

TOWNSHIP OF BERKELEY
PLANNING BOARD

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

Pinewald Keswick Road
Bayville, New Jersey
Thursday, March 2, 2017
7:30 p.m.

B E F O R E:

- Robert Winward, Chairman
- Domenick Lofelli, Member
- Richard Callahan, Member
- Frederick Bell, Member
- Nick Mackres, Member
- John Hudak, Member

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APPEARANCES:

DASTT, MURPHY, MCGUCKIN, ULAKY,
CHERKOS & CONNORS, ESQS.
620 W. Lacey Road
Forked River, New Jersey 08731
BY: GREGORY, MCGUCKIN, ESQ.
Attorneys for the Board

ALSO PRESENT:

- Ergie Peters, Engineer
- Kelly Hugg, Secretary
- Stanley Stachetka, Planner
- Nicholas Dickerson, Planner

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MR. WINWARD: Next up, we have
Presentation of the Adoption of the Coastal
Neighborhood Resiliency Plan and the Neighborhood
Plan for South Seaside Park as addendums to the
Berkeley Township Master Plan. Then we're going to
have a discussion and a public hearing.
Does our court reporter, secretary
need a break or anything at this time? Board
members?
(Recess was taken.)
MR. WINWARD: Let's begin. We're, as
I stated before, we're going to get a review of the
Coastal Neighborhood Resiliency Plan for
Berkeley Township by our planner.
MR. DICKERSON: Thank you, Mr. Chair,
members of the board.
So, actually, just to clarify, it's
two different plans. We have the Coastal
Neighborhood Resiliency Plan and the Neighborhood
Plan for South Seaside Park.
Now, these plans, I came to the board
in December to give you a little bit of a status
update as to what these are. But because this is a
public hearing, I want to give everyone a little bit
of the background of what's going on and what these

projects are, so that everyone is on the same page
here.
These two projects are both part of
the township's ongoing involvement in the State's
Post Sandy Planning Assistance Grant Program. We've
come before the board with other presentations,
whether it was the Master Plan Reexamination Report
in 2015, there were also ordinance amendments, there
was a GIS program, a hazard mitigation program. Our
office has also, and, actually, Mr. Peter's office,
has also worked with some other ordinances and a
re-evaluation of the township's CRS program, which
has actually helped to reduce flood insurance costs
for residents in flood zones in the township. So,
needless to say, this has been a pretty extensive
involvement. And it has really started to bring
benefits to the township in the years following
Superstorm Sandy.
Now the whole intention behind this
grant program is kind of three prongs. It's -- it
was originally to facilitate immediate recovery and
rebuilding from the storm. And then looking at the
next step being, okay, what are the hurdles that are
in the way of rebuilding and trying to address them,
whether it was through the master plan reexamination

1 report or in the subsequent neighborhood plan
2 amendments, looking at that, and then there's the
3 question of long-term resilience, which is, when the
4 next storm comes, whether it's a Sandy or just maybe
5 a full moon/high tide/pouring rain kind of storm,
6 what can we do that will help ease those issues?
7 And if there's a bigger storm, how can we make sure
8 that people get back on their feet and people can
9 get back to business quicker.

10 So, this project, well, actually both
11 of these projects, were kind of inspired from some
12 of the earlier planning documents. The township in
13 2014 adopted a strategic recovery plan report which
14 identified areas where there had been damage and
15 cited a couple neighborhoods throughout the
16 township. Naturally, most of these are coastal
17 neighborhoods. And when the township then undertook
18 the 2015 Master Plan Reexamination report, one of
19 the questions was regarding the -- there had been
20 some prior proposed changes to zoning and the land
21 use plan for the neighborhood of South Seaside Park.

22 So, with all of those comments, it
23 provided justification that maybe the township
24 should look into, not only how to protect coastal
25 neighborhoods, but also to take a deeper dive into

1 the question of how to effectively zone or, and plan
2 for develop -- future development in South Seaside
3 Park. And I guess I should turn on my screen here,
4 considering I set this all up here.

5 And so, as we discussed, I'll be
6 presenting both these plans and then we can open it
7 up to discussion. And the ultimate result or the
8 intended result of these plans is, any
9 recommendations that are made, then can be used
10 later on to help to justify any changes that need to
11 be made to the zoning and development ordinances in
12 order to help achieve these ends. Because,
13 basically, you know, we want to make sure that when
14 you're trying to rebuild after the storm, that you
15 don't have hurdles in the way they're trying to
16 prohibit you from doing what is really -- I mean,
17 you want to be able to be prepared for that next
18 storm. And you want to be able to move back into a
19 functioning home. So, we want to make sure that we
20 can avoid those regulatory hurdles. So if there's
21 any changes that are recommended, these documents,
22 should they be adopted as components of the Master
23 Plan, will provide that justification.

24 Now, I kind of discussed this when I
25 presented it in December, about the timeline of this

1 project. Originally, our staff met with a steering
2 committee of township officials in early October.
3 Then we followed up in December and January. I also
4 came before the board and presented our preliminary
5 findings in December. This was also an opportunity
6 for us to get out to the public that we were going
7 to be hosting some meetings with the communities.

8 Now, we hosted one mainland meeting.
9 That was at the Berkeley Township Recreational
10 Center on Route Nine in -- on December 14. And then
11 we hosted two in, for the South Seaside Park plan.
12 These were held at the Tri-Boro First Aid Squad
13 building in Seaside Park. The first was on the 15th
14 and the follow-up one was in -- it was, I believe,
15 yeah, January 12. And the first one was to provide
16 the original findings. And then the second one was
17 to review some recommendations.

18 Now, the reason we hosted two
19 meetings for the South Seaside Park plan was because
20 this one was going to be a much more deep dive into
21 the land use. Whereas, when you're looking at seven
22 neighborhoods on the mainland, you can't really look
23 into, I believe it was about 8,000 parcels, and try
24 to come up with land use recommendations. That was
25 much more of a big picture resiliency objectives

1 type of study. And, which brings us to today, the
2 public hearing.

3 Now, to complete both of these plans,
4 we, first off, did a lot of initial research. That
5 involved going out to the sites, taking pictures,
6 understanding what recommendations or kind of
7 guidelines were in previous plans. We conducted
8 vulnerability analyses for not only the coastal
9 neighborhoods but also South Seaside Park. We
10 looked into where were there variances going before
11 the zoning board to see if, you know, when I talked
12 about those types of regulatory hurdles, if there
13 were things that suggested that a certain
14 neighborhood, maybe the zoning did not quite match
15 what was on the ground. So, we looked into that.

16 We looked into the locations of
17 critical facilities to see if there needs to be
18 additional protection around them. We looked into
19 the existing land uses to see if the land uses
20 matched what was on the zoning. So, this would be,
21 if you had an area that was commercial and it was
22 all residential and vice versa, you want to see what
23 the character -- characteristics of the area are.

24 We looked into flood zones, both the
25 FEMA flood maps, but we also looked into

1 projections, what would happen if a category one
2 storm hit, two, three and four. We looked into
3 various projections for sea level rise.

4 So, we wanted to see just how these
5 areas could be at risk and how we could work to
6 mitigate that risk, as well, for that long-term
7 aspect of the scope. And then we also looked into
8 existing zoning.

9 Just some examples of public input.
10 We met with community members. We had
11 questionnaires. We really wanted people to, you
12 know, let us know where they saw issues and, you
13 know, use that as part, like, to really bolster the
14 findings we found in-house. Because, as I mentioned
15 in December, it's one thing for us to cook up a plan
16 in the office just using a lot of map data and
17 census data, it's another thing to be able to get
18 some perspectives of not only the people who live
19 there, but also just understanding what is going on
20 in that area so that we can use that to further
21 inform our analysis. So, that's kind of the
22 similarities between both the projects.

23 So, at this point, I'm going to break
24 it into the two individual projects. So, first,
25 we'll travel to South Seaside Park for the

1 neighborhood plan. Now, this plan, as I mentioned,
2 is a little bit more detailed than the coastal
3 neighborhoods resiliency plan. And it contains
4 several sections. And I'm going to touch on most of
5 these. Some of these are more requirements that
6 need to be in any plan, like a relationship to state
7 and local objectives. Those things are, usually are
8 pretty similar. But I'm going to go through each of
9 these things because -- and I apologize that this
10 presentation might seem a little long, but
11 considering we're dealing with about 600 pieces of
12 paper, I figured maybe I'd give everyone the
13 Reader's Digest version of them, since I wasn't able
14 to, like I said, make a audio book that people could
15 more easily digest in the period of time that these
16 things have been released.

17 So, existing conditions, this was the
18 first thing we looked at, because we wanted to see,
19 okay, well, what's on the ground. And we developed
20 these maps using property tax data that -- I mean,
21 you get property tax based on what you're using your
22 property for. So, it gives you a first line of,
23 okay, what might be on the ground. It was actually
24 very helpful during our community meetings because
25 people were able to point out if anything looked a

1 little off. Because sometimes property tax codes
2 are not perfect. So, we were able to use that input
3 to help shore up what the existing conditions looked
4 like in the neighborhood.

5 Now, South Seaside Park didn't
6 require -- didn't experience too many repetitive
7 losses due to storm damage, only three. This is
8 actually very light compared to some of the
9 neighborhoods that I'll get into when I move to the
10 mainland. And in terms of variances that have gone
11 before the board in 2014, 2015, there were a few
12 scattered across the various zone districts. There
13 was eight total. But, as you can see, they were
14 evenly distributed. So, then we compared the land
15 uses on the ground to the on-the-ground zoning.

16 We also then wanted to examine a 2008
17 proposal that changed the land use districts with
18 the intent to change the zoning in the area.
19 Because we wanted to see, okay, do we go with a land
20 use plan that maps to the existing zoning? Do we
21 follow the example that was adopted as part of the
22 2008 plan? Or do we find some sort of middle
23 ground? So, we looked into this.

24 And we also conducted a vulnerability
25 assessment where we wanted to see what properties

1 are going to be vulnerable to flood risk. And our
2 flood risk we used for this analysis was just the
3 preliminary FEMA flood maps. We weren't using any
4 of the category five storm or sea level rise
5 projections. This was based purely on the flood
6 maps. And what this shows is that quite a few
7 properties are vulnerable to flood waters. Out of
8 the 1400 or so parcels in South Seaside Park, over a
9 thousand are vulnerable to flood waters. Most of
10 them are residential. And, as you can see, the
11 value of those properties, almost \$400 million. The
12 assessed value, that is. So, it's in everyone's
13 interest to make sure that, you know, not only this
14 neighborhood, but as I get into the other
15 neighborhoods as well, that we find ways to protect,
16 you know, not only people's properties which in ways
17 that we can also protect the community at large.

18 So, after looking at this, we
19 developed a series of goals and objectives. And
20 some of these are very general. You have promoting
21 stormwater management, which is seeking out -- and,
22 actually, by the way, let me just add that these
23 goals and objectives, if you're looking in the text,
24 they're going to be a little bit more lengthy. In
25 order to put them on slides so that they were

1 actually readable, I tried to condense them a little
 2 bit. So, these are more a summary of the actual
 3 goals and objectives, if you need additional detail.
 4 But promoting stormwater management, which really is
 5 trying to seek ways to make sure that when it rains,
 6 let's get the water to be absorbed into something as
 7 opposed to collecting in the streets. Because the
 8 last thing we want is, when you have rainwater
 9 that's collecting in the street and then you have
 10 some flooding from a storm, it means a lot more
 11 flooding. So, whatever opportunities that can be
 12 taken to reduce the rainwater flooding makes the
 13 other flooding, you know, not nearly as bad. So,
 14 it's encouraging opportunities. We're not forcing
 15 anyone to have green infrastructure. It's
 16 encouraging opportunities if there are impediments
 17 to it. Exploring opportunities that allow people to
 18 create more places where stormwater can be absorbed.
 19 So, there's a couple things on green
 20 infrastructure. Exploring the opportunities for
 21 filling low points where water might pool. Because
 22 the last thing that people want is standing water
 23 anywhere. Again, less of a problem in some areas
 24 than others. Educating the public on various
 25 opportunities that they can use. And, of course,

1 supporting the implementation of the township's
 2 stormwater management plan.
 3 The second goal is ensuring the
 4 safety of building and structures. And this was
 5 something that came up during our meetings with the
 6 public, was just the desire to make sure that when
 7 people come in for permits, that there's uniform
 8 enforcement of the requirements. And so, we specify
 9 that in these goals and objectives, saying, ensuring
 10 that existing building and property maintenance
 11 goals are strictly and uniformly enforced. We want
 12 to avoid any types of ambiguities in the codes that
 13 would allow somebody to come in and get one answer
 14 and somebody else to come in and get another answer.
 15 And other things that we'd be looking
 16 at is just making sure buildings are anchored in
 17 terms of accessory buildings. Because the last
 18 thing you want is, if there's a flood, you don't
 19 want some building to, you know, come through your
 20 house. And then also making sure that public
 21 facilities are located in places that are safe from
 22 floodwaters, so that when there is a storm, you can
 23 provide continuity of services so that, you know,
 24 people can get up out of their daily lives and seek
 25 any attention that they need.

1 Encourage local use of the Block
 2 Grant Housing Rehabilitation Program. This is
 3 actually something that, when Stan had been
 4 presenting earlier on the housing plan, this is part
 5 of that. If there are people that are in need of
 6 housing rehabilitation and are eligible, we want to
 7 encourage them to utilize that program. And then
 8 also making sure that flood protection devices are
 9 working. So, if you have storm drains, making sure
 10 that the storm drains are clear. Otherwise, they're
 11 not much of a storm drain.

12 Third goal is protecting natural
 13 resources and protecting shoreline management. And
 14 this is really just protecting natural resource
 15 areas. Working with shoreline stabilization to
 16 limit erosion, whether that's on the bayfront or on
 17 the dunes, which that was something that came up
 18 during our meetings with the public, was how the
 19 dunes really helped save the neighborhood. I mean,
 20 we hear plenty of other neighborhoods up along the
 21 barrier island that weren't as fortunate, but South
 22 Seaside Park was, I mean, the damages could have
 23 been a lot greater if it weren't for that dune
 24 system. And then, so, it's supporting those types
 25 of practices. And that's really the gist of goal

1 number three.
 2 Goal number four is, facilitating
 3 faster recovery. This is the, you know, how do you
 4 get back into your house faster and go about your
 5 daily life faster. And that's looking into zoning
 6 amendments that would eliminate any lot
 7 nonconformities. This is another thing that came up
 8 during our meeting with residents where people were
 9 saying that, basically, anything they do to make
 10 improvements to their houses, they're going before
 11 the zoning board because the zoning doesn't match
 12 their houses. So, well, of course, we want people
 13 to rebuild and we want people to rebuild in a way
 14 that will allow them to stay safe during a storm.
 15 So, we recommend looking into that so -- and any
 16 amendments to the zoning ordinance that would help
 17 promote that. And also just looking into things
 18 like promoting small scale renewable. So, if the
 19 power goes out, you have some sort of backup.
 20 Again, this is also looking into
 21 where there's localized flooding and exploring ways
 22 to reduce localized flooding. Working with partners
 23 on various levels to coordinate resiliency and
 24 hardening of the electric distribution grids. So,
 25 you know, it's less likely that your utilities go

1 out in the event of a storm.
 2 Goal number five, and this really
 3 goes to that recommendation from the 2015 master
 4 plan which is, recognize and protect the island's
 5 coastal neighborhood character. And this is really
 6 promoting land uses that are consistent and
 7 compatible with existing features and are
 8 characteristic of shore communities. Revise the
 9 land use plan map for the neighborhood to reflect
 10 existing conditions. Because the neighborhood is
 11 built out, so we want to make sure that what is on
 12 the ground is permissible so that, you know, when a
 13 storm comes, you can rebuild and not have to deal
 14 with the hassles of having to go before the zoning
 15 board. And then, finally, and I think this is one
 16 of the biggest points, again, that came up during
 17 the meetings, was just that we want to continue to
 18 clarify existing regulations and make sure that
 19 they're written in a way that there will be uniform
 20 enforcement. We don't want people getting different
 21 news from different people and being told that they
 22 have to be subject to a different standard than
 23 somebody else who's seeking the same exact question.
 24 So, this plan, and I will get into
 25 this again with the next plan, has various solutions

1 for, you know, quote/unquote building resiliency.
 2 And this is some green infrastructure options,
 3 whether it's downspout disconnection. Instead of
 4 having your gutters go right into your driveway,
 5 which go into the street, and fill the stormwater
 6 system, this is making sure, trying to keep the
 7 water on-site and reusing it, whether it's through
 8 rain barrels, which you can then use to water
 9 plants, or just making sure that it doesn't go
 10 directly into the storm drains. It's about slowing
 11 it down so that you can really reduce the amount of
 12 flooding when you have a big storm.
 13 Absorbent landscaping. Now, I know
 14 most of you probably don't have landscaping like
 15 this on the barrier island. And you have something
 16 more like this. That's still absorbent. You're not
 17 paving your property. But this is also a great
 18 stormwater reduction and device because stormwater
 19 can percolate right into the ground right where it
 20 is. There's also rain gardens and bioswales, which
 21 can work in some locations. I'm not saying that the
 22 entire barrier island can benefit from these types
 23 of things, because the water table can be pretty
 24 high. But in areas where it would work, it's
 25 another way of just reducing that overall stormwater

1 load.
 2 Of course, there are green roofs for
 3 anyone who is interested. I know these are still
 4 rare, but it's another option to reduce the amount
 5 of stormwater. And then there are other side
 6 benefits that can help you reduce energy consumption
 7 in your house. Because it provides some degree of
 8 insulation.
 9 Again, with all these
 10 recommendations, it's not saying that people are
 11 going to be required to, you know, put a grass roof
 12 on their house. This is just saying that these are
 13 recommendations. And we're showing them in this
 14 publication so that if somebody wants to do it, we
 15 want to make sure that there are no hurdles against
 16 it. It's not saying that everyone is now going to
 17 need to have a garden on top of their roof.
 18 Living shore lines. This is an
 19 example from North Carolina, I believe. But it's a
 20 semi-engineered solution to rebuilding the shoreline
 21 in areas where erosion has taken it away, where it's
 22 a mix of riprap, plantings and other medium that
 23 help to create a shoreline.
 24 So, the next section was the proposed
 25 land use plan. And what we did was, this largely

1 follows the existing zoning with some changes. Now,
 2 a land use plan, just so we're clear, this is the
 3 plan for the area. This, it provides the foundation
 4 for zoning. It is not the zoning. This allows, if
 5 any changes need to be made, those ordinances, any
 6 ordinances that need to be made, it gives them that
 7 justification to then make those changes.
 8 So, again, adoption of this plan is
 9 not changing any of the zoning on the site. But
 10 what this land use plan does is create land use
 11 districts that are unique to this neighborhood.
 12 Because we understand that the area is much
 13 different from the mainland in terms of like lot
 14 sizes. Lot sizes are smaller in the barrier island
 15 than they are on the mainland. So, holding people
 16 to a standard that would be for larger lots on the
 17 mainland doesn't quite make sense. So, we wanted to
 18 make sure that these land use districts were really
 19 tailor-made to South Seaside Park. And so, what we
 20 do is, there's several land use districts. We have
 21 island residential A, B; island residential flex;
 22 island main street; oceanfront mixed use; island
 23 cottage community; island townhomes.
 24 Now, what these do is, what we were
 25 trying to do was accommodate what is already on the

1 ground. We're not proposing that one of these
 2 districts is going to completely change the whole
 3 landscape. But we wanted to make sure that in each
 4 of these areas -- so, like, for example, the island
 5 main street, this is the existing commercial zoned
 6 area of South Seaside Park. And through our
 7 analysis, we noticed that there are some commercial
 8 properties, but there are also some residential
 9 properties. If something were to happen and someone
 10 wanted to rebuild, we want to make sure that any of
 11 those people could rebuild. And, currently, the
 12 commercial zoning only permits commercial uses. By
 13 creating more of this -- I mean, because there are
 14 residential properties, those people would have to
 15 go before the zoning board currently. But by
 16 recommending an oceanfront mixed use, this allows
 17 for residential properties to be included in that so
 18 that they could then rebuild with less of those
 19 headaches. And we have additional recommendations
 20 that would go with each of these things. But,
 21 again, no ordinances are being adopted tonight.
 22 This is just the recommendations for the land use
 23 plan.

24 Finally, the plan concludes with a
 25 strategic action plan for which addresses some of

1 the immediate concerns. And one is adopting the
 2 neighborhood plan as a component of the master plan.
 3 This will allow, if any changes need to be made to
 4 the zoning, this provides that justification.

5 Another issue which came up during
 6 our discussions with the public and also with
 7 township officials, was fixing the zone map. So,
 8 regardless of whether or not any districts are
 9 changed, it's difficult to read the zoning map for
 10 the neighborhood. And some things are inaccurately
 11 listed. So, this is one of those easy actions that
 12 can be taken so that anyone who's going for a zoning
 13 permit, not only do they know what district they
 14 live in, but whoever's working and managing a zoning
 15 permit or building permit knows what district that
 16 that property is in. And there are some little
 17 examples, whether it's Midway Beach is -- there's a
 18 BR district currently, but it's not on the map.
 19 There's some lots that are split zoned. So, the
 20 intention of the township's zoning ordinance is not
 21 to create split zones. So, it's a matter of just
 22 fixing lines there. There's some areas in the zone
 23 map that actually don't cover properties. Red Top
 24 Marina doesn't have a zone line around it, so it's
 25 fixing that.

1 Third action would be to revise the
 2 land use plan, which I had discussed with that image
 3 before, to provide consistency between the existing
 4 uses and zoning. Again, we're not creating new land
 5 use districts that would create new types of
 6 development. We are creating land use districts
 7 that would permit what is currently on the ground.
 8 And so, it provides recommendations, like I said,
 9 the neighborhood business district, adding
 10 provisions for the existing residential in the area.
 11 And if residential wanted to be built in the area,
 12 creating conditions that would have to be met so
 13 that there are no conflicts between residential and
 14 commercial. And then there are some other questions
 15 of, like there's a townhouse zone on 24th Avenue,
 16 but it would not meet the terms of the existing
 17 zoning. So, possibly looking into rezoning that --
 18 to something that more accommodates what that area
 19 currently is.

20 Action four is establishing new zone
 21 districts applicable to protect the unique
 22 character. Again, this is one of those things
 23 where, the biggest example, I believe with this
 24 one -- well, this one is largely for the Midway
 25 district, where you have the BR district in an area

1 that's currently zoned for low-rise residential.
 2 And this is really to amend that so that anyone
 3 living in Midway or even the Arlington Beach
 4 communities, that if they need to make improvements
 5 to their houses, they can do so without having to go
 6 before the zoning board. We want to fix those
 7 things.

8 Let's see. Action five is just
 9 revise zoning bulk standards to reflect existing
 10 conditions of established communities that promote
 11 storm resiliency. The big thing here, and I had
 12 mentioned this earlier, was the R-50 district. It
 13 came up when we met with the public that the
 14 setbacks are kind of onerous for development in the
 15 R-50 district in South Seaside Park. So, one of the
 16 reasons why we're creating a new land use district
 17 for this is so that we can then recommend changes
 18 that would apply to this area that would create
 19 setbacks that match what is on the ground. Because
 20 there's an R-50 district on the mainland and an R-50
 21 district in South Seaside Park, you don't want to
 22 make changes that fit one area and then make --
 23 cause unintended consequences in the other. So, by
 24 creating a new district, this would allow flexible
 25 setbacks so that houses would have more -- you could

1 develop in a way that really matches the existing
 2 character of the community.
 3 Number six, recreational facilities.
 4 This was another thing that came up in the public
 5 meeting was, well, what can we do to enhance
 6 recreational opportunities for the public? And it's
 7 a great question. And it's a difficult question,
 8 because, as many know, that there's not many places
 9 of developable land in the area. But the other
 10 reason it's a great question is, it's not clear what
 11 should be there. So, we recommend that additional
 12 study, specifically a recreational needs study, is
 13 conducted to assess the needs of the population,
 14 both year-round and seasonal, and investigate
 15 potential sites and programming to address those
 16 needs. And if there's ways where you can multi use
 17 sites so that you get more use out of it year-round,
 18 that's great. It's not really the scope of this
 19 project, nor would we have the time to do it. So,
 20 it's something that we recommend in-depth study to
 21 go into this. And the reason I, like, say that we
 22 recommend additional study is, by putting it in this
 23 plan, just like this study itself was the
 24 recommendation of a previous plan, is, when you have
 25 these types of recommendations, when the township

1 goes out for grants, this -- it's things like this
 2 that allow the township to, you know, have a better
 3 chance at getting those grants.
 4 Action seven is, just identify
 5 opportunities to cooperate with federal, state,
 6 county and local entities to promote resilience.
 7 And that's, again, working with these partners to
 8 make sure that when a storm hits, how can we protect
 9 ourselves. Because another thing that came up in
 10 our meetings with the public was, while the flooding
 11 didn't necessarily come in directly from the ocean,
 12 it came in through the parks and then came up the
 13 back way into the neighborhood. So, well, what kind
 14 of dialogue needs to be established between the
 15 various players, whether it's Army Corp. of
 16 Engineers, the state, township, to address some of
 17 those areas where problematic flooding could come
 18 in? It's also looking into creating opportunities
 19 where, you know, as the state has purchased several
 20 pieces of property, working with them to see what
 21 will be used with those properties. Making sure the
 22 township has a say, rather than just letting the
 23 state move forward and do something without anyone
 24 knowing what's going on. And then -- actually I
 25 just wanted to -- and just making sure to pursue

1 grants to fund for the construction of a working
 2 shoreline. Again, to help protect the neighborhood
 3 and help to restore the shoreline. So, that's,
 4 basically, the coastal neighborhood plan.
 5 Now, the mainland's plan, as I had
 6 mentioned, is a little bit more of the 30,000 foot
 7 view. Because, instead of looking at 1400
 8 properties in a neighborhood, we were looking at
 9 seven neighborhoods with, I believe, over 8,000
 10 properties. So this is looking into resiliency
 11 practices that could be explored to help these
 12 neighborhoods a whole.
 13 So, as you'll see, the contents of
 14 the plan are a little bit more general. We did
 15 existing conditions analyses for each neighborhood.
 16 We did a vulnerability analysis, because we wanted
 17 to see what areas are at risk so we could see if we
 18 could fine tune our recommendations, which were then
 19 enumerated in a series of goals and objectives.
 20 Again, a section on building resiliency. This is
 21 going to be those green infrastructure techniques.
 22 There's probably a few more on the mainland. And
 23 the only reason for that is, certain things can be
 24 built on the mainland that probably would not be as
 25 effective in a barrier island environment. And I'll

1 get into that. And then also, as I mentioned, other
 2 required elements of the plan.
 3 So, real quick, we went through each
 4 neighborhood and we just wanted to see what the
 5 existing land use looks like. And Berkeley Shores,
 6 there's 1,500 -- 1,100 properties, about 300 acres,
 7 most of which residential. But you do have some --
 8 you have a school in the area and a few large tracts
 9 of public land.
 10 In terms of vulnerability, as you can
 11 see, most of the neighborhood is in a flood plain.
 12 You do have some high value waterways and of the --
 13 what is that? The number of properties, you have
 14 about 1,100 that are at risk of flooding. Again,
 15 most of which are residential. Four of these were
 16 repetitive loss properties and four properties had
 17 to receive variances as part of their rebuilding.
 18 And, as you can see, more than 96 percent of
 19 properties are potentially vulnerable to flood
 20 waters or a total of assessed value of \$450 million.
 21 Cedar Beach is the next neighborhood,
 22 1,300 parcels. Again, actually, in this case, it's
 23 split between residential and public. And this is
 24 the southern most study area. A lot of the
 25 buildings are still in the process of being rebuilt.

1 With that said, only one repetitive loss property.
 2 Quite a few properties are vulnerable to flood
 3 waters. In fact, actually 99 percent of them are
 4 vulnerable to flood waters. And that assessed value
 5 is about \$131,000,000. And that said, despite all
 6 that risk, two variances were sought in 2014, 2015
 7 for rebuilding, one of which was denied.

8 Glen Cove, this is moving just north
 9 of Cedar Beach. That's about 654 properties. 546
 10 of them are residential. As you can see by the
 11 colors, yellow means residential. So, you can see
 12 most of it's residential with some public areas and
 13 a few vacant lands. And, as you can see, there are
 14 quite a few houses that are still in various states
 15 of repair or disrepair. And, as you can see,
 16 100 percent of properties are vulnerable to flood
 17 waters. And repetitive loss properties, 20. This
 18 is the area where we noticed that there was a big
 19 issue in terms of not only threats to flood waters,
 20 but also there was a disconnect with the underlying
 21 zoning. Thirty-five properties in the R-64 district
 22 required variances. So, obviously, there is a
 23 disconnect between what's on the ground and the laws
 24 that are governing them.

25 The two little distinct neighborhoods

1 that form Good Luck Point. Largely, this area is, I
 2 mean, you have the large Forsythe wildlife refuge up
 3 here that occupies probably the majority of the land
 4 area. And then you have a few marinas. There's a
 5 restaurant and a few residential areas. But a lot
 6 of this area is very low-lying and did suffer a lot
 7 of damage in the storm. You can see 17 repetitive
 8 loss properties. Not too many variances, though, so
 9 what's on the ground is matching the zoning
 10 ordinances. And here, because you don't have too
 11 many properties that are privately owned, but while
 12 they're 100 percent vulnerable to flood waters, the
 13 total assessed value is about \$60 million.

14 Holly Park, largely residential
 15 community with some public lands. There's about
 16 2,500 parcels there. Of that 2,500, 1,800 are
 17 vulnerable to flood waters. Two repetitive losses,
 18 three variances. And about 71 percent of the
 19 properties are vulnerable to flood waters. Total
 20 assessed value, \$50 million.

21 Up north, you have Mill Creek.
 22 Again, largely residential with, you have a marina.
 23 You have the county park. And for a total of 486
 24 properties. Of those properties, 348 are
 25 potentially vulnerable to flood waters. In terms of

1 total assessed value, \$64 million. Only two
 2 repetitive losses, though, and three variances. All
 3 in the R-100 district. And as you can see, a lot of
 4 flood maps or the FEMA flood maps really are limited
 5 to the areas along the river.

6 And, finally, Pelican Island, largely
 7 residential. The entire area is vulnerable to flood
 8 waters, but not too many repetitive losses and new
 9 variances as part of the rebuilding process. So,
 10 here, we also have some strategies for building
 11 resiliency. Here you have more opportunities for
 12 absorbent landscapes, because you have some more
 13 upland properties where open space, large tracts of
 14 it, can help to absorb stormwater. Bioswales, which
 15 are semi-engineered areas that can help to reduce
 16 the amount of stormwater entering the streets. Rain
 17 gardens are another solution.

18 Permeable pavements, this is a little
 19 bit different. This one was not in the last one.
 20 Because permeable pavements help to reduce
 21 stormwater, they tend to be a little bit more --
 22 there's a lot of maintenance required. So, these
 23 are recommended in areas where you're not going to
 24 have sand blowing across the street that would clog
 25 these things up, making them -- transitioning them

1 from permeable to impermeable. You want to make
 2 sure that these things stay clean, which does
 3 require some vacuuming. So, strategic use of this
 4 could be a solution as well. And, of course,
 5 downspout disconnection, green roofs, living shore
 6 lines. And then, in this section, a lot of these
 7 goals and objectives are similar.

8 Again, the ones for the coastal
 9 neighborhoods are a little more generalized, but
 10 promoting stormwater management, ensuring safety of
 11 building and structures. Again, we want to make
 12 sure that building codes are safely -- strictly and
 13 uniformly enforced, whether you live on the coastal
 14 neighborhoods or on the barrier island.

15 Protecting natural resources.
 16 Expanding open space network to help absorb
 17 stormwater. Promoting effective shoreline
 18 management. Facilitate faster recovery from future
 19 storm events. And the one thing that might require
 20 additional examination would be that R-64 district
 21 in the Glen Cove neighborhood because, obviously,
 22 with that many variances, something should be
 23 addressed. But, that being said, this was a much
 24 more generalized plan so, additional exam would be
 25 needed for that.

1 And, at this point, that wraps up my
2 presentation. Thank you all for bearing with me on
3 this one. I figured it was easier than having to
4 read through all 600 pages of these reports. So, at
5 this point, I'll turn it over, back to the Chair.
6 If anyone has any questions or anything, I'll see
7 what I can do to help answer.

8 MR. WINWARD: I just have one, more
9 as a resident of a coastal neighborhood, as opposed
10 to the chairman. I noticed in the South Seaside
11 Park portion, you did studies on storm surge for
12 various categories.

13 MR. DICKERSON: Uh-hum.

14 MR. WINWARD: I didn't see the same
15 in the coastal. Does that mean it's not as
16 vulnerable to those storm surges or just the study
17 wasn't done in there?

18 MR. DICKERSON: With that one, with
19 the vulnerability analysis total, we used the FEMA
20 flood maps. And that was used for that
21 vulnerability analysis. The maps that show the
22 category storms, those were just to provide
23 additional reference when we were looking into the
24 land uses of those sites. But it didn't form the
25 vulnerability analysis. The vulnerability analysis

1 was done uniformly on the mainland and South Seaside
2 Park.

3 MR. WINWARD: Anybody else have any
4 questions from the board? Red?

5 MR. CALLAHAN: Page seven.

6 MR. DICKERSON: Of the South Seaside
7 Park plan?

8 MR. WINWARD: He's asking about page
9 seven.

10 MR. CALLAHAN: The township would
11 proactively monitor any additional activity by the
12 state to acquire property. That's a pie in the sky
13 sir. The State acquired Berkeley Fish Market and
14 the thing across the street and the town didn't know
15 anything about it, so --

16 MR. DICKERSON: No, we agree. I
17 mean, that was something that was -- we had
18 discussed in the community meeting. It's one of
19 those things where we want to make sure that we can
20 find a way that the township does get involved in
21 those conversations, if at all possible, so that no
22 one is told by surprise.

23 MR. CALLAHAN: Okay. Page 11.

24 MR. DICKERSON: Okay.

25 MR. CALLAHAN: On the top. In the

1 R-50, residential. Public utilities, mining
2 operations, boatyards and marinas, and hospital
3 clinics and charitable institutions are permitted as
4 conditional uses. I mean, I think that's rather a
5 stretch, isn't it?

6 MR. DICKERSON: This is the existing
7 requirements. These are the existing zone districts
8 and what they permit. And this is -- I'm glad you
9 asked this, because this is why I was saying that we
10 want to make districts that are -- that reflect the
11 local area. Those are in there because we have an
12 R-50 district on the mainland. And so, there are
13 areas where maybe those things were needed at some
14 point. But it shows that there's disconnect between
15 the R-50 district on the mainland and what could
16 possibly be permitted in South Seaside Park. So,
17 because of that disconnect, any changes that we want
18 to make, we can do so, so that -- I mean, obviously,
19 you're probably not going to be having any mining
20 operations anytime soon. But, again, let's make a
21 district that actually reflects what is on the
22 ground there.

23 MR. CALLAHAN: Okay.

24 MR. DICKERSON: So, yeah, so we're
25 not recommending something like of that nature.

1 These are the existing conditions.

2 MR. CALLAHAN: All right. Page 12.

3 MR. DICKERSON: Yeah.

4 MR. CALLAHAN: Townhouse.

5 MR. DICKERSON: Uh-hum.

6 MR. CALLAHAN: Why?

7 MR. DICKERSON: Again, this is an
8 existing zone district. And I believe this was
9 originally done because, I mean, currently, there is
10 the building pattern that there is now. But there
11 are large tracts. So, if something were to happen
12 the area was to be developed, there are standards in
13 place that allow it to be developed in a, I guess,
14 somewhat governed manner. That's the existing
15 zoning there.

16 MR. CALLAHAN: Well, all I'm thinking
17 about is, as far as I know, there's no areas where
18 you could build townhouses in South Seaside Park.

19 MR. DICKERSON: I agree. And,
20 actually, I think some of the areas zoned townhouse
21 currently would not even meet the minimum tract
22 requirements.

23 MR. CALLAHAN: Okay. Let me see.
24 This recreation and open space, Roberts Avenue
25 Recreational Facility, bulkheaded promenade with

1 access to water on the bayfront. That's the, on
 2 North Roberts?
 3 MR. DICKERSON: Uh-hum.
 4 MR. CALLAHAN: I have a question
 5 there.
 6 MR. DICKERSON: Uh-hum.
 7 MR. CALLAHAN: With the town -- or
 8 maybe Ernie might be able to answer it. Are we
 9 allowed to or is anybody allowed to construct a
 10 bulkhead now?
 11 MR. DICKERSON: Allowed to construct
 12 a bulkhead.
 13 MR. CALLAHAN: Sheet piling.
 14 MR. DICKERSON: Uh-hum.
 15 MR. CALLAHAN: Is anybody allowed to
 16 do that now?
 17 MR. DICKERSON: Now, the township
 18 does have requirements for bulkhead construction.
 19 And, actually, I believe just recently adopted some
 20 changes to that. So, the township has its
 21 requirements. And a lot of them, I believe -- and,
 22 Ernie, if I'm messing something up here on this
 23 part, please chime in -- but there are certain
 24 requirements that have been adopted. And, of
 25 course, ultimately, things are governed by DEP when

1 you're constructing into or near the public
 2 waterways.
 3 MR. CALLAHAN: Well, I'm just asking
 4 about that. Because part of the recreational would
 5 be construction of a beach or something. And I
 6 think that would be practically the only way we
 7 could do it. I was informed a few years ago that
 8 you couldn't construct a bulkhead new. The DEP
 9 didn't allow it.
 10 MR. DICKERSON: Uh-hum.
 11 MR. CALLAHAN: I was just wondering
 12 whether it's changed. Because I know in Seaside
 13 Heights, bulkhead was recently constructed. Duck
 14 Outfitters, if you know who that is.
 15 Then there's another thing. If we're
 16 going to do anything with the shoreline. How does
 17 the corp. of engineers get involved with that? Is
 18 that -- being that Barnegat Bay is a navigable
 19 waterway, do we have to get permission there so
 20 that -- could you say, you know, do various things
 21 on the shoreline. Then, as soon as you're dealing
 22 with the government there, you don't get very far.
 23 And that's -- was another thing that was --
 24 MR. DICKERSON: And, unfortunately,
 25 that's going to be the case with a lot of it,

1 because -- especially on the bay shore. I mean,
 2 there are a few areas where riparian rights are
 3 still owned. And then a lot of it is just owned by
 4 the State of New Jersey. So, any type of activity
 5 that would take place in that area would require the
 6 state to be involved. And that is one of those
 7 things that we acknowledge in this report.
 8 MR. CALLAHAN: Well, it's another
 9 thing you're going to do, you know, not only have
 10 the Corp. of Engineers but the State DEP. And we're
 11 still waiting for the dunes. And this is four
 12 years. Thank you.
 13 MR. WINWARD: Anybody else have any
 14 other questions of the board?
 15 MR. DICKERSON: Actually, just --
 16 sorry. Just real quick. Kelly, did you distribute
 17 those comments also?
 18 MS. HUGG: Yes.
 19 MR. DICKERSON: Okay. So, yeah, as
 20 you all know, because these are Sandy grants from
 21 the state, the state has a chance to chime in. We
 22 have reviewed those comments. Most of those are
 23 largely just asking for clarification on certain
 24 issues. And so, we just want to let you know that
 25 we will be addressing each of those comments and we

1 will be collaborating with the state to let them
 2 give us the final okay. So, sorry. Thank you.
 3 MR. WINWARD: Okay. You didn't want
 4 to read it. Okay.
 5 At this time, we'd like to open it up
 6 to the public for any discussion on either of these
 7 plans.
 8 MR. FULCOMER: Jim Fulcomer, 356
 9 Roberts, South Seaside Park, Berkeley Township. I'd
 10 just like to ask, while I make some comments about
 11 your proposed land use map. You look at the
 12 oceanfront mixed use. Right. And, of course, with
 13 the mixed use, you can put anything you want in that
 14 category. There are single-family homes in that
 15 area. And if I owned one of those single-family
 16 homes and I had a very nice home to the right of me,
 17 a nice home to the left of me and some nice homes
 18 across the street, I wouldn't want all of a sudden a
 19 developer to come down and build condos on both
 20 sides of me and across the street. And if you have
 21 a mixed zone, the way that's set up, that could
 22 happen.
 23 I think it's very important that
 24 wherever there are single-family homes, that they be
 25 protected in an island residential A or B zone, even

1 if it breaks up this area. Because one of the
 2 biggest problems we've had over the last maybe 50
 3 years in South Seaside Park, is that condos have
 4 moved into areas that could have been one-family
 5 homes. And speaking for myself and a lot of people
 6 in my neighborhood, we don't want any more of that.
 7 We don't need any more of that. And it's very
 8 unfair to the single-family homeowner to think
 9 they're in a single-family neighborhood or something
 10 that's partially single-family and have -- all of a
 11 sudden find out it's filled with highrise condos.
 12 That's very bad for those people. And it's also bad
 13 for our neighborhood as a whole.

14 I notice that you also have this
 15 island residential flex zone. Now, this is from
 16 about Beach Drive down to 20th Street. A lot of
 17 these places are one-family homes or homes right
 18 next to one-family homes. They don't want -- they
 19 don't want multifamily houses built next to them.
 20 But that's what's permitted in that zone; isn't that
 21 correct?

22 MR. DICKERSON: That's what the
 23 existing zoning permits.

24 MR. FULCOMER: Well, that's bad and
 25 that should be changed. Everywhere where there's a

1 one-family home, or a vacant lot next to one-family
 2 homes, they should be zoned as residential A and
 3 residential B. It just -- I was -- just because you
 4 have something bad already doesn't mean you should
 5 continue it. And I think that the greatest need
 6 that you have is to protect the one-family homes in
 7 the area. And that requires changes, not
 8 facilitating multi units, but have just one-family
 9 residential areas.

10 Now, island, the island residential
 11 flex, except for lots that currently have condos on
 12 them, should be changed to island residential A or
 13 B. And I say this because the island residential
 14 flex allows two, three and four-family homes in
 15 areas where there are primarily one-family homes who
 16 are next to one-family homes. So, that's important,
 17 I think.

18 Now, the island townhouse zone, I
 19 have a question about that. What is the permitted
 20 number of stories for each of these townhouses that
 21 are permitted in that zone?

22 MR. DICKERSON: I'd have to look at
 23 the existing language. I'm trying to see if I have
 24 that with me. But it's whatever the existing
 25 language is for the RTH. What we are suggesting

1 with the RTH is to add a little more flexibility
 2 there to permit what's already on the ground.

3 Now --

4 MR. FULCOMER: What's on the ground
 5 there is just one-story buildings, mostly.

6 MR. DICKERSON: Exactly. But,
 7 currently, it's not permitted under the RTH
 8 district. So, if somebody who lives in one of those
 9 houses wants to make any improvements, they need to
 10 go before the zoning board. So, instead of making
 11 them go before the zoning board, we want to open it
 12 up so that if you're going to make improvements to
 13 your house, that you can go and do so the way anyone
 14 else would in an area where their house was
 15 permitted. We are trying to reduce that type of red
 16 tape so that people can rebuild and, you know, get
 17 their house back in order.

18 MR. FULCOMER: Well, you see, the
 19 problem is, in that area -- I mean, I don't live in
 20 that area, but, if I did, I wouldn't want all of a
 21 sudden to have a three-story townhouse next to my
 22 one-story little house. I would find that very
 23 irritating and offensive. And I wouldn't want to
 24 see one house three stories, one house one story,
 25 another house two stories. I wouldn't want that. I

1 mean, I don't live there, but I don't think that's a
 2 particularly good idea.

3 Now, what is the permitted height?

4 MR. DICKERSON: For what?

5 MR. FULCOMER: For the island
 6 townhouse zone.

7 MR. DICKERSON: For the existing
 8 townhouse zone?

9 MR. FULCOMER: What are you
 10 proposing?

11 MR. DICKERSON: We haven't made any
 12 proposal changes.

13 MR. FULCOMER: Okay. What is the
 14 existing?

15 MR. DICKERSON: The existing RTH
 16 districts, if I can find this.

17 (Off the record.)

18 MS. FULCOMER: It could be 35 feet
 19 tall. I mean, I don't have an answer to that with
 20 this document, but he made --

21 MRS. FULCOMER: Well, maybe it's in
 22 there somewhere.

23 MR. FULCOMER: It's the existing
 24 zone, that's what we're talking about now.

25 MR. DICKERSON: Yeah. I don't have

1 this easily. Unless I can --
 2 MR. FULCOMER: Well, that's something
 3 that has to be considered. You know, we have a
 4 neighborhood somewhere. I'm not quite sure what
 5 street it is, although I do walk down these areas
 6 frequently. I don't know whether it's Anchor or
 7 Surf or Beach or Midway. We had all these nice
 8 one-family houses. All of a sudden, there's this
 9 towering building going up that not only doesn't fit
 10 in, it's an eyesore. And the people in the
 11 neighborhood didn't even realize it was going up.
 12 And maybe that's because you have this flex zone
 13 there. So they didn't get any notice that the
 14 building was being built because it conformed to
 15 whatever was in the zoning ordinance. That has to
 16 be changed. You can't have an area where there are
 17 one-family homes and permit somebody to get a permit
 18 to build something that's twice or three times as
 19 high and has a whole bunch of people squeezed into
 20 it.

21 There is a feeling, at least in some
 22 of our neighborhoods, that we'd like to keep it as a
 23 one-family neighborhood. And these -- every time
 24 you expand these things, there's pressure to expand
 25 it more. So, all this area that you have --

1 MR. DICKERSON: Just to clarify. The
 2 maximum structure height in the townhouse zone is 35
 3 feet, which is the same as every other house, I
 4 believe, in the residential 31.5 --
 5 MR. FULCOMER: Okay.
 6 MR. DICKERSON: -- and the R-50.
 7 MR. FULCOMER: But you had a condo
 8 there, right? There's a condo, right? You know
 9 that, right? Yeah, right. Or it looks like a
 10 condo.
 11 MR. CALLAHAN: It's just an elevated
 12 house.
 13 MR. FULCOMER: An elevated house with
 14 a whole bunch of apartments and cars there.
 15 MR. CALLAHAN: Are you talking about
 16 something -- another one?
 17 MR. FULCOMER: You're familiar with
 18 that, right? I am. Anyway, what I'm saying is that
 19 this thing sticks out. And it is definitely in the
 20 flex zone. And I guess most of the houses are
 21 ranches in that area. So, what I'm saying is,
 22 people need protection. And they should not have
 23 something dumped on them that is different from what
 24 they're accustomed to without getting notice of the
 25 change in the neighborhood. And for that reason, I

1 think, at least the end of Beach Street, Surf,
 2 Anchor, Midway, Kathryn and Sprague, they should
 3 have residential B zones like most of the houses
 4 there. So, if there's something different that's
 5 going up, they would get a notice, you know, like
 6 you do with any zoning application. The zoning
 7 applications do protect the neighborhood.

8 The other thing on your map here,
 9 just -- I don't know if you want to revise it, but
 10 there is a street that I think is called West
 11 Central Avenue, there's 35 and then there's a street
 12 where those small houses are on 35. Right here.
 13 There's a actual street. There are even street
 14 signs. See that. That's a street. Goes all the
 15 way up to here (indicating). That's a real street.
 16 They should be identified in some way. Because you
 17 take your car and drive up there. All right. Thank
 18 you very much.

19 MR. WHITEMAN: Again, hello, my name
 20 is Don Whiteman. I'm at 2000 Barnegat Avenue in
 21 South Seaside Park. A couple items I'd like to deal
 22 with. I know Mr. Bell and Mr. Hudak, you were not
 23 here when this all started. But I'd like to
 24 register a formal complaint, for the record,
 25 concerning cancellations of the meetings for the

1 South Seaside Park Homeowners and Voters
 2 Association.

3 For the record, just so you gentlemen
 4 know --

5 MR. MCGUCKIN: Mr. Whiteman, I'm
 6 going to stop you right there. This is a hearing
 7 that we have to conduct in accordance with the
 8 statute. We're not going to get into other hearings
 9 and other issues that are before the board. Please
 10 confine your comments to what's currently being
 11 discussed by the board, which is the public hearing
 12 on these two matters.

13 MR. WHITEMAN: All right. Now, when
 14 can I make this formal complaint, though?

15 MR. MCGUCKIN: You have an attorney
 16 who's already made the complaint.

17 MR. WHITEMAN: No, no, no, no. I
 18 want to make it so these gentlemen hear it also. I
 19 want it in public.

20 MR. MCGUCKIN: That's up to the
 21 chairman at the end of the meeting if you wish to
 22 open it up to the public.

23 MR. WINWARD: We made the decision.

24 MR. WHITEMAN: Right.

25 MR. WINWARD: Because it says South

1 Seaside Park on here.
 2 MR. WHITEMAN: Right.
 3 MR. WINWARD: It is to the benefit of
 4 your community. And because of the length and the
 5 requirements that we have to give this a full -- the
 6 full treatment and a full public hearing, that's why
 7 the decision was made.
 8 MR. WHITEMAN: And I understand that.
 9 MR. WINWARD: We picking that up, so
 10 you can --
 11 MR. WHITEMAN: But there were five
 12 prior meetings you did that already. Five out of
 13 14.
 14 MR. WINWARD: There were various
 15 circumstances.
 16 MR. WHITEMAN: That's a 64 percent.
 17 MR. MCGUCKIN: Well, again --
 18 MR. WINWARD: But let's bring that up
 19 at the next meeting.
 20 MR. WHITEMAN: All right. I'll bring
 21 it up at the next meeting. Because I want to say I
 22 just -- it was very short. It just seemed like,
 23 Mr. McGuckin, any time I want to say something, he
 24 likes to cut me off. And you do that quite often.
 25 MR. MCGUCKIN: Mr. Whiteman, I'm

1 sorry if I put in the record the law. And that is,
 2 we're doing public hearings right now on these two
 3 applications which are amendments to the master
 4 plan. That's a procedure that's followed in the
 5 land use law. We have to confine to that purpose.
 6 MR. WHITEMAN: All right. And I'll
 7 make sure I -- I'll show up at the next meeting.
 8 Hopefully, we will have a meeting next month where I
 9 can say it, and, hopefully, it will not be canceled.
 10 All right.
 11 My first item that I see here, page
 12 one. Page one says, recommendations to preserve and
 13 reinforce the neighborhood's existing core
 14 residential characteristics, while making the
 15 neighborhood more resilient to future storm events,
 16 and ensuring the health, safety and general welfare
 17 of residents and businesses.
 18 I don't know what happened here. I
 19 forget your name.
 20 MR. DICKERSON: Nick.
 21 MR. WHITEMAN: Nick. I don't know
 22 what happened here, but this master plan that you're
 23 talking about, this master plan for 2008, that has
 24 this, this was never approved.
 25 MR. DICKERSON: The zoning was not

1 approved. The land use plan for the area was
 2 approved. And like what I was mentioning earlier
 3 is, so, for a town to make any changes to its
 4 zoning --
 5 MR. WHITEMAN: Right.
 6 MR. DICKERSON: -- the first thing
 7 that has to happen is, you need to have a land use
 8 plan. If the board -- not the board -- if the
 9 governing body wants to make a zone change, it has
 10 to be consistent with that land use plan. If they
 11 decide to do something different, there's a higher
 12 threshold that they must pass. And then they must
 13 justify why they're doing it.
 14 So, what this land use plan is doing
 15 is, it's creating the framework for, if we want to
 16 make any changes. So, for the example of the
 17 setbacks issue.
 18 MR. WHITEMAN: Uh-hum.
 19 MR. DICKERSON: To do that, we need
 20 to amend the land use plan. So, in 2008, they had
 21 started that process. They had amended the land use
 22 plan, but zoning had never been perfected. So, the
 23 reason we went with this, decided to explore this
 24 plan, was because that was 2008. That predated
 25 Sandy. So, that gave us the justification under the

1 Post Sandy Planning Assistance Grant Program to say,
 2 okay, why was that never perfected? Let's look at
 3 that. Let's see if that was the best option or
 4 maybe the existing zoning was a better option.
 5 Because we want to avoid that conflict.
 6 MR. WHITEMAN: The reason why I say
 7 that. Mayor Varano, I believe, was mayor at that
 8 time. And Mayor Varano, when we requested, South
 9 Seaside Park was left out of the master plan.
 10 That's what we kept being told back then. South
 11 Seaside Park does not have and we're not working on
 12 a South Seaside Park master plan.
 13 When it continued with the new mayor,
 14 we were told the same thing. We could not get
 15 anything for zoning or, should I say, for the zoning
 16 of South Seaside Park. It was incomplete is what
 17 I'm telling you. We could not get it. When I see
 18 the changes you have here, I would have been all on
 19 top of this.
 20 For instance, the first one,
 21 single-family 50 and single-family 31.5. Now, that
 22 is your residential A and B is made into one and
 23 two-family houses, or one and two-family structures
 24 on the map that, or on the picture, that you have
 25 here. What -- on --

1 MR. DICKERSON: Got it. Oh, yes.
 2 That's existing land.
 3 MR. WHITEMAN: Right. This is the
 4 existing land use that was never shown, never was
 5 given to us. It just now has appeared. I'm telling
 6 you, this one and two-family area, the people of
 7 South Seaside Park would be up in arms. I know from
 8 20th to 24th, putting two-family houses in there
 9 from Beach Avenue to 20th Avenue, putting two-family
 10 houses in there, you can do that. That was never
 11 the intent. I know at the meetings that we had in,
 12 what was it, December, that was the big issue we
 13 said. We want to keep South Seaside Park
 14 single-family. That is what we want.
 15 I went one step further and said, for
 16 the area where it talks about townhomes, I want to
 17 see single-family there. Matter of fact, that land
 18 could have been zoned 31.5 for single-family houses.
 19 Why am I concerned? I talked to the owner before he
 20 died. He was approached by builders. They wanted
 21 to come in and put townhouses there. Let's get it
 22 upfront. They now have a right, if they go in and
 23 buy that property, to put townhouses.
 24 I know in my town, where I'm living,
 25 the density, especially the density there, with

1 townhouses and with two-family houses is going to
 2 make our area to the point of Seaside Heights with
 3 the density. We don't want that. I'm a resident.
 4 We have other individuals that we look at it and
 5 say, we want single-family houses. We conveyed that
 6 to you also --
 7 MR. DICKERSON: Absolutely.
 8 MR. WHITEMAN: -- at that meeting. I
 9 was shocked. I went to the four groups. I didn't
 10 hear anyone say we wanted condos and multifamily.
 11 Yet, on the paper, it has single-family houses and
 12 multi condos and something else. I went to all four
 13 groups. Not one person said that to me.
 14 All right. So, the first thing is, I
 15 think we have to look at that area and say we want
 16 single-family. We don't want this two-family there.
 17 MR. DICKERSON: Well, actually, I
 18 believe the existing townhouse district allows for
 19 single-family housing as another use. And,
 20 actually, just looking at the map right there, any
 21 density that would be done under the townhouse
 22 district would be substantially less than what is
 23 currently on the ground. I mean, I'm trying -- I
 24 wish I could calculate that.
 25 MR. WHITEMAN: What you're showing me

1 here is, hey, we're changing this. We're going to
 2 allow these things to occur. But what happens, we
 3 are in a --
 4 MR. DICKERSON: We're not changing
 5 anything with that. We're just --
 6 MR. WHITEMAN: We're in a prone
 7 flooding area. And what we're going to do is build
 8 more houses in a prone flooded area. Put townhouses
 9 in a prone flooded area or allow it. I mean, I look
 10 at it and I look at this here and I just say, the
 11 two-family is blowing me away. Because that was
 12 never the intent. It was always single-family.
 13 Single-family, one structure. And I am shocked to
 14 see this when I started reading your report here.
 15 All right.
 16 MR. DICKERSON: And I believe the
 17 only area where it has the two-family is in the
 18 existing R-4F zone, not in the R-50 or the R-31.5.
 19 MR. WHITEMAN: What?
 20 MR. DICKERSON: Just to clarify. I
 21 don't believe duplexes are currently permitted in
 22 either of the residential districts, with the
 23 exception of the R-4F.
 24 MR. WHITEMAN: If you look at one of
 25 your maps here, the existing land use, you look to

1 the left and it will show that it's one and two
 2 family-residents, residential. So, which is
 3 two-family?
 4 MR. DICKERSON: So, this is existing
 5 conditions. So, what it's just showing is the types
 6 of housing that are currently in the area. This
 7 is -- and so, previously, people had subdivided
 8 properties and have one and two-family. This is
 9 based on tax records. So, the tax record, when
 10 you're determining existing conditions, it --
 11 unfortunately, it's a little vague. You don't
 12 have -- it's not going to say, this is a two-person
 13 home. This is a three-person home. This is a
 14 four-person home. It either is single-family or
 15 multifamily. That's just the tax records.
 16 Multifamily is four units and greater.
 17 Single-family is anything under four units.
 18 MR. WHITEMAN: Okay.
 19 MR. SLACHETKA: Nick, just to
 20 clarify. So, the map that we're referring to now is
 21 the existing land use map. That's not the proposed
 22 zoning map.
 23 MR. DICKERSON: That is correct.
 24 MR. SLACHETKA: And in the R -- you
 25 mentioned that in the R-50 and R-31.5, those areas

1 that are shown in the land use plan map, that would
2 be -- that's proposed for only single-family land.

3 MR. DICKERSON: That is correct.

4 MR. WHITEMAN: All right. So, you're
5 telling me that it's only single-family in the 24th
6 to 20th, as well as 20th to Beach Avenue, which is
7 single-family now?

8 MR. DICKERSON: Yes. The areas that
9 are R-50 and R-31.5, that is correct.

10 MR. WHITEMAN: That's what I'm
11 looking at right there.

12 MR. DICKERSON: Yes, that stretch.

13 MR. WHITEMAN: All right. You're
14 telling me we are not -- we do not have a two-family
15 in that area?

16 MR. DICKERSON: It is not permitted.
17 There may be two families there, but it is not
18 permitted under the existing ordinance. And if any
19 changes are made, we're -- the intent was for both
20 the island residential A and island residential B is
21 to follow what's the existing ordinances, the
22 existing R-50 and R-31.5, with modifications, such
23 as the flexible setbacks. So that, again, people
24 aren't being burdened when they try to add a ramp to
25 get up to their elevated house.

1 MR. WHITEMAN: Right.

2 MR. SLACHETKA: So, Nick, just to
3 clarify. Anything that is currently zoned for
4 single-family residential, nothing's being proposed
5 that would change that single-family --

6 MR. DICKERSON: Nothing would
7 proposed to increase the density.

8 MR. SLACHETKA: And if there are
9 areas that are -- where there may be existing
10 duplexes that are being proposed for only
11 single-family residential. So, they would be non --
12 they would be considered non-conforming?

13 MR. DICKERSON: That is correct.

14 MR. SLACHETKA: And then if they
15 wanted to expand those uses or change them or even
16 add other units, they would actually have to go to
17 the zoning board of adjustment?

18 MR. DICKERSON: That is correct.
19 And, actually, you bring up another point about the
20 areas that are in the mixed use from a previous
21 comment about what would be allowed there. While it
22 permit -- like, the proposed change would be to
23 permit what's already there. Residential in the
24 mixed use would have conditional requirements so
25 that you're not going to be just building

1 multifamily without additional oversight from either
2 the planning board or the zoning board of
3 adjustment. You want to minimize conflict so that
4 you don't have housing going right next to a
5 business without having appropriate measures in
6 place.

7 MR. SLACHETKA: So, just, and to
8 clarify, so, that is further enhancements or
9 restrictions on those uses. So, right now, they may
10 be permitted or they may be able to do certain
11 things, but with the establishment of standards and
12 conditions, if they do not meet those conditions,
13 they would have to go to the zoning board of
14 adjustment?

15 MR. DICKERSON: That is correct.

16 MR. WHITEMAN: And let me just
17 clarify this one step further. Are you now telling
18 me also that that area that we're looking at is
19 zoned for one and two-family?

20 MR. DICKERSON: So, you're referring
21 to the existing conditions map --

22 MR. WHITEMAN: Yes.

23 MR. DICKERSON: -- with the area
24 that's -- I'm just going to have to go up here and
25 look at this. So, this area that's --

1 MR. WHITEMAN: Yes.

2 MR. DICKERSON: -- in yellow, the
3 existing R-31.5 and R-50, currently, I believe, and
4 I'm almost positive here, that these areas under
5 R-31.5, R-50 are zoned, the only thing that's
6 permitted is single-family residential. If there's
7 a two-family here, it is nonconforming.

8 MR. WHITEMAN: Okay. All right.
9 Thank you. All right.

10 Another thing, instead of bringing
11 the mainland and island community together with
12 zoning, what you're doing is, you have isolated us
13 with a different zoning than any other part of the
14 town. And that's the way I feel. It's, you know,
15 you're saying, well, R-50 here is different than
16 R-50 over there. Am I correct in what you were
17 saying there?

18 MR. DICKERSON: We are trying to
19 tailor make zoning for different areas. We
20 recognize that this is a little bit different of an
21 area from an area in the mainland. And an area on
22 the mainland might be a little different from here.
23 Such as what Mr. Callahan had brought up that,
24 currently, the R-50 permits things like hospitals
25 and mining operations, which maybe in a large tract

1 of R-50 on the mainland that would make sense. But
 2 I would suspect, if I proposed that we permit mining
 3 operations and hospitals to be developed in South
 4 Seaside Park, there might be some resistance to
 5 that. Because, again, it's a developed area. Lots
 6 are small. And you wouldn't be able to -- you
 7 wouldn't fit that, much less in an area that wants
 8 to be single-family residential, would not want a
 9 mining operation. So, we're trying to create a
 10 tailor made district.

11 MR. WHITEMAN: Uh-hum. I agree also
 12 with Mr. Fulcomer about the land zoned east of
 13 Central Avenue, because of single-family houses
 14 there. I don't want to see them destroyed. I know,
 15 knock down and put condos up, the density is a huge
 16 problem here in South Seaside Park. And just
 17 reading here about preserving the neighborhood by
 18 multifamily units, we're not preserving the
 19 neighborhood. And, again, I remind you, I did talk
 20 to you on that at the meeting about single-family.

21 Another item here is on page 13.
 22 High visibility crosswalks and virtually continuous
 23 sidewalks along the entire length of the northbound
 24 lane of Route 35. We do not have sidewalks on a
 25 continuous basis from 14th Avenue all the way down

1 to 24th. When the department, DOT, that was one of
 2 the recommendations that we made.

3 The other thing was, when they drew
 4 up the first plans of it, they included sidewalks.
 5 For some reason, those sidewalks disappeared in the
 6 Midway Beach section. Why am I bringing this up?
 7 Just to say this is incorrect, that was something
 8 where we should have had sidewalks for safety. What
 9 does it mean, BR-50?

10 MR. DICKERSON: That would be the
 11 proposed, I mean, for lack of a better term, that
 12 would be the proposed zone name for the R-50
 13 district for South Seaside Park. Because, again --

14 MR. WHITEMAN: What does the B stand
 15 for?

16 MR. DICKERSON: Beach.

17 MR. WHITEMAN: And when you say
 18 flexibility, what flexibility do you have?

19 MR. DICKERSON: Which are you
 20 referring to?

21 MR. WHITEMAN: I don't know.

22 MR. DICKERSON: I use flexibility
 23 with a lot of things.

24 MR. WHITEMAN: Okay. In the B --

25 MR. DICKERSON: In the BR-50. This

1 is -- so, that question during the public meeting
 2 about how -- I believe -- I can't remember the
 3 setback in the R-50.

4 MR. WHITEMAN: That was me.

5 MR. DICKERSON: Yeah. I think you
 6 had mentioned it was 35 feet.

7 MR. WHITEMAN: Yes.

8 MR. DICKERSON: Yes. So, we are
 9 trying to create something that follows what the
 10 existing development pattern is in the R-50 for
 11 South Seaside Park. Because, as you had mentioned,
 12 35 is, obviously, onerous. What can we do that's
 13 less than 35 that really allows the neighborhood to
 14 maintain that character.

15 MR. WHITEMAN: South Seaside Park
 16 used to be setbacks at 15 feet. Then they went to
 17 20 feet. Then they went to 25 feet. Now they're at
 18 35 feet. I live on the corner. I live on the
 19 corner. My house is, or my lot is 50 by 100. If I
 20 was to say I needed a 35-foot setback and a
 21 five-foot area in the back, that's 40 feet. If I
 22 want to do anything for my house, I have to get a
 23 variance, because I only have ten feet that I can
 24 use without a variance. I'm one of many people.

25 We have roads that are 70-foot wide,

1 30 foot of it is the macadam or asphalt. That means
 2 on each side of the road, there's 20 foot that is
 3 gravel. You add 35 feet to 20 feet, that's a
 4 55-foot setback from the road bed or the road
 5 asphalt to the front of the house. What are you
 6 doing to us?

7 MR. DICKERSON: And that's why we are
 8 having this plan --

9 MR. WHITEMAN: So, everyone, if you
 10 want to build, and I don't know whether it was a
 11 money making deal or what, if you wanted to build,
 12 you had to go to the zoning to get approval. You
 13 raise your house, you have to go to zoning to get
 14 approval for it.

15 MR. DICKERSON: Absolutely.

16 MR. WHITEMAN: How many in South
 17 Seaside Park did that? Do you know?

18 MR. DICKERSON: I only have the
 19 number of variances in the last, in 2014, 2015. So
 20 I can't put a good number to that one. But judging
 21 by the amount of --

22 MR. WHITEMAN: Almost every house had
 23 to.

24 MR. DICKERSON: By the amount of
 25 input we received from you and the rest of the

1 members that came out to the community meeting, we
2 realized there was an issue. And that is the whole
3 purpose of having a plan. I mean, we write these
4 things. And you're nervous that they're going to
5 just sit on a shelf. But the whole process of doing
6 the research and engaging the public and finding out
7 that, yes, this neighborhood has large
8 right-of-ways, and then has zoning requirements that
9 are tailor made to a different area, means, okay,
10 maybe we should fix this.

11 And that's why, by putting this on
12 paper, then the township can then say, okay, we've
13 done the research. We can justify that, yes, these
14 setbacks are ridiculous, so we would like to fix
15 them. And then, like, we can then make those
16 changes and address those types of concerns. And
17 that's what this type of plan is meant to do.

18 MR. SLACHETKA: Nick, specifically,
19 you know, talking about the -- essentially, you got
20 this feedback from the community and, essentially,
21 your recommendation that's presented in the plan is
22 that the setback requirements reflect the existing
23 conditions and provide the flexibility and minimize
24 the number of variances that would be necessary if a
25 property owner wanted to rebuild if impacted by an

1 event like Super Storm Sandy?

2 MR. DICKERSON: That's exactly
3 correct.

4 MR. WHITEMAN: Okay. All right.
5 Something else that I think you left out. I was --
6 maybe I should have brought it up. But I don't see
7 any annexes of Berkeley Township, any buildings. I
8 know in Toms River, Mr. McGuckin is aware that they
9 had an annex over in Toms River. I think we needed
10 one here in South Seaside Park also, but it was left
11 out. Is there a reason?

12 MR. DICKERSON: Well, that's because
13 there's no developable land that is owned by the
14 township. What we did was -- and that's why we
15 recommended that there be a needs assessment study
16 that is done to see what should be put there and if
17 there were land. And so, like, looking into all
18 those questions about, are there locations. What
19 are the needs. Because we want to know that, you
20 know, before something is to happen, you know, you
21 want to make sure that if you build something, you
22 know that they're going to come. So, we recommend
23 that a study be conducted to see, you know, what the
24 needs are, whether it's recreation or maybe there
25 could be some sort of combined use. But, currently,

1 you're a little bit more hampered in the area where
2 it's already built and developed. You don't want to
3 say, oh, I know you have a house, we're going to
4 take it and put something there, and put it in the
5 plan. So, we want to have that assessment to see,
6 well, is it a facility that's needed? Is it
7 programming that's needed? What can we do? And
8 that's why we make that recommendation in our action
9 plan.

10 MR. WHITEMAN: That's why, Nick, and
11 I don't know whether you're aware of this, the town
12 was going to give away 50 by 150-foot section of
13 property that they owned. Going to give it to,
14 what's it, the Shore Villas, that area there where
15 the trailers are. That would have been an ideal
16 place to put something. Eventually, the residents
17 of South Seaside Park were able to convince our
18 councilmen, you can't do that. So, at least we did
19 get money. But there was -- there is property
20 there.

21 There's another piece of property
22 there also that's owned by the township that's
23 nothing on it. But I think in the future, that's
24 something that should be put in there.

25 MR. DICKERSON: That could be

1 considered as part of that needs assessment.

2 MR. MCGUCKIN: Mr. Whiteman, am I
3 incorrect, wasn't that a right-of-way?

4 MR. WHITEMAN: What's that?

5 MR. MCGUCKIN: Wasn't that determined
6 to be a right-of-way?

7 MR. WHITEMAN: Well, what had
8 happened was, it was township property. It wasn't
9 the right-of-way.

10 MR. MCGUCKIN: I don't believe that's
11 the case. It's publicly owned right-of-way. The
12 township has a right-of-way on the land. That's
13 different than the township owning the land and
14 being able to build something on it.

15 MR. WHITEMAN: The township did get
16 money for it, didn't they?

17 MR. MCGUCKIN: I'm sorry?

18 MR. WHITEMAN: The township did get
19 money for it.

20 MR. MCGUCKIN: I'm sorry, what?

21 MR. WHITEMAN: The township got
22 275,000 for it.

23 MR. MCGUCKIN: But the only thing
24 that could go on it was the new right-of-way. The
25 township didn't own it in fee simple. So, my

1 understanding is that that was a right-of-way.
 2 MR. WHITEMAN: Okay.
 3 MR. MCGUCKIN: There's a difference,
 4 legally, and what can be done. The township can't
 5 build something on a right-of-way. They can only
 6 put a road on the right-of-way.
 7 MR. FULCOMER: They have trailers
 8 there.
 9 MR. WHITEMAN: They have trailers
 10 there and the township --
 11 MR. MCGUCKIN: I understand. I know
 12 there was some litigation, as I recall. But it's a
 13 right-of-way. It's not a separately owned parcel of
 14 land.
 15 MR. WHITEMAN: We got money for it,
 16 anyway.
 17 MR. MCGUCKIN: Apparently.
 18 MR. SLACHETKA: And Nick, just,
 19 again, clarification. I know you stated this
 20 before. First of which, the evaluation of any
 21 specific piece of property municipally owned in
 22 terms what its use might be or conveyance for use
 23 was not part of the scope, not funded as part of
 24 this grant?
 25 MR. DICKERSON: That is correct.

1 MR. SLACHETKA: And the response to
 2 the community input on the concerns about
 3 recreation, community facilities and the like, the
 4 recommendation was incorporated into this plan,
 5 which will then, ultimately, if adopted by the
 6 planning board, become part of the master plan.
 7 That neighborhood recreation plan study would be --
 8 should be conducted. And that by being in the
 9 master plan, that opens up potential funding
 10 possibilities, either through, you know, whether
 11 Green Acres or whether or not, you know, places like
 12 Sustainable New Jersey or other entities might be
 13 able to fund and support the development and
 14 preparation of such a plan?
 15 MR. DICKERSON: That's correct.
 16 MR. SLACHETKA: Thank you.
 17 MR. WHITEMAN: Again, I'm going to
 18 bring this to your attention with the changes of, I
 19 guess, in the mixed area, mixed development area,
 20 and what we allow. We have to be very aware of
 21 parking problems, as you know, the density. With
 22 density comes parking issues. And that was brought
 23 out also to you. And I think that's something that
 24 has to be covered in South Seaside Park.
 25 The last item I'd like to cover would

1 be talk about stormwater management problems and
 2 areas. And on Barnegat Avenue, a huge area of, you
 3 know, puddling water that just stays around for two
 4 three, four days. And, you know, I don't know if
 5 anyone brought it to your attention, if --
 6 MR. DICKERSON: I mean, when we
 7 brought out those maps, that was one of the things
 8 we asked. We wanted to make sure that, are there
 9 problem areas? Let's highlight them so that, you
 10 know, that helps to inform those recommendations.
 11 And that's why that made its way into those goals
 12 and objectives. Because no one wants to see
 13 standing water.
 14 MR. WHITEMAN: Right. All right.
 15 Thank you very much.
 16 MR. WINWARD: Thank you so much.
 17 Next.
 18 MS. FULCOMER: Hi. Cathy Fulcomer.
 19 356 Roberts Avenue, South Seaside Park. I don't
 20 have my long-distance glasses with me, so I kept
 21 staring at some of what you had up there. Was there
 22 any mention about the sewers, whether there's
 23 enough -- whether our infrastructure is enough to
 24 handle what we have or, perhaps, heaven forbid more
 25 people?

1 MR. DICKERSON: That was not part of
 2 the scope. This --
 3 MS. FULCOMER: Oh, okay. I just
 4 wanted to know, because I couldn't see that. Okay.
 5 Now, you made a statement about the
 6 foundation. This is the foundation for zoning,
 7 which would be a justification for future zoning.
 8 Now, if that's to clarify what's already there and
 9 what some people are doing, then that would make the
 10 residents happy. But if there's any justification
 11 for more structures that would increase the
 12 single-family residents that we have and the
 13 character of the neighborhood that we have, that
 14 would not make us happy. Because you'd have more
 15 people, more cars, more traffic, more noise, more
 16 congestion, more of everything.
 17 Now, something that I read in that
 18 report, under the flex zone section. Now, I hope
 19 that I heard you correctly. You mentioned the flex
 20 zone had a lot to do with the setbacks. So, when
 21 people want to rebuild, that there would be setbacks
 22 to --
 23 MR. DICKERSON: Well, to clarify, no,
 24 that's the flex district which is just the --
 25 MS. FULCOMER: Flex district.

1 MR. DICKERSON: Well, the flex land
2 use.
3 MS. FULCOMER: I might have copied it
4 wrong.
5 MR. DICKERSON: No, no, no. I
6 discussed a few things there --
7 MS. FULCOMER: Yeah. Okay.
8 MR. DICKERSON: -- so, I apologize.
9 But that's just the existing R-1 4F or 4-F district
10 which, reason it's flex is, it currently permits
11 anywhere from one to four-family units.
12 MS. FULCOMER: Right.
13 MR. DICKERSON: When we were talking
14 about the flexible setbacks, that was for the R-31.5
15 and the R-50 --
16 MS. FULCOMER: Oh, okay.
17 MR. DICKERSON: -- where we wanted
18 setbacks that matched what the housing looks like on
19 the ground.
20 MS. FULCOMER: Okay. Well, then I
21 just want to make the comment then about the, what I
22 was reading in the report, it did say this would
23 enable to have one to four-family structures. Okay.
24 And on the proposed map, in the report, because it's
25 not quite -- you have --

1 MR. DICKERSON: Well, this is the
2 existing land use.
3 MS. FULCOMER: I know. That's the
4 existing. And I'm trying to, if you can see it, to
5 try and fix it, you know, to show you where I'm
6 talking about. But the one to four-family, it's
7 kind of in the mustard color on the proposed map,
8 would go all the way from the bay and then cross
9 Bayview Avenue, on 15th Avenue, all the way, you
10 know, down to the -- to that very tiny street that
11 everybody forgets is there on the other side, almost
12 to Route 35.
13 So, to me, I also read the sentence
14 that said, modifications to the bulk or density, the
15 bulk or density standards can be accomplished
16 without the creation of a new zone, new district
17 zone. All right. That's what I read. Now, to me,
18 that means that you could change the character of
19 that entire stretch of the street, the neighborhood,
20 from one to four-family homes.
21 MR. DICKERSON: No. What -- I
22 apologize --
23 MS. FULCOMER: Or is it like a couple
24 attorneys once said to me, well, that's what it says
25 but that's not what it means.

1 MR. DICKERSON: No.
2 MS. FULCOMER: So, what does it mean?
3 Because maybe that's not what it says.
4 MR. DICKERSON: What it means is,
5 what I was saying before about the R-50 district,
6 how there's R-50 zone districts on the mainland --
7 MS. FULCOMER: Right.
8 MR. DICKERSON: -- and in South
9 Seaside Park. So, if, say, we made a modification
10 to the setbacks to reflect South Seaside Park, then
11 all of a sudden that would -- there might be effects
12 to the mainland. Because the R-4F district is
13 located entirely on South Seaside Park, if you make
14 any changes there, it's not going to affect property
15 elsewhere. And because this is a neighborhood plan
16 for South Seaside Park, we just want to note that,
17 that this district is unique to the area. So, any
18 modifications are not going to impact something
19 elsewhere.
20 MS. FULCOMER: Well, I don't always
21 worry about elsewhere. I only worry about South
22 Seaside Park. So --
23 MR. DICKERSON: So, it's just a
24 clarification.
25 MS. FULCOMER: -- I don't want to see

1 any more density in that area whatsoever. And we
2 really are very concerned about this, very worried
3 about this. Because, like someone here indicated,
4 perhaps it was you, that the, on the mainland, the
5 lots are bigger, and in our section, the lots are
6 smaller, which means that already you can jam more
7 people into them. So, therefore, you can jam even
8 more and more.
9 Now, I do have a question about
10 the -- let me just see here.
11 MR. DICKERSON: I just want --
12 MS. FULCOMER: Yeah.
13 MR. DICKERSON: -- to clarify that,
14 especially in the areas that do permit greater
15 residential density, there is a greater requirement
16 for land area. So, it doesn't mean that if you have
17 a small lot of land, you're going to be able to pack
18 just like more people. There is a requirement to
19 provide a greater lot size. So, it's not that, it's
20 not one size fits all.
21 MS. FULCOMER: Right. But as I was
22 saying, the character of the community, we want to
23 keep it compatible more with Seaside Park, our
24 neighboring town, than with the Seaside Heights
25 atmosphere.

1 So, I do have a question, though,
2 also, about the height. Now, there are some
3 townhouses, we mentioned them. They're at the end
4 of the street. I forget what street it is, the
5 townhouses. And they are two stories. Because you
6 go up. Each person is in an individual house. They
7 have a first floor and a second floor, obviously.
8 Now, the other multi-dwelling unit at the end, I
9 guess it's 20th or 21st, 22nd, I'm very bad with
10 this, you know, the -- where there's all those
11 condos. All right. Now, that's the mixed use area.
12 Now, if it's mixed, it's going to -- is it mixed use
13 now or is it going to be mixed use?

14 MR. DICKERSON: The area that is
15 called mixed use is called mixed use because there's
16 currently a mix of uses there. We're not suggesting
17 that this means ground floor retail with above floor
18 residential. This is just saying that, currently,
19 in the area, in the land use plan map noted as mixed
20 use, you have, currently, you have businesses next
21 to single-family houses, next to duplexes, next to
22 condos.

23 MS. FULCOMER: Okay.

24 MR. DICKERSON: And so, all that
25 connotes a mix of uses. So, in that zone district,

1 how do you make sure that everyone who's there is
2 allowed to be there.

3 MS. FULCOMER: Well, is it zoned
4 mixed now? Is it mixed use now?

5 MR. DICKERSON: It does not permit
6 many of the uses that are currently in there. The
7 existing zoning does not permit most of the uses
8 that are there. So, anyone who has to go for a
9 permit, has to get a zoning board approval.

10 MS. FULCOMER: I see. So, that's
11 what you meant by making it easier for them to --

12 MR. DICKERSON: Creating standards
13 that allow it --

14 MS. FULCOMER: Because calling it a
15 mixed use zone, that's what the proposal is?

16 MR. DICKERSON: Well, whenever zoning
17 comes about, we find ways to incorporate them,
18 whether it's -- and, as we had mentioned, certain
19 things may require design standards to prevent, you
20 know, if there's going to be a different type, like
21 there's multifamily residential, you want to make
22 sure that it can be accommodated without
23 inconveniencing neighboring properties.

24 MS. FULCOMER: Okay.

25 MR. SLACHETKA: And I just wanted

1 just to add to that, too, that when we talked about
2 before establishing or making these conditional uses
3 versus a permitted use where you might have -- you
4 may -- all you need is like a bulk variance to get a
5 use permitted or to actually develop a property,
6 there would be a higher standard so that anybody who
7 wanted to do something different would be required
8 to go through the zoning board of adjustment. And
9 they would have a much higher level of proof that
10 that variance would be warranted. So, that would be
11 part of our recommendations for ensuring that the
12 existing character of the neighborhood and existing
13 uses are protected.

14 MS. FULCOMER: Okay. I understand it
15 a little bit better now. And I just wanted to
16 reiterate that if it clarifies, like I started out
17 saying, if it clarifies some of the zoning and is
18 helpful to our residents, we would happier. If it
19 allows more people, more multi -- I got to be
20 careful how I say this -- the multifamily -- I wrote
21 it down -- single-family includes anything under
22 four units, that's what you said, right?

23 MR. DICKERSON: That's just on the
24 existing land use plan.

25 MS. FULCOMER: Uh-huh.

1 MR. DICKERSON: Not the land use
2 plan, but the existing land use map. That's the
3 level of precision. We can look at conditions. We
4 are not saying that in area -- we're not saying that
5 single-family means one to four families. We're
6 just saying, in that area, based on tax assessment
7 data, that's what's considered single-family. We're
8 not promoting that. Areas that are zoned
9 single-family, we are continuing to recommend that
10 they be zoned for single-family, not one to
11 four-family.

12 MS. FULCOMER: Then why is all that
13 section in mustard, mustard color?

14 MR. DICKERSON: That's the flex
15 district where it is currently zoned one to
16 four-family. I believe you were talking about the
17 existing land use map that says that single-family
18 could be under four units.

19 MS. FULCOMER: No, I was talking
20 about what's in the flex.

21 MR. DICKERSON: The flex district,
22 okay.

23 MS. FULCOMER: Yeah. And that's what
24 bothers me. That whole section here that goes from
25 the bay all the way to that tiny, tiny street.

1 Okay.

2 Now, then I just have a couple more
3 comments, or one or two more, about the recreation.
4 You, in your report, you said that has to be looked
5 at. You have to have a committee for that,
6 committee or some sort of study --

7 MR. DICKERSON: Uh-hum.

8 MS. FULCOMER: -- for recreation. We
9 had said that when we testified in the de-annexation
10 thing, we did talk a little bit about recreation.
11 Maybe some of those comments could be used. If we
12 had more meetings, maybe we could get into it more.
13 See, I got that in anyway. But I was going to say,
14 there was a small thing there about the bikes. I
15 believe it's Bay Head, the bike and the cars share
16 the road. So, when you go up that way, if there's a
17 bike in front of you, you just follow the bike very
18 slowly. So, I don't think the part of Route 35 that
19 concerns South Seaside Park, I don't think that
20 would be workable. So, the bikes on the recreation
21 would be a big challenge. But if you look back to
22 some of the things we spoke about recreation, I
23 realize this is a different body, but there's a
24 section of the bay that we were concerned about.
25 And then we mentioned before, the other section, you

1 know, by the bulkhead on North Roberts that was
2 mentioned before by one of your commissioners. So,
3 all those things would be a very good suggestion.

4 And, again, keep South Seaside Park
5 in the character that it is, without any loopholes
6 for any more people in large, large, larger
7 structures with multi-family units worming their way
8 in there. Thank you.

9 MR. WHITEMAN: Hello. Don Whiteman
10 again, South Seaside Park. At that mixed purple
11 over here.

12 MR. DICKERSON: Uh-hum.

13 MR. WHITEMAN: So, whoever is in
14 there right now, am I getting this right, you're
15 proposing that if they want to put condos there,
16 they can put condos there, is what you're saying?

17 MR. DICKERSON: I'm not making that
18 proposal.

19 MR. WHITEMAN: No, not you. People.
20 I'm saying the proposal of people, it can be put in
21 there. You just put a blanket purple saying, mixed
22 means anything you want to put in there from
23 single-family to condos to --

24 MR. DICKERSON: All right. So,
25 currently, this area is a mix of motels,

1 restaurants, multi-family units, attached and
2 detached single-family homes and parking lots. But,
3 currently, the RC zone that governs that, there's
4 some -- many of the uses actually are not currently
5 permitted there. So, this would be trying to modify
6 that so that, you know, those areas actually are
7 permitted.

8 And, again, as Stan had mentioned,
9 there would be certain -- like in areas where there
10 might be an issue like, say, some of the existing
11 multifamily housing, we would want to make sure
12 there are conditional standards in place. So that
13 if any modifications are made, there would be
14 increased board oversight to modify, to, you know,
15 make sure that whatever is going there, it's going
16 to do its best to conform and not inconvenience the
17 surrounding neighborhood.

18 MR. WHITEMAN: So, basically, if
19 there's a gentleman that owns the nice green
20 building there, because you X'd out the whole area,
21 he could basically put a highrise there, basically.

22 MR. DICKERSON: That's not what I
23 said. What I did say was that we are trying to
24 ensure that the uses there can be permitted to be
25 there. But also, in doing so, we're not going to

1 say it's a free for all and you can build whatever
2 you want. We're saying that you can build the uses
3 that are there. And that there would be standards
4 in place to make sure that someone is not going to
5 be building a highrise there.

6 MR. WHITEMAN: Okay. Another
7 question. In determining the height of the
8 structure, does the township use the mean height or
9 the actual height?

10 MR. DICKERSON: I believe it depends
11 on whether or not it's in a flood plane. But I
12 would have to check that.

13 MR. WHITEMAN: And do you know what
14 it is?

15 MR. DICKERSON: I'm not --

16 MR. WHITEMAN: Pardon?

17 MR. WINWARD: I can probably answer
18 that, because I was on the board when we voted on
19 that after Sandy. On the mainland, I don't know if
20 it ever came up about the island, but on the
21 mainland, there was an issue where people had a
22 house, an existing structure, it was already built,
23 but got flooded. And they were raising their house.
24 Now, all of a sudden, there was a catch 22. They
25 had a 33-foot house, let's say, and they were on a

1 slab. Now they're going to go six feet high in the
 2 air. So, now they're going to be at 39.
 3 So, in those areas that were affected
 4 by Sandy where houses were rebuilt on existing
 5 footprints, they were allowed to go 35 feet from
 6 what BFE is, the base flood elevation. So, if your
 7 area is six feet, to wherever that falls, it doesn't
 8 mean it's six feet off the ground, just six feet
 9 above wherever the water is. You can go -- once you
 10 establish where that base flood elevation is, you
 11 can go 35 feet above that.
 12 MR. WHITEMAN: All right.
 13 MR. WINWARD: That's only for -- that
 14 was only for existing structures, to help homeowners
 15 rebuild that were affected. It's not for new
 16 construction.
 17 MR. WHITEMAN: Okay. I know at one
 18 time, Berkeley had -- and I don't know if it still
 19 exists -- for -- that used to use the mean. You
 20 could build something 40 feet and peak and 30 feet
 21 here, it's 35 feet. I don't know whether that is
 22 changed or not.
 23 MR. WINWARD: I believe it's the top.
 24 It's the peak --
 25 MR. WHITEMAN: Yeah. All right.

1 Thank you.
 2 MR. WINWARD: -- when I built my
 3 house.
 4 But a lot of these issues you're
 5 bringing up, the zoning was done, put in place after
 6 effect. This stuff was already built. Been there a
 7 long time. So, it's tough to plan an area where the
 8 stuff's built already. And I think Nick's just
 9 basically -- he's not changing anything, he's trying
 10 to document what's there already and give it a
 11 classification to try to help manage this area.
 12 It's a very difficult area, unique situation. And
 13 that you're well aware of.
 14 MR. FULCOMER: Jim Fulcomer, 356
 15 Roberts in South Seaside Park.
 16 Just one thing that you just
 17 mentioned about how high you can raise a house.
 18 Senator Smith, who maybe our attorney knows, pushed
 19 through a bill several years ago, which says you can
 20 go above the height if you're elevating your house
 21 in order to conform to --
 22 MR. WINWARD: That's what I just said
 23 but in --
 24 MR. FULCOMER: I know.
 25 MR. WINWARD: -- Berkeley it's only

1 for existing.
 2 MR. FULCOMER: It's a state law.
 3 It's a state law.
 4 MR. WINWARD: But we have adopted it,
 5 too, here.
 6 MR. FULCOMER: Right. But it's a
 7 state law. Thanks to him. And, fortunately, he
 8 owned a house.
 9 MR. MCGUCKIN: House is on the
 10 barrier island.
 11 MS. FULCOMER: It helps when you're
 12 affected.
 13 Anyway, this purple area, I guess
 14 that's purple. Is that purple?
 15 MR. WINWARD: I think it's lavender.
 16 (Off the record.)
 17 MR. FULCOMER: The oceanfront mixed
 18 use.
 19 MR. DICKERSON: Yes.
 20 MR. FULCOMER: Wherever there are
 21 one-family homes, it should be island residential A
 22 or island residential B, whatever is appropriate.
 23 Wherever there are one-family homes and wherever
 24 there are undeveloped lots, because that would give
 25 us a little protection in terms of any changes that

1 might be desired by a developer.
 2 Now, wait a minute. I ain't
 3 finished. It says here on this page, on this map,
 4 that this is the proposed land use, okay. So, once
 5 you get that proposed land use as a zone, anything
 6 can go up where those one-family homes are and where
 7 undeveloped lots are. So, our concern, one-family
 8 homes. The mustard area, you can have as many as
 9 four-family homes. Right. We don't want that. We
 10 want one-family homes there. I don't like to say
 11 this over and over again. But sometimes people
 12 don't understand what we're saying. And I think it
 13 has to be emphasized. We want to protect our
 14 one-family homes. And we'd like to see an expansion
 15 of one-family homes in areas that are undeveloped.
 16 Thank you.
 17 MS. FULCOMER: If you can -- I know
 18 nobody wants to hear me -- if you can indulge me for
 19 one second. Cathy Fulcomer, 356 Roberts Avenue.
 20 Because you said that there's more than one-family
 21 home in this section right here. You said that,
 22 right? Miller Lane? Yeah, that's what you said.
 23 MR. DICKERSON: Okay.
 24 MS. FULCOMER: They're not over here.
 25 I know they're not here. There's nothing there,

1 except for Miller's widow's home in there. So, why
2 would then this be that color, making it, you know,
3 a proposal for one instead of just the yellow like
4 the rest of this in this case?

5 MR. DICKERSON: Because that's
6 following the existing zone district for the RTH.
7 But it's --

8 MS. FULCOMER: Yeah, but if there's
9 nothing there, then maybe you should change that to
10 a single-family --

11 MR. DICKERSON: There are -- the RTH
12 permits, if you cannot build a townhouse, because it
13 requires, I believe, three acres minimum, obviously,
14 those areas are not three acres, so, it does permit
15 single-family housing in areas that don't meet that
16 requirement. So, yes, it gets -- it, technically,
17 under the zoning, could permit or would probably
18 limit you to single-family housing. So, those areas
19 are effectively single-family homes.

20 MS. FULCOMER: Maybe I'm just not
21 getting through. Then why not make it -- because
22 this is proposed and these are -- these are -- I
23 forget the words that were used, but proposed zoning
24 for perhaps later ordinances. Why not have that
25 yellow, just as a sake of argument? That's all I'm

1 saying. Because there's nothing there now, except
2 the widow's house. So, that's why I don't know why
3 it's -- that's why I don't understand why it is the
4 designated mustard color instead of the yellow,
5 which just indicates a single family or two. Sorry.

6 MR. CALLAHAN: I'd like to disagree
7 with Mr. --

8 MR. WINWARD: Hold on.
9 Was there anybody else from the
10 public? I see some other people here. Nobody.
11 Okay. So, with that, we're going to close this
12 portion. Some board members do have some questions
13 and need some clarification.

14 MR. CALLAHAN: I would disagree with
15 Mr. Whiteman. I think the best thing to do is just
16 keep South Seaside Park separate from the mainland,
17 so that you don't get the -- somehow muddle the
18 zoning requirements. I mean, Nick said different
19 there are requirements here as against the island.
20 I think, keep the island separate, might be a whole
21 lot easier for everybody.

22 MR. WINWARD: Anybody else have any
23 questions?
24 I did have one on some of these
25 questionable areas for the zoning. What we adopt,

1 does that make it cut in stone or is this always
2 going to be a document --

3 MR. DICKERSON: This provides
4 recommendations so that if any zone changes are
5 needed, they have their legal justification on them.

6 MR. WINWARD: In other words --

7 MR. DICKERSON: You're not adopting
8 zoning tonight.

9 MR. WINWARD: We're not adopting
10 zoning. What we're adopting is the neighborhood
11 plan as effective, you know, mainly to do with
12 flood.

13 MR. DICKERSON: Exactly. And if any
14 zone changes are proposed, and are introduced by the
15 governing body, before they get adopted they will
16 come back to this board and the board will consider
17 them and see how they conform to this neighborhood
18 plan. So there will be additional opportunities for
19 input to comment to see if this makes sense.

20 MR. SLACHETKA: I think what's
21 important for the board to understand is -- and by
22 the way, these are two different documents, so.
23 And, Greg, you correct me if I'm wrong, they would
24 be two separate actions on each of the documents.
25 The mainland one that's addressing the mainland

1 neighborhoods. The other one is addressing South
2 Seaside Park.

3 Essentially, what the plans are
4 proposing to do is making amendments to the land use
5 plan element of the master plan. And according to
6 the Municipal Land Use Law, zoning has to be
7 substantially consistent with the land use plan
8 element and the housing plan element of the master
9 plan. So to the extent that these are just general
10 guidelines, that's correct. However, if, for
11 example, the governing body of the township wanted
12 to do something completely different, such as, you
13 know, maybe they wanted a commercial zone where we
14 call for a residential zone, they would have to --
15 they could do it if they wanted to do it, but as
16 Nick had indicated previously, they have a much
17 higher standard of making changes.

18 So that they would have to have the
19 majority of their full voting membership. They have
20 to specify in writing why they're doing something
21 that's not consistent with the master plan. And
22 eventually there could be challenges to that if it
23 was determined to be too arbitrary of a decision by
24 the governing body.

25 So there is a connection between

1 what's recommended in the land use plan and what
 2 ultimately will be the outcome of the zoning. I
 3 think one of the things you did hear from the people
 4 who participated in the public, was concern to
 5 protect the existing character of those areas where
 6 there is -- the preponderance of the uses are
 7 single-family detached. And I think that's a
 8 legitimate concern. That's something that the plan
 9 attempts to do.

10 To the extent that the board could
 11 request us to -- they could adopt the plan and
 12 request us specifically to have language that
 13 further clarifies and enhances the intent to protect
 14 those single-family areas, I don't think that would
 15 be inconsistent with the plan that's been prepared,
 16 but might provide further clarification when the
 17 governing body decides to make the ordinances, and
 18 they say, well, look, this provides us a mix of
 19 uses, so, therefore, we're going to have a
 20 blanket -- that justifies an ordinance that provides
 21 a blanket, you know, free-for-all as it were. If we
 22 add some language in there, be very specific about
 23 what the intent is, which doesn't fundamentally
 24 modify the plan, I think that that would probably
 25 offer appropriate protections and further

1 clarifications. Unless, Nick, you think that
 2 that's -- I just -- I'm going to defer to you, if
 3 you think that's something that would be
 4 appropriate.

5 MR. DICKERSON: I think that is a
 6 concern that that could be something that is
 7 addressed. I agree.

8 MR. WINWARD: Thank you for that
 9 clarification. Clears a lot of matter up. Okay. I
 10 think at this point, what we need to do is to adopt
 11 these. We do them as two separate documents. So
 12 we're going to take the Coastal neighborhood
 13 resiliency plan. I need a motion and a second.

14 DR. HUDAK: I'll motion.
 15 MR. WINWARD: Do we have a second?
 16 MR. MACKRES: Second.
 17 MR. WINWARD: Roll call, please.
 18 MS. HUGG: Dr. Hudak.
 19 DR. HUDAK: Yes.
 20 MS. HUGG: Mr. Mackres.
 21 MR. MACKRES: Yes.
 22 MS. HUGG: Mr. Lorelli.
 23 MR. LORELLI: Yes.
 24 MS. HUGG: Mr. Bell.
 25 MR. BELL: Yes.

1 MS. HUGG: Mr. Callahan.
 2 MR. CALLAHAN: Yes.
 3 MS. HUGG: Chairman Winward.
 4 MR. WINWARD: Yes. Okay. That one
 5 is carried.

6 Now on the matter of the South
 7 Seaside Park Neighborhood plan. We need a motion
 8 and a second as to whether we adopt.

9 MR. SLACHETKA: And just to clarify,
 10 that's adoption with the language change that we
 11 just discussed with regards to providing for the
 12 clarification on the protections for the
 13 single-family areas that we just discussed as part
 14 of the record.

15 MR. DICKERSON: And also just as I
 16 had mentioned earlier, we will be providing
 17 clarifications that were requested by the state in
 18 this plan as well.

19 MR. SLACHETKA: That's correct.
 20 Actually both plans. But that was already -- we
 21 already presented that, just part of the record.

22 MR. WINWARD: Do we have a motion?
 23 DR. HUDAK: I'll motion.
 24 MR. WINWARD: We need a second.
 25 MR. LORELLI: I'll second.

1 MS. HUGG: Dr. Hudak.
 2 DR. HUDAK: Yes.
 3 MS. HUGG: Mr. Mackres.
 4 MR. MACKRES: Yes.
 5 MS. HUGG: Mr. Lorelli.
 6 MR. LORELLI: Yes.
 7 MS. HUGG: Mr. Bell.
 8 MR. BELL: Yes.
 9 MS. HUGG: Mr. Callahan.
 10 MR. CALLAHAN: Abstain.
 11 MS. HUGG: Chairman Winward.
 12 MR. WINWARD: Yes.
 13 Okay. That concludes. We have no
 14 other matters on the agenda. So at this point, all
 15 in favor of adjourning, say Aye.
 16 ALL: Aye.
 17 (Meeting concluded.)
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CERTIFICATE

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

Linda Sullivan-Hill

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

Dated: May 9, 2017

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