 A Yes.

3 Q Okay. And that's because the barrier
4 peninsula is built out insofar as South Seaside Park
5 is concerned, correct?

6 A Land, they're not making any more
7 land.

8 Q Okay. What can you tell us about
9 ongoing development in Berkeley Township, generally?

10 A Well, the township issued 3,990
11 building permits for residential units between 1992
12 and 2013. That's an average of about 190 per year.
13 So, according to 2010 Census, Berkeley has two,
14 about two residents per occupied dwelling unit, 190
15 permits per year would be approximately 384 new
16 residents each year.

17 Ocean County Planning Board reviews site
18 plans and subdivisions that affect county roadways
19 or drainage facilities. They estimated between 2000
20 and 2013, they approved 324 residential units in
21 Berkeley Township, 750,000 square feet of commercial
22 space and 62,474 square feet of industrial space in
23 Berkeley Township. Keep in mind also that the
24 County reviews site plan subdivisions for County
25 road -- that affect County roadways and drainage

1 facilities only.

2 Q Okay. What kind of land is available
3 for future housing development in Berkeley?

4 A The 2008 build-out analysis of
5 Berkeley Township estimated 1,900 residentially
6 zoned acres vacant and unconstrained available for
7 2,800 residential units. Citing the 2010 Census
8 figures of two persons per occupied housing unit,
9 there's a potential for 5,656 additional residents,
10 bringing the population to 46,911.

11 Also, the 2012 TDR analysis estimates full
12 build-out would result in another 4,330 units before
13 2030.

14 Q What are the final estimates using
15 the TDR program and the other information that
16 you've indicated?

17 A Well, through the TDR program, the
18 four receiving areas would get about 1,543 housing
19 units, in addition to the 1,540 units permitted by
20 right by current zoning.

21 Through the TDR program, the township would
22 receive -- the receiving zones are anticipated to
23 receive 260,000 square foot of light industrial and
24 150,000 square foot in commercial development.
25 These areas in Berkeley Township will accommodate

1 future population growth. Those estimates are
2 promising for the township. And I think New Jersey
3 can also help support those numbers.

4 New Jersey has a talented and well educated
5 work force and the state is rich with educational
6 opportunities. Berkeley Township's planned
7 infrastructure investments for town centers,
8 attention to the regional corridor studies and plans
9 for increased industrial retail square footage and
10 housing units through the TDR program makes Berkeley
11 Township well equipped and favorably suited for
12 accepting and maintaining positive population
13 growth, not only for an aging population but for
14 talented and well education -- well educated work
15 force aged people as well.

16 (Recess was taken.)

17 BY MR. MICHELINI:

18 Q Mr. Bauman, you've talked extensively
19 about statistics, about the master plan, about the
20 zoning ordinance, about the TDR, about the 2020
21 vision statement, about the U.S. Census, about all
22 kinds of planning and zoning documents, and lots of
23 statistics. I'm sure many of the board members at
24 some point, their eyes may have glazed over. And I
25 understand that. But what I'd like you to comment

1 on, your opinion testimony. As a result of your
2 research, as a result of your site visits, as a
3 result of examining this wide body of public
4 information, as a result of talking to people,
5 taking into account everything that you've done,
6 okay, can you tell us what your conclusions were,
7 first about whether or not there will be any
8 significant substantial injury to the well being of
9 Berkeley Township in the event that de-annexation is
10 granted.

11 A I feel there would be no significant
12 substantial injury to the well-being of Berkeley
13 Township because South Seaside Park makes up a tiny
14 part of the township, five percent -- .5 percent of
15 the total land area. And there's no significant
16 loss there.

17 Q No significant loss of area itself --

18 A Of land area.

19 Q -- is that what you're saying?

20 A South Seaside Park has no future
21 growth capacity. And there's no loss of any
22 benefits derived from development. Seaside Park's
23 490 residents make up one-tenth of one percent of
24 Berkeley Township's population. And ethnicities and
25 ages are similar, both in South Seaside Park and on

1 the mainland. They'll be no loss or change of
2 significant population diversities or incomes. Of
3 the 1410 housing units in South Seaside Park make up
4 six percent of the township's housing stock. And
5 the housing types and the housing unit ages are
6 similar. There's no loss or change of significant
7 housing stock.

8 South Seaside Park makes up half a percent of
9 the waterfront and 2.2 percent of preserved open
10 space. Berkeley Township will not lose significant
11 amount of waterfront or open space.

12 South Seaside Park has only one athletic
13 facility, the outdoor basketball court. This loss
14 won't be significant to the township. There's a
15 limited municipal recreation presence in South
16 Seaside Park. One event per year. This loss would
17 not be significant to the township either.

18 Berkeley Township would not lose on any
19 shellfish harvest areas, farming soils, streams or
20 historic or cultural sites. The township won't lose
21 out on schools or libraries, as none exist in South
22 Seaside Park.

23 With the limited number of restaurants,
24 motels and hotels, Berkeley Township would not incur
25 loss of significant commercial resources either.

1 South Seaside Park is not included as part of
 2 Berkeley Township's Affordable Housing Fair Share
 3 Plan, so there's no positive effect or negative
 4 impact on the township's ability to comply with its
 5 statement mandated affordable housing requirement.
 6 Berkeley Township would be relieved of
 7 financial administrative responsibility for services
 8 and capital improvements for South Seaside Park,
 9 including roadway resurfacing, solid waste and
 10 recyclable collection, snow removal, police service,
 11 animal control, beach and park maintenance.
 12 The township will have less high flood risk
 13 areas land under its jurisdiction. And, finally,
 14 the use and bulk requirements of South Seaside Park
 15 are not unique and are found elsewhere in the
 16 township on the mainland. De-annexation would not
 17 have a negative impact on the township's zoning
 18 scheme or master plan.
 19 Q Now, if you look at the point of view
 20 from the majority of the South Seaside Park
 21 residents, would a refusal to consent to
 22 de-annexation be detrimental to their well-being?
 23 A Their economic and social well-being,
 24 yes.
 25 Q How so?

1 A Berkeley Township has no vision for
 2 South Seaside Park going forward. They see it as
 3 having no growth capacity. The planning goals of
 4 the township are preoccupied for development of the
 5 eastern mainland. And South Seaside Park is not
 6 mentioned in their 2020 vision plan or the fair
 7 share plan for affordable housing. South Seaside
 8 Park is remote from the mainland but it's bound by
 9 its zoning regulations which are out of character
 10 with its own community.
 11 There's no municipal recreation facilities or
 12 programs for South Seaside Park residents to enjoy
 13 in South Seaside Park. Facilities and events are
 14 held on the mainland. There are no municipal
 15 sponsored bus service from South Seaside Park to the
 16 mainland for events or programs. There are no
 17 public meetings held in South Seaside Park. For
 18 quality of life issues important to the
 19 South Seaside Park residents that continually go
 20 unaddressed by Berkeley Township, and that was
 21 testified to in previous hearings, and since
 22 South Seaside Park is not mentioned in the
 23 township's Affordable Housing Plan, South Seaside
 24 Park residents are unable to benefit from the
 25 township's Affordable Housing and Housing

1 Rehabilitation Programs.
 2 Outside the Central Avenue corridor, the
 3 zoning between South Seaside Park and Seaside Park
 4 Borough are not consistent. Implementation of the
 5 islands zoned districts would not improve their
 6 consistency either.
 7 Inconsistent zoning in an area with common
 8 characteristics and shared infrastructure is a
 9 blueprint for insensitive development, reduced
 10 property values, degraded vernacular character, and
 11 a decreased quality of life.
 12 South Seaside Park's community identity is
 13 with Seaside Park and not Berkeley Township.
 14 Seaside Park functions more as a centerpiece in the
 15 everyday lives of the residents of South Seaside
 16 Park. The mainland is not where South Seaside Park
 17 residents go to conduct their business or meet their
 18 daily needs, as well as go shopping, meet friends
 19 and relax.
 20 Q Would the de-annexation bring any
 21 social or economic benefits to the majority of the
 22 South Seaside Park residents?
 23 A If de-annexation were granted, South
 24 Seaside Park residents would gain an opportunity to
 25 participate in local government and social

1 activities of South -- of Seaside Park and eliminate
 2 time spent driving back and forth to mainland
 3 Berkeley Township municipal offices. De-annexation
 4 would also provide South Seaside Park with the
 5 opportunity to merge with Seaside Park, a
 6 municipality more in character with South Seaside
 7 Park. Zoning that's presently not consistent with
 8 Seaside Park can be mitigated under one municipal
 9 jurisdiction.
 10 Berkeley Township is the forty-ninth largest
 11 town in New Jersey and the sixth largest in Ocean
 12 County. Berkeley Township has town center
 13 designations; beach areas on Island Beach State
 14 Park; bay areas and forested areas; retail areas and
 15 industrial areas.
 16 South Seaside Park is not a critical
 17 component of the Berkeley Township community. South
 18 Seaside Park is a shore community. Berkeley
 19 Township is a large town with plans for future
 20 growth. South Seaside Park residents are far away
 21 from town hall and they are far away from municipal
 22 facilities and services that negatively affects
 23 their social well-being.
 24 For many of the South Seaside Park residents,
 25 their livelihoods are spent entirely in their

1 immediate area, Seaside Park. Everything they think
2 and do revolves around Seaside Park. And they
3 cannot do the one basic freedom in this democracy,
4 and that's to vote in the town where they spend
5 their lives in South Seaside Park. The --

6 Q Spend their lives in Seaside Park.

7 A Seaside Park. I'm sorry.

8 Q That's all right. It's a lot of
9 talking.

10 A Lot of talking.

11 Q You got it.

12 A The de-annexation of South Seaside
13 Park would not alter in any appreciable way the
14 character of Berkeley Township as a community.
15 South Seaside Park is on the other side of Barnegat
16 Bay, isolated from schools, governmental facilities,
17 businesses, recreational facilities and shopping
18 areas in Berkeley Township.

19 The residents of South Seaside Park naturally
20 look to the contiguous Seaside Park as a focus of
21 their community and interest activity.

22 Q Okay. Anything else you want to tell
23 this board?

24 A No. Open to questions.

25 Q Okay. Well, let's --

1 A Thank you for your time.

2 Q Now, you prepared a report and the
3 testimony that you furnished is principally set
4 forth in your report, correct?

5 A Yes, a report and amendment also.

6 Q Okay. We'll just have those marked.

7 What is the date of your report, the initial report?

8 A Planner's Report in Support of
9 De-annexation of South Seaside Park from Berkeley
10 Township, New Jersey, August 14, 2014.

11 Q It's taken a long time to get here.

12 A Yeah, I'm saying it's about one year.

13 And then Amendment to the Planner's Report in
14 Support of De-annexation of South Seaside Park from
15 Berkeley Township, New Jersey, is dated February 19,
16 2015.

17 Q Now, some of your personal visits
18 were after the preparation of the first report,
19 correct?

20 A That's correct.

21 Q Okay. Did those visits change or
22 simply reinforce the information that was already
23 set forth in the report?

24 A No, it reinforced.

25 MR. MICHELINI: Okay. If we can have

1 these marked, please.

2 (The Planner's Report in Support of
3 De-annexation of South Seaside Park from Berkeley
4 Township, New Jersey, August 14, 2014 was marked as
5 A-41 for identification.)

6 (The Amendment to the Planner's
7 Report in Support of De-annexation of South Seaside
8 Park from Berkeley Township, New Jersey, dated
9 February 19, 2015 was marked as A-42 for
10 identification.)

11 MR. WISER: Just to be clear, you
12 talked about an amendment or a report and amendment
13 to the report. Are these both in this one packet?

14 MR. MICHELINI: Yes, they both are.

15 MR. WISER: And this is now A-41,
16 which is both, or is it A-41 and A-42?

17 MR. McGUICKIN: A-42. The amendment
18 is about 15 pages long.

19 MR. WISER: Okay.

20 MR. McGUICKIN: It's attached at the
21 back. The report is 73 pages, that's A-41.

22 MR. WISER: Got it. Thank you.

23 MR. MICHELINI: Questions?

24 MR. McGUICKIN: Well, I think that --
25 here's the conundrum I told you was going to happen.

1 We've just gotten roughly 90 pages of documents. I
2 think it's inappropriate for the board to now try to
3 cross-examine your expert with a report they just
4 got handed to them based on his testimony. This is
5 expert testimony as opposed to simple factual -- do
6 you have any other witnesses tonight or no?

7 MR. MICHELINI: No, but I just, you
8 know, with all due respect, Mr. McGuckin, we did
9 have a discussion about possibly exchanging reports
10 ten days in advance of the hearing, which I
11 certainly was willing to do, provided that you would
12 give me the courtesy of the board's reports ten days
13 in advance of any hearing and you were not able to
14 do that.

15 I'm not saying you're wrong or
16 casting any characterization of that. But you said
17 that you could not make that representation, that
18 you would have your reports ten days prior to any
19 hearing. So, I didn't want to put myself in a
20 position where we were prejudiced where we gave our
21 reports ahead of time and you didn't.

22 So, under those circumstances,
23 because you were unable to make that, rejected my
24 suggestion of mutual exchange ten days prior to any
25 expert testimony, we are here tonight testifying.

1 And, quite frankly, I really didn't want anybody
2 flipping through the report. I wanted them to
3 listen to the testimony.
4 MR. MCGUCKIN: Understandable. Two
5 things, though. Number one, I don't make that
6 decision. The board would have to make that
7 decision and only the board members can do that at a
8 meeting. So, I don't have the right to make that
9 decision for the board. So, I thought that's what I
10 had related to you.

11 Second of all, I think that I
12 indicated we'd try to provide our ten days in
13 advance, but I don't write them. I'm not preparing
14 the report. So, understandable. But having said
15 that, at the beginning of the meeting, I understand
16 why you didn't want them to have to thumb through
17 it. But had they had the opportunity to review the
18 report as the testimony was going on, I think they
19 would be in a position to ask intelligent questions.
20 I don't think they're in a position to do that when
21 they just got handed 80 pages, 90 pages just now.

22 MR. MICHELINI: You know, the
23 testimony is what we're really talking about. I
24 mean, the testimony was significant. And,
25 hopefully, everybody listened to it. I can't

1 imagine that there would be a lot of discussion
2 about the statistics because they came out of public
3 documents, many of which are Berkeley Township's own
4 documents. But in terms of the conclusions or the
5 statements that are drawn from those, I would
6 imagine that the board or the professionals might
7 have some questions. If they don't, they don't.

8 MR. MCGUCKIN: All right. I know I'm
9 going to have questions but I'm not going to be able
10 to do it in the next 25 minutes. I'm going to want
11 to read the 90 some page report before I start my
12 cross-examination of your expert. Again, I think
13 this is expert testimony. This isn't just factual
14 testimony of a resident. This is expert testimony.
15 This is facts and figures that were cited were, you
16 know, very, very detailed, very particular. And
17 those are the kind of details that I think the board
18 is going to want to have an opportunity to review
19 before they get to ask your expert questions. I
20 don't think there's any question about that.

21 MR. MICHELINI: Well, I certainly
22 object to that and would request that you move
23 forward tonight. That's --

24 MR. MCGUCKIN: Again, I think if you
25 had given it to us at eight o'clock, we might have

1 been able to get through another half hour of
2 questions.

3 MR. MICHELINI: I --

4 MR. MCGUCKIN: You didn't. I
5 understand why. I get it. I think --

6 MR. MICHELINI: We'd probably be
7 still having this discussion. With all due respect,
8 it's --

9 MR. MCGUCKIN: Can I finish my
10 statement, please?

11 MR. MICHELINI: Yeah, I'm sorry. Go
12 ahead.

13 MR. MCGUCKIN: We could have had an
14 opportunity to at least get some of these questions
15 done tonight if we had the chance to look at it over
16 the last hour and a half. We haven't. We just got
17 it three minutes ago. It's ninety pages. Clearly,
18 that's inappropriate for them to cross-examine or
19 question an expert witness on a report and testimony
20 that they've had for three minutes.

21 I mean, I understand why you
22 disagree. I understand your objection. But my
23 recommendation to the board is that the board have
24 an opportunity to review the report and then come
25 back at our next meeting and be in a position to ask

1 intelligent questions based upon the testimony and
2 the report that's been submitted.

3 MR. MICHELINI: Obviously, I object
4 and disagree. I think we should proceed. But if
5 that's the board's pleasure, then I would simply ask
6 that I have the same opportunity. So that when the
7 board's professionals testify, I am given the
8 report, and then we go to the next meeting before I
9 have to do any cross-examination.

10 MR. MCGUCKIN: I think that's
11 absolutely appropriate, unless the reports are
12 provided to you well in advance of the hearing.
13 But, certainly, I think that's appropriate. I think
14 the board could accommodate that. But, again,
15 that's the board's decision, not mine.

16 MR. MICHELINI: I would only say that
17 if the board is going to have 30 days, roughly, to
18 review the report, come up with cross-examination,
19 then I should have the board's expert's reports 30
20 days prior to any testimony if that's the case.

21 MR. MCGUCKIN: I think we'll address
22 that after you conclude your case. And that may
23 very well be appropriate. That will give you
24 appropriation resolution.

25 MR. MICHELINI: And I remind you -- I

1 mean, I know maybe you couldn't speak for the board,
2 but I tried to avoid this by offering to give the
3 report ten days ahead of time provided the board's
4 professionals would give me their reports ten days
5 prior to their testifying. And that didn't happen
6 because Mr. McGuckin rejected that proposal.

7 MR. MCGUCKIN: Let's be fair. I
8 didn't reject the proposal. I indicated I can't
9 make that decision. That's for the board to make.
10 I can't make that decision.

11 MR. MICHELINI: I understand. But in
12 practical terms, that's a rejection. But thank you.

13 MR. MCGUCKIN: I understand.

14 MR. WINWARD: I actually have a
15 couple immediate questions, just my notes from the
16 testimony.

17 MR. MICHELINI: Sure.

18 MR. WINWARD: And then I found it
19 here in writing on page 11. Couple things didn't
20 make sense. I thought I wrote it down wrong.

21 You had said there's 490 people,
22 residents in South Seaside Park?

23 MR. BAUMAN: Right.

24 MR. WINWARD: And, yet, there's 1,410
25 houses. Is there -- is that like a 66 percent

1 vacancy rate? That doesn't make sense. On page 11.
2 Item number two has the population. Item number
3 three has the housing units.

4 MR. BAUMAN: Page 11 on two.

5 MR. WINWARD: Yeah, at the very top.

6 MR. BAUMAN: Right.

7 MR. WINWARD: South Seaside Park's
8 490 residents make up only .1 percent of the
9 population.

10 MR. BAUMAN: Okay.

11 MR. WINWARD: The next paragraph says
12 there's 1,400 houses.

13 MR. BAUMAN: Those are U.S. Census
14 data records. I can't dispute those. That was the
15 counts.

16 MR. WINWARD: Doesn't make sense.
17 Okay.

18 MR. BAUMAN: Yeah, that was the
19 count.

20 MR. MICHELINI: I'm not testifying
21 but I believe it's permanent residents. And that's
22 the difference. You have a lot of summer houses.

23 MR. WINWARD: And then I have one
24 other question real quick. You might not have an
25 answer to it.

1 A statement was made that there is no
2 senior trips provided on the barrier island by
3 Berkeley Township. Do any of the adjoining towns
4 have any kind of, like, programs for seniors that --

5 MR. MICHELINI: I believe
6 Seaside Park does. And there was testimony of that
7 by Pat Dolobacs.

8 MR. WINWARD: I was just curious
9 about that. Okay. That's all I had.

10 Anybody else have any other questions
11 they would like to ask from the testimony?

12 MR. BACCHIONE: Not at this time.

13 MR. PETERS: Mr. Bauman, you made a
14 comment or you gave testimony, please correct me if
15 I'm wrong, 1,103 seasonal housing units in
16 South Seaside Park. Is that in your report
17 somewhere? I apologize. I'm -- while everyone's
18 arguing, I'm trying to read the damn thing.

19 MR. MICHELINI: Is that a legal term
20 in that description?

21 MR. PETERS: I was just trying to
22 find the place where my handwritten notes match up
23 with your report.

24 MR. BAUMAN: Right.

25 MR. PETERS: And if not, that's okay.

1 MR. BAUMAN: Page 54, Exhibit 7-A
2 chart titled, Housing Units by Occupancy and
3 Seasonal Use. 2010 Census Data, South Seaside Park
4 has 1,103 seasonal units; Berkeley Township 2,127.

5 MR. PETERS: Thank you.

6 MR. BAUMAN: You're welcome.

7 MR. WISER: Mr. Chairman?

8 MR. WINWARD: Yes.

9 MR. WISER: I'm not prepared at this
10 point in time to, you know, discuss the -- all of
11 the statistics and all of the testimony without
12 having a chance to go back and put them in some
13 context by reading the source documents myself,
14 amongst other things.

15 MR. WINWARD: Jim?

16 MR. ORIS: Mr. Chairman, I would
17 share Mr. Wiser's opinion that there was a lot of
18 information that was put forward to the board. I
19 would want to review that information, in the
20 context of the testimony and the report, so that I
21 could better advise or ask questions and answer your
22 questions, if you have them.

23 MR. WINWARD: Okay.

24 MR. DICKERSON: Mr. Chairman --

25 MR. WINWARD: Yes.

1 MR. DICKERSON: -- I would also like
2 to echo the same sentiments of the other
3 professionals, that I'd like the chance to review
4 the document in relation to the testimony that was
5 given.

6 MR. WINWARD: Okay.

7 MR. McGUCKIN: I do have one question
8 I could ask tonight. I don't think it's critical in
9 the report.

10 EXAMINATION BY MR. McGUCKIN:

11 Q Mr. Bauman, you indicated that the
12 residents of South Seaside Park can't participate in
13 affordable housing type programs, such as grants, et
14 cetera. I believe you indicated that was the case?

15 A They can't. There's no programs that
16 are active in South Seaside Park. I don't know if
17 they're banned or not able to.

18 Q I think you also testified earlier
19 that it's a good idea not to provide for affordable
20 housing in flood zones, correct?

21 A That's what your reexamination plan
22 says. Not in flood hazard areas.

23 Q And you agree with that, right?

24 A Yes.

25 Q And South Seaside Park is a flood

1 correct?

2 A No, I said that the 2005 Master Plan
3 Reexamination Report encourages that the flood --
4 that affordable housing and capital improvements not
5 be done in a flood hazard area.

6 Q You didn't say as you were testifying
7 that's a good thing that you're not putting
8 affordable housing in a flood zone?

9 A That was a side -- an after remark I
10 could take back.

11 Q Do you want to withdraw that remark?

12 A Yes.

13 MR. McGUCKIN: Okay. Thank you.

14 FURTHER EXAMINATION BY MR. MICHELINI:

15 Q Just a follow-up on that. The
16 Township of Berkeley isn't losing anything in terms
17 of affordable housing because there's none over
18 there, correct?

19 A That's correct.

20 Q In the event of de-annexation,
21 correct?

22 A Correct.

23 MR. MICHELINI: Thank you.

24 Anybody else?

25 MR. WINWARD: From the board no more

1 area, correct?

2 A I believe so.

3 Q So, it would not make sense, from a
4 planning perspective, to develop affordable housing
5 in South Seaside Park, correct?

6 A Any housing, affordable housing, rich
7 housing, any housing in flood hazard areas is
8 probably not a good idea unless it's properly done.
9 And perhaps any island zoning, new island zones
10 would address that. Perhaps you'd change your mind
11 in the future should the zoning be implemented.

12 Q So, you think that affordable housing
13 should be developed in South Seaside Park or you
14 don't?

15 A I have no opinion on whether or not
16 it should be or not.

17 Q Okay.

18 A I was just observing the past
19 activities of the township, whereas, since 1992,
20 they haven't exercised any Ocean County community
21 development block grants in South Seaside Park. All
22 that rehabilitation money went into the over 55
23 communities on mainland.

24 Q You did testify that it's not a good
25 idea to develop affordable housing in a flood zone,

1 questions?

2 MR. BACCHIONE: Through the Chair. I
3 do have a question.

4 You mentioned there would be no
5 economic loss to Berkeley Township should the
6 de-annexation take place. You never mentioned
7 anything about the beachfront in Berkeley Township
8 if we lose the beach. Is that statistically a loss
9 for Berkeley Township?

10 You mentioned also Island Beach State
11 Park. Island Beach State Park is run by the State.
12 There's no revenues that come to Berkeley Township
13 from Island Beach State Park. So, to say it's part
14 of Berkeley Township -- the land is still part of
15 Berkeley Township, but there's no monetary gains
16 from South Sea -- from the Island Beach State Park.

17 So, I guess my question is: Is there
18 a value on the beachfront for Berkeley Township,
19 should we lose it?

20 MR. BAUMAN: Yes, there would be a
21 value loss.

22 MR. BACCHIONE: There would be a loss
23 there?

24 MR. BAUMAN: I can't put an economic
25 value on it. I'm not an appraiser.

1 MR. BACCHIONE: I'm not looking for a
2 number, but there is a loss?
3 MR. BAUMAN: Yes.
4 MR. BACCHIONE: Okay. Thank you.
5 FURTHER EXAMINATION BY MR. MICHELINI:
6 Q Is it significant, as best you could
7 tell, from a planning standpoint, not from a
8 municipal accounting standpoint, but from a planning
9 standpoint, the loss of three blocks of beach?
10 A No, when they're under the
11 jurisdiction of the township, there's miles and
12 miles of beach. But I'll -- granted, it's a state
13 park but Berkeley Township does not lose significant
14 beachfront property.
15 MR. BACCHIONE: But we lose the only
16 beachfront property that we have.
17 MR. BAUMAN: But the jurisdiction of
18 Island Beach State Park, it's a state park, but it's
19 under the jurisdiction of Berkeley Township.
20 MR. BACCHIONE: Which is not
21 protected by Berkeley Township, but which is open to
22 the general public, anyway. Thank you.
23 MR. BAUMAN: Not a loss.
24 FURTHER EXAMINATION BY MR. MCGUCKIN:
25 Q Follow-up on that.

1 You understand the difference between a
2 township owning a beach, maintaining a beach,
3 receiving revenue from a beach and providing a beach
4 for their residents at a reduced rate?
5 A Yes.
6 Q And you understand Berkeley Township
7 cannot do that in the 9.9 miles of Island Beach
8 State Park, correct?
9 A Right, yeah.
10 Q Which is the only oceanfront beach
11 that Berkeley Township has and controls; is that
12 correct?
13 A That's correct.
14 Q And how many towns have oceanfront
15 beach in New Jersey? Do you have an idea of what
16 that would be?
17 A I don't know.
18 Q You would agree it's a unique
19 resource for any municipality that, an oceanfront
20 beach that they own and control, maintain, provide
21 access to for their residents, would you not?
22 A Yes.
23 MR. MCGUCKIN: Thank you.
24 MR. MICHELINI: I will have our
25 municipal planner address the economics of the

1 beach. Because for all I know, it could be the
2 other way where it's, you know, you don't make any
3 money on the beach or maybe you do. I don't know.
4 MR. MCGUCKIN: You're talking about a
5 finance guy?
6 MR. MICHELINI: Yeah, a finance guy.
7 Municipal accountant. It's not -- not the planner.
8 MR. MCGUCKIN: From a planning --
9 MR. MICHELINI: Yeah.
10 MR. MCGUCKIN: My question was from a
11 planning perspective. Okay. Thank you.
12 MR. MICHELINI: Okay. Anything else?
13 MR. MCGUCKIN: Not for tonight. You
14 have no other witnesses tonight, Joe?
15 MR. MICHELINI: No. I wasn't going
16 to bring two professionals here.
17 MR. MCGUCKIN: We'll talk about our
18 next meeting so that we know where we're at.
19 MR. MICHELINI: Sure.
20 MR. MCGUCKIN: Because I know you
21 don't want to bring an expert if you don't need to.
22 I don't know for certain but I'm
23 guessing, the questions and comments of your planner
24 will take up a substantial portion of the two hours.
25 I could be wrong. But my guess is questioning and

1 redirect. Tell me if you think I'm incorrect.
2 MR. MICHELINI: It's hard to know. I
3 mean, I don't know how long you -- maybe what you
4 can do, and I would, I would welcome this, is, you
5 know, maybe ten days before the meeting, you can
6 contact me and confer with your professionals,
7 because I would imagine most of the questions will
8 come from your professionals, and find out what they
9 think or how long it's going to take them. And then
10 we can make a decision about what we do next
11 meeting.
12 MR. MCGUCKIN: I'm okay with that. I
13 don't want to, you know, foreclose the board,
14 though.
15 MR. MICHELINI: No, we wouldn't
16 foreclose the board, of course.
17 MR. MCGUCKIN: Yeah.
18 MR. MICHELINI: But, you know, I'm
19 just -- I'm saying that most of the questions will
20 probably come from the professionals.
21 MR. MCGUCKIN: That's fine with me.
22 MR. MICHELINI: Okay.
23 MR. WINWARD: Okay. Thank you very
24 much.
25 MR. BAUMAN: Thank you.

1 MR. MICHELINI: Have a good night
2 everybody.
3 (Matter adjourned.)
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2 C E R T I F I C A T E
3
4 I, LINDA SULLIVAN-HILL, a Notary
5 Public and Certified Court Reporter of the State of
6 New Jersey, do hereby certify that the foregoing is
7 a true and accurate transcript of the proceedings as
8 taken stenographically by and before me at the time,
9 place and on the date hereinbefore set forth.

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Linda Sullivan Hill

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

Dated: August 24, 2015

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