

TOWNSHIP OF BERKELEY  
PLANNING BOARD

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

Pinewald Keswick Road  
Bayville, New Jersey  
Thursday, July 6, 2017  
7:40 p.m.

11 B E F O R E:

- 12 Robert Winward, Chairman
- 13 John Bacchione, Councilman
- 14 Frederick Belli, Member
- 15 Domenick Lorelli, Member
- 16 Nick Mackres, Member
- 17 Richard Callahan, Member
- 18 John Hudak, Member
- 19 Jack Wiegartner, Member

23 -----  
24 LINDA SULLIVAN-HILL & ASSOCIATES  
25 CERTIFIED COURT REPORTERS  
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2 APPEARANCES:

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4 CHERROS & CONNORS, ESQS.  
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8 Attorneys for the Board
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10 17 Beaverson Blvd.  
11 Brick, New Jersey 08723  
12 BY: JOSEPH MICHELINI, ESQ.  
13 Attorneys for the Petitioners

11 ALSO PRESENT:

- 12 Kelly Hugg, Secretary
- 13 Nick Dickerson, Planner
- 14 Stuart B. Wisel, Planner
- 15 Rodney Haines, CPA
- 16 Stanley C. Slachetka, Planner

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I N D E X

2	NAME OF WITNESS	PAGE
3	STANLEY C. SLACHETKA	7

10 E X H I B I T S

11	NUMBER	DESCRIPTION	PAGE
12	T-32	Planning report, 7/3/17	4
13	A-72A	Invoice previously marked A-72	6

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1 (The Planning report, 7/3/17 was  
2 marked as T-32 for identification.)  
3 MR. WINWARD: Okay. We'd like to  
4 restart the meeting. And next up on the agenda is  
5 the South Seaside Park Homeowners and Voters  
6 Association De-annexation petition hearing. Before  
7 we get started, I want to give a couple minutes to  
8 Mr. DeMarco. You had a concern about --  
9 MR. DEMARCO: Can I ask that now?  
10 MR. WINWARD: Yes, please. We want  
11 to keep it short.  
12 MR. DEMARCO: I'll be brief, believe  
13 me.  
14 MR. WINWARD: Okay.  
15 MR. DEMARCO: On E, okay, the  
16 resolution about the neighborhood plan. Basically,  
17 I know we had the whole big meeting about the  
18 one-family zone. Now, I know you passed the  
19 resolution. Did you pass it to keep it as a  
20 one-family zone, the whole area, or is it  
21 multifamily again? Where are we?  
22 MR. WINWARD: We read all the  
23 changes, all the concerns that the public had --  
24 MR. DEMARCO: Right.  
25 MR. WINWARD: -- we read it into the

1 resolution.  
 2 MR. DEMARCO: Right.  
 3 MR. WINWARD: Nick worked with it, so  
 4 I believe he has an affirmative answer to the  
 5 question.  
 6 MR. DEMARCO: Well, basically, is it  
 7 yes one-family or no? What's -- yes or no?  
 8 MR. DICKERSON: Yes, the resolution  
 9 that was adopted at the June hearing, stipulated  
 10 that there would be no townhomes or multifamily in  
 11 the residential districts. I believe the one area  
 12 that was approved for what was called the mixed use  
 13 is the neighborhood business district, where it  
 14 would -- you would permit as a conditional use  
 15 apartments above retail in hopes to --  
 16 MR. DEMARCO: Yes. Okay. Second  
 17 question. What is or how is Victorian Developers or  
 18 some, whatever it is there, Victorian something  
 19 there, LLC, how -- is that tied into part of the  
 20 resolution?  
 21 MR. DICKERSON: That has nothing to  
 22 do with the South Seaside Park neighborhood plan.  
 23 MR. DEMARCO: All right. Thank you.  
 24 That's all I wanted to know. Thank you.  
 25 MR. WINWARD: We're going to open the

1 meeting with testimony from our township planner.  
 2 MR. MICHELINI: If I could just enter  
 3 my appearance on the record. Joseph Micheline from  
 4 O'Malley, Surman & Micheline on behalf of the  
 5 South Seaside Park Homeowners and Voters Association  
 6 petition signers.  
 7 Just as a matter of clarification,  
 8 we're still in the township's case, correct?  
 9 MR. WINWARD: Yes.  
 10 MR. MCGUCKIN: Yes.  
 11 MR. MICHELINI: Okay. That's all.  
 12 Thank you.  
 13 MR. MCGUCKIN: We did want to correct  
 14 an exhibit, as I understand it. And that was the --  
 15 which invoice was it? A-72 and A-73 were invoices.  
 16 MS. HUGG: It's the March 7, 2016  
 17 invoice.  
 18 MR. MCGUCKIN: Okay. So, that will  
 19 now be A-72A, correct?  
 20 MS. HUGG: Yes.  
 21 (The Invoice previously marked A-72  
 22 was marked as A-72A for identification.)  
 23 MR. WINWARD: Very good. Did you  
 24 make note of that, Mr. Micheline.  
 25 MR. MICHELINI: I did. Thank you.

1 MR. MCGUCKIN: Thank you.  
 2 MR. WINWARD: Okay, Stan, you may  
 3 proceed.  
 4 STANLEY SLACHETKA, having been duly sworn, according  
 5 to law, upon his oath, testified as follows:  
 6 MR. SLACHETKA: Thank you, Mr.  
 7 Chairman. It's Stan. First name is Stan, or  
 8 Stanley. And it's, last name is Slachetka. It's S,  
 9 as in Sam, l-a-c-h-e-t-k-a with T&M Associates.  
 10 T&M Associates is the appointed  
 11 township planner. And that's the basis upon my  
 12 testimony to the board this evening, as the township  
 13 planner. You don't need me to read any credentials  
 14 or anything like that into the record, do you, Greg  
 15 or Mr. Attorney?  
 16 MR. MCGUCKIN: I think we're well  
 17 familiar with your credentials.  
 18 MR. SLACHETKA: Okay. Thank you.  
 19 (Off the record.)  
 20 MR. SLACHETKA: I'm going to be  
 21 testifying to the contents of the planning report  
 22 that we prepared in this matter. This is  
 23 referenced, the Planning Report in the Matter of the  
 24 Petitioned De-annexation of South Seaside Park. And  
 25 it's dated July 3rd, 2017. And it's signed by me as

1 a licensed professional planner in the State of New  
 2 Jersey. And I provided a copy of that, a full copy  
 3 of that, including all of the attachments, exhibits  
 4 and the maps that are associated and referenced in  
 5 the report that's identified as T-32.  
 6 (Off the record.)  
 7 MR. SLACHETKA: So, anyway, to start,  
 8 I think what's probably important here is to sort of  
 9 set some framework for the testimony. This report  
 10 and my testimony are going to be focusing on the  
 11 planning issues that are involved in the proposed  
 12 de-annexation, requested de-annexation by the  
 13 petitioners. And I'll get into the content of that.  
 14 And I'll get into the provisions of the request of  
 15 the de-annexation or the framework for the analysis  
 16 in just a moment. But I think what's important for  
 17 the board to understand is, this is -- this report  
 18 is not a comprehensive report in the sense of  
 19 bringing all the factors together. I think you're  
 20 going to probably be hearing some testimony on that  
 21 later in the process from the township's case.  
 22 However, what we wanted to do is review and,  
 23 essentially, address some of the testimony that  
 24 we've heard so far from the petitioners' planning  
 25 witnesses and Mr. Bauman, some of the lay testimony,

1 and establish a framework for analysis in the  
2 context of the comprehensive planning activities of  
3 the municipality so that we could better analyze the  
4 proposed petition from the standpoint of the  
5 statutory criteria.

6           And I'm going to probably apologize  
7 right from the very beginning. There's a lot of  
8 stuff here. There's a lot of information that I'm  
9 going to be going through. So, we'll try to take  
10 our time. Present it as clearly and as  
11 comprehensively as we possibly can, so that the  
12 board has a full understanding of those planning  
13 issues that I'm going to be addressing and our  
14 arguments and our conclusions. So, let me  
15 apologize. You'll probably hear a lot from me this  
16 evening and maybe on into other evenings. But I  
17 think it's going to be necessary for the board to  
18 kind of be able to fully understand and comprehend  
19 this. And, certainly, if there's, you know, after  
20 my testimony, if there's any specific questions or  
21 if there's a point of clarification that you want to  
22 make, actually, during my testimony, I'll be glad to  
23 welcome that.

24           So, to the analysis and request  
25 that's before the board. We have, the South Seaside

1 Park Homeowners and Voters Association is the formal  
2 petitioners. They've been -- asked the township for  
3 a de-annexation of their neighborhood from  
4 Berkeley Township to the adjoining community,  
5 adjoining municipality, Seaside Park. And as part  
6 of the statutory required process, as you probably  
7 are well aware at this point, that the -- that case  
8 or that request comes before the planning board for  
9 your evaluation as to determine the impact on the  
10 municipality, impact on the neighborhood that is  
11 requesting the de-annexation and making  
12 recommendations to the governing body with regards  
13 to that.

14           And in that context, I think it's  
15 probably appropriate that the planning board has  
16 that role and responsibility. Because the fact that  
17 it really is a fundamental component of your  
18 planning obligations to review the impact that any  
19 such proposals or any proposals, really, from a  
20 planning perspective, from a zoning perspective,  
21 from an application perspective, as well as an  
22 application, what the impacts of those are on the  
23 community and weigh that against your goals and  
24 objectives as expressed in your master planning  
25 documents and your comprehensive planning documents.

1 And understanding how that also impacts the general,  
2 general welfare of the community, which is one of  
3 the fundamental requirements or foundations of the  
4 planning work that you do, both in terms of crafting  
5 plans for the township, as well as in reviewing  
6 applications. So, I think that this is an  
7 appropriate venue and the subject matter that I'm  
8 presenting to you, will be presenting to you in that  
9 regard, I think is something that you're fully  
10 capable of analyzing and should be analyzing.

11           So, let's get -- go into the  
12 statutory requirements. I'm going to be drinking  
13 water from time to time, so I apologize.

14           We've presented kind of a summary of  
15 the key components of the statutory requirements.  
16 We did not include all the statutory language in the  
17 report. That's obviously part of the record and can  
18 be referenced by the board, but I think will be  
19 presented here as a summary as it relates  
20 specifically to the planning issues and concerns.

21           And I think really three parts to  
22 that, under the first -- three fundamental parts to  
23 that. The first part being that the petitioners,  
24 and this is, the petitioners have the burden to  
25 prove to you and to the township that, to

1 demonstrate that the refusal to consent to the  
2 de-annexation by the governing body is arbitrary or  
3 unreasonable. That refusal to consent to the  
4 de-annexation by the governing body is detrimental  
5 to the social and economic well-being of the  
6 majority of the residents in the affected land. In  
7 this case, the South Seaside Park neighborhood. And  
8 that de-annexation would not cause significant  
9 injury to the well-being of the municipality in  
10 which the land is located.

11           And when we get to the conclusions,  
12 and I'll be talking all through this testimony in  
13 terms of our evaluation of the planning issues in  
14 relationship to those three components, our  
15 fundamental conclusion is, one, that the governing  
16 body by denying the de-annexation would not be  
17 acting in an arbitrary basis, and the reasons that  
18 are presented because of that.

19           That the refusal to consent to the  
20 de-annexation is, in fact, not detrimental to the  
21 social and economic welfare and well-being of the  
22 majority of the residents. In fact, the  
23 de-annexation, we will contend, is actually  
24 detrimental. A de-annexation would be detrimental  
25 to the community in question, the neighborhood in

1 question.

2 And, finally, that the de-annexation  
3 will, in fact, cause harm, substantial harm to the  
4 Township of Berkeley. And, again, we'll get into  
5 all the details about that. But that's really the  
6 fundamental conclusions.

7 A couple of quick details with  
8 regards to the petition. The petition for  
9 de-annexation was signed by 351 individuals, 285  
10 which were verified as valid. And that represents  
11 about 65 percent, 65 and a half percent of the 435  
12 registered voters in South Seaside Park. So, the  
13 petition in that context is -- would be a valid  
14 petition before the board

15 MR. BACCHIONE: Through the Chair. I  
16 just have a quick question for you, if you don't  
17 mind me interrupting.

18 MR. SLACHETKA: No, John.

19 MR. BACCHIONE: Just explain what you  
20 mean by valid.

21 MR. SLACHETKA: Well, valid not in  
22 the substantive question, but that they have, the  
23 petition, they've had the signatories that allow  
24 them to proceed through the process.

25 MR. BACCHIONE: So, there were 351

1 individuals who signed the petition. 285 are  
2 verified as valid. The others were not residents or  
3 were not full-time residents or -- I don't  
4 understand the ones that weren't valid. Like, what  
5 were they?

6 MR. SLACHETKA: To be frank, I don't  
7 know all the details about why they were not  
8 qualified or those signatures were disqualified. We  
9 could probably get you more details about that.

10 MR. BACCHIONE: Okay. Thank you.

11 MR. SLACHETKA: That's the  
12 information I have before me. Like I said, if  
13 there's anything other, the board wants some  
14 clarification or follow-up information or analysis,  
15 we certainly can provide that to the board as  
16 needed. And, as I mentioned, there's a whole series  
17 of witnesses before this board, both witnesses  
18 presented by the petitioners and witnesses to date  
19 presented to you by the township, including myself,  
20 you know, acting, as I said, as a township planner,  
21 and township planning being a component of the  
22 municipal government here in Berkeley Township.

23 And then you heard what we call lay  
24 testimony. And that's not to be derogatory to the  
25 testimony. It's just by lay witnesses that are not

1 professionals but are presenting testimony either in  
2 favor of the de-annexation or opposed to  
3 de-annexation.

4 Some things that I want, you know,  
5 sort of right upfront exclusions that I want to  
6 identify. And first of which, anything that's not  
7 within the purview of the township and certainly not  
8 within the purview of the township from a planning  
9 function, such as, you know, statewide  
10 transportation. Things that are controlled by other  
11 jurisdictions, whether or not it's maybe Ocean Ride  
12 as a transportation entity, New Jersey Transit,  
13 state and county park land, the Berkeley Times,  
14 libraries. We have it in a footnote in our report.  
15 But there's a variety of things that are, in  
16 essence, not under the township's jurisdiction that  
17 we cannot impact or influence, that might have been  
18 mentioned in prior testimony.

19 I also included in table number one  
20 the series of references. And those include a  
21 variety of different documents, transcripts,  
22 petition reports that were viewed as part of the  
23 construction of this planning analysis. And they go  
24 without speaking in terms of the list here. If  
25 there's any questions about it, I'll be glad to

1 answer.

2 The report is divided into four  
3 sections, generally aligned with those, that  
4 statutory criteria that I set forth right in the  
5 very beginning. And the first section that we have  
6 in the report is a municipal and community overview.  
7 And there'll be some discussion. I'll be presenting  
8 some testimony with regards to municipal boundaries,  
9 you know, places within the municipality and issues  
10 regarding the definition of the places, such as,  
11 neighborhoods, communities, et cetera. We have a  
12 discussion about neighborhoods in that section. We  
13 talk a little bit about demographics. And  
14 demographics is an important factor in evaluation  
15 and it's certainly an important factor from a  
16 planning perspective in evaluating the proposed  
17 petition and addressing some of the elements of the  
18 statutory criteria.

19 And, finally, we talk a little bit  
20 about locational decision making, which kind of  
21 leads into some issues relating to the plans and the  
22 comprehensive planning within Berkeley Township.  
23 And that's part two of our report, where we talk  
24 about planning efforts in Berkeley. We'll talk a  
25 little bit about some of the more recent planning

1 efforts. And when I say recent, probably over the  
2 course of the last 19 to 20 years. We don't go that  
3 far back historically, but we think that the last 20  
4 years of the planning activity, especially the last  
5 few years, are probably the most relevant for the  
6 board to evaluate and review as part of its  
7 determination of whether or not, in fact, there's  
8 harm to South Seaside Park or Berkeley Township in  
9 the de-annexation.

10 As part of that analysis and looking  
11 at some of the more recent activities, we'll be  
12 talking about some of the resiliency planning that,  
13 in part, were funded by the post Sandy planning  
14 assistance grant projects. Actually, a substantial  
15 amount funded by the post Sandy planning assistance  
16 grants that the township had received, as well as,  
17 and part of that being, and we'll get into it in  
18 detail later, with regards to the recently adopted,  
19 and, actually, we adopted this evening,  
20 South Seaside Park plan, as well as the various  
21 coastal neighborhood plans that have been adopted.

22 And, again, we'll talk about that,  
23 you know, and we'll talk about the planning  
24 activities. Not so much as just an academic  
25 exercise about planning, but how that relates to the

1 factors and evaluation of the petition that the  
2 board could consider. But, again, this is a report  
3 about planning, and your function and role and  
4 responsibility in the community is about planning.  
5 So, that's where this kind of connection and tie in  
6 is, I think, very, very closely connected.

7 And then we will review, go back and  
8 review the statutory criteria and talk about, you  
9 know, our conclusions in that context. Reiterating  
10 and calling out some of the things that we talked  
11 about in the early part of the -- early part of the  
12 report.

13 So, the first couple of sections form  
14 a foundation for a more specific analysis and  
15 conclusions with regards to the requested petition  
16 for de-annexation. And we have, finally, we have a  
17 conclusion, which I've sort of given you a quick  
18 review of, you know, previously.

19 So, in that context, let's talk a  
20 little bit, let's move to the municipal and  
21 community overview. And I'm going to call out some  
22 of the highlights here. But I'm not going to -- I'm  
23 trying not to skip over some of the essential  
24 points. So, if it sounds like it's going to be a  
25 lot of detail, again, I apologize right upfront, but

1 I think the detail is really important in  
2 understanding some of these issues. And you'll see  
3 how each piece links into the other and that detail  
4 then sets the foundation for what we do, what we  
5 analyze later on. So, if it actually does sound  
6 like I'm being a bit repetitive sometimes, I'm being  
7 repetitive for a reason and it's to help you  
8 understand your decision here in this way.

9 So, under the municipal overview, I  
10 mean, we know, most of you know, I would hope,  
11 sitting on the planning board, are relatively --  
12 thoroughly understand and know your community.  
13 Berkeley Township, is 43 square miles. It extends  
14 from the Pinelands in the western most boundary, you  
15 have the senior communities out in the western  
16 boundary, all the way to the Atlantic ocean to  
17 South Seaside Park. It includes a substantial  
18 shorefront, including the Atlantic Ocean shorefront  
19 in South Seaside Park and Island Beach State Park.  
20 And you've got the various Bayshore communities or  
21 bayfront communities, I should say, in the township.  
22 So, you've got an extensive shoreline, as well, not  
23 only the Atlantic Ocean, but also the Barnegat Bay.

24 And, from a planning context, I'm  
25 going to be talking about that quite a bit. The

1 planning context your stewardship of Barnegat Bay  
2 and the reasons why you have done certain things,  
3 made certain decisions, are focused on the, really,  
4 the fundamental, you know, planning work that you  
5 need to do. And that's balancing the opportunities  
6 for growth and development in a sound planning and  
7 sustainable way with the protection of the  
8 environment. Whether it's Pinelands, whether it's  
9 environmentally sensitive lands on the mainland,  
10 whether it's the shorefront, whether it's the more  
11 significant ecosystem that is represented by  
12 Barnegat Bay and the Pinelands areas. And also  
13 important upland habitat areas that you're trying to  
14 preserve as part of your Transfer Development Rights  
15 program, and your overall comprehensive plan.

16 Berkeley Township is doing a  
17 substantial amount, and has done over the last 20  
18 years, a substantial amount of planning work in the  
19 community. That planning work, that comprehensive  
20 planning includes a significant amount of planning  
21 for the South Seaside Park neighborhood, as well as  
22 other neighborhoods all throughout the township.

23 So, essentially, the township is,  
24 we've sort of categorized it as sort of a mosaic of  
25 neighborhoods. And not unlike a lot of communities

1 in the State of New Jersey, you've got a whole  
2 variety of different neighborhoods. And some of  
3 them have been organized and affected by natural  
4 features and defined by natural features, such as,  
5 the bay and for the Atlantic shore. Others are  
6 defined and basically sort of organized around types  
7 of infrastructure that have been developed through  
8 the last century or two, including railroads,  
9 Route Nine and probably more recently the Parkway.

10 You have a variety of master plan  
11 communities. Actually, South Seaside Park early on  
12 was one of those master plan communities, as many of  
13 the barrier island communities in the State of New  
14 Jersey were actually planned. Pinewald, all you see  
15 in -- when you see some of the tax maps and tax lots  
16 in the Pinewald area, you can see where there was  
17 anticipated, you know, planned communities in those  
18 areas.

19 You have -- this is going to -- as  
20 I'm speaking here, I'm going to have to take a sip  
21 of more water here.

22 You have your senior communities, you  
23 know, Silver Ridge, Holiday Heights and those  
24 variety of communities out in the northwestern  
25 areas. And those are very defined and very

1 identifiable communities within the State of --  
2 within the Township of Berkeley. You have ethnic  
3 enclaves. And then we were just talking about an  
4 application for Manitou Park and the community that  
5 is governed by the redevelopment plan in Manitou  
6 Park, which is also part of the rehabilitation area.  
7 And there's a reference in the report, one of the  
8 footnotes. And I would encourage you to read the  
9 footnotes as much as you read the body of the report  
10 because there's a lot of good information in those  
11 footnotes.

12 The South Seaside Park neighborhood  
13 at one point was referred to as Little Italy based  
14 on the Italian workers that were working in that  
15 area of the township. So, underscores, too, that  
16 these places evolve over time and that they are  
17 recognized for different types of characteristics.  
18 And all these neighborhoods, as well, within the  
19 township are defined in the context of a variety of  
20 regulatory jurisdictions that are associated with  
21 those and actually govern development and ultimately  
22 govern what is the -- how these neighborhoods are  
23 going to function, look and grow in the future.  
24 That includes the Pinelands areas, which provides  
25 for fairly -- governs a fairly substantial part of

1 the township and provides a significant amount of  
2 restrictions in terms of the nature, type and extent  
3 of development that can take place in those areas to  
4 protect important natural resources.

5 You have the CAFRA regulations which  
6 govern coastal development. These are New Jersey  
7 Department of Environmental Protection regulations  
8 which govern the form, the nature and the design of  
9 development in coastal areas. Again, to protect  
10 actually the residents and occupants of that  
11 development, ensuring their safety, as well as  
12 protecting the important natural and ecological  
13 resources of the municipality of the state and  
14 region in which we live.

15 So, there's -- there are regulatory  
16 overlapping and jurisdictional overlapping that  
17 occurs and has affected these neighborhoods. And as  
18 I said, they have evolved. And they will continue  
19 to evolve in the future and grow, develop or  
20 redevelop or sustain themselves, you know, in the  
21 future, based on the actions that you as a township  
22 and you as, specifically, as a planning board have  
23 taken and through plan endorsement, state plan  
24 endorsement.

25 Basically, getting a recognition by

1 the State Planning Commission that, in fact, your  
2 comprehensive planning documents for the entire  
3 municipality, not just one portion of the  
4 municipality, but for your entire municipality, are  
5 consistent with statewide, you know, planning  
6 principles. And with various state agency input  
7 into that determination, including the Department of  
8 Transportation, Department -- and, most importantly,  
9 the Department of Environmental Protection, that  
10 plan endorsement included a variety of different  
11 actions and activities which will be further  
12 defining neighborhoods and defining the community.

13 The Transfer Development Rights  
14 Program that I mentioned, which transfers  
15 development rights from environmentally sensitive  
16 lands, particularly like in the Pinewald area, to  
17 areas that have been identified for being  
18 appropriate for new growth development, new ratables  
19 within the community, that includes the Town Center  
20 One, the Town Center Two, the -- which is a -- which  
21 is designated core in the state plan, as well as the  
22 other areas that are identified along Route Nine as  
23 receiving areas for the, you know, for the  
24 development rights. And that's an important part of  
25 your planning efforts. Providing, again, providing

1 opportunities for growth while protecting important  
2 environmental resources and preserving and  
3 protecting the important cultural assets in the  
4 neighborhoods.

5           You have the housing plan which you  
6 recently adopted. And all of these, as I said,  
7 we'll get into a little bit more detail later on in  
8 the testimony in terms of their direct relationship  
9 to the analysis that we have to present. You have  
10 the housing plan, which we'll talk about in great  
11 detail in terms of a guiding development related to  
12 affordable housing. We have, you know, issues that  
13 the township is dealing with with regards to even  
14 broader ecological issues. And you've heard a lot,  
15 you know, and we will be talking a lot about the  
16 impact of Superstorm Sandy. And whatever your  
17 position might be with regards to climate change or  
18 sea level rise, those are issues that are embedded  
19 and embodied in your planning activities because of  
20 the importance and the potential impact that they  
21 have on communities. And as we'll talk about in a  
22 bit, that's one of the fundamental aspects in, I  
23 think, in evaluating the legitimacy or the  
24 appropriateness of the de-annexation in terms of the  
25 impact on the communities that are involved both in

1 terms of South Seaside Park and the township as a  
2 whole.

3           So, let's take a drink and let's move  
4 on to, I think, probably where we, kind of a  
5 starting point in this whole discussion from a  
6 planning perspective. I'm trying to keep the  
7 microphone close to me. But then it's also, you  
8 know, I hear that I'm popping my P's and T's. So,  
9 there's got to be an appropriate balance here.

10           (Off the record.)

11           MR. SLACHETKA: Is this okay?  
12 Better? Good. Okay. I'll try to keep my voice up  
13 as much as possible without hitting all the, hitting  
14 all the bad audio pops and fizzes.

15           So, first of which, let's talk about  
16 this issue of a place, a neighborhood,  
17 identification of a place. Identification that  
18 people have with place. And I think that's really  
19 kind of the starting point. And you've heard a lot  
20 in terms of your testimony that you've heard, and  
21 especially from the residents of South Seaside Park,  
22 with regards to that concept. And I think that  
23 those -- that those issues and addressing that are  
24 important and valid ones that we need to kind of  
25 evaluate in the context of comprehensive planning

1 issues that you have to consider here. But I think  
2 there needs to be a lot of clarification about that  
3 and lot of kind of -- I don't think we can quickly  
4 move from that concept without, you know, without  
5 actually providing us a good foundation, you know,  
6 from moving forward.

7           So, you heard about neighborhood, you  
8 heard about community. And there are ways in which  
9 those kinds of things, you know, get defined. On a  
10 broader level within Berkeley Township, essentially,  
11 we've got really three big areas of the township.  
12 And, actually, maybe even two broader areas. And we  
13 have the mainland and we have the barrier island  
14 area of the township. And in the barrier island,  
15 obviously, you have South Seaside Park. You have  
16 also Island Beach State Park. To a certain extent,  
17 Pelican Island is somewhat associated with that.  
18 It's proximate even though it's a separate entity in  
19 of itself.

20           You do have -- in the mainland, in  
21 fact, the mainland itself could be defined broadly  
22 in terms of two different areas. You have the areas  
23 west of the Parkway, which include those areas in  
24 the Pinelands that I mentioned. Actually, west of  
25 the Parkway, you do have the municipal facilities,

1 the township municipal building and public safety  
2 facility. And then you also have the senior  
3 communities that we talked about a moment ago on  
4 the -- in the northwestern part.

5           So, you have the west of the Parkway  
6 which is Pinelands, senior citizen communities. And  
7 you have the east mainland area. And as we talk  
8 about it, we'll see that there are a lot of planning  
9 activities going on and has been going on in the  
10 last 20 years in the mainland because of the fact  
11 that those are the areas where the opportunities for  
12 a significant amount of growth and development, at  
13 the same time, the need to create some opportunities  
14 for preservation, both in terms of habitat areas and  
15 also shoreline areas to protect us from more greater  
16 environmental impacts. So, that balancing, probably  
17 looking forward, has been taking place a lot in that  
18 part of the area. But as we'll talk about, the  
19 township is doing comprehensive planning. And every  
20 place where it plans and every part of the community  
21 that it's planning for is all integrated and linked  
22 into the overall comprehensive planning goals and  
23 objectives that you've established.

24           Even if those areas, even if you have  
25 a different objective and a different set of

1 planning tools that are implemented or used in an  
2 area, they're overall comprehensively used in a way  
3 that advances your overall goals and objectives from  
4 a planning perspective.

5           Now, a lot has been said about the  
6 noncontiguous nature of Seaside Park --  
7 South Seaside Park in relationship to the township.  
8 How it's basically separated significantly by a  
9 water body. And it's separated, it's not contiguous  
10 to the mainland area. It is on a barrier island.  
11 And that's part -- the portion of the township is on  
12 a barrier island. However, having said that, that's  
13 not a unique circumstance and situation. Certainly  
14 not even a unique circumstance and situation in  
15 Ocean County. In Ocean County, you have Toms River  
16 Township and you have Brick Township, which have  
17 areas on the barrier island that are separated  
18 physically from the rest of the mainland.

19           By the way, there are some figures on  
20 page seven and page eight that I'm referencing.  
21 And, you know, without getting into the nitty gritty  
22 and the details in each one of the circumstances of  
23 the separation, I think it's -- or why they're  
24 geographically and are physically separated, I think  
25 it's important to understand that this is a

1 circumstance, a circumstance which occurs, you know,  
2 quite regularly and frequently within the State of  
3 New Jersey. So, the physical separation in of  
4 itself is not a unique factor or a fundamental, you  
5 know, focus, I think, of the issues that are  
6 entailed with regards to the de-annexation. It's  
7 one but it's not the, I think, the fundamental.

8           So, you have other communities that  
9 are identified and highlighted in this map. You  
10 have upper and lower townships in Cape May County.  
11 There's Egg Harbor in Atlantic County. Then even on  
12 the Delaware, you've got communities like  
13 Montague Township that has, if I'm pronouncing that  
14 correctly, Mashipacong Island. And in Pennsauken,  
15 you have Petty Island. Actually, there's, in fact,  
16 development activity taking place in that. So,  
17 those are examples of where there's some physical  
18 separation because of the fact that there is a water  
19 body that's between one portion of that municipality  
20 and the other.

21           There's been a variety of historic  
22 boundary changes that are there. And there have  
23 been de-annexations. And some of those  
24 de-annexations that, in fact, have created  
25 noncontiguous elements of communities. Long Beach

1 Township in Ocean County is one example of that.  
2 Byram in Sussex County. In south -- you have South  
3 Hackensack in Bergen County. Then you have Aberdeen  
4 in Monmouth County. Some of them are, if you can  
5 see by the map, are, you know, pretty significant  
6 discontinuities. So, again, the idea of  
7 discontinuity in terms of jurisdiction in the State  
8 of New Jersey is not -- you're not -- not unique.  
9 Because we're not talking about the only place in  
10 New Jersey that that's taking place.

11           We also recognize and, you know, we  
12 probably -- we probably can fill this room and we  
13 can probably spend the next several months talking  
14 about the -- everybody's history or understanding or  
15 experience with unincorporated areas within  
16 municipalities. I used a couple of examples for  
17 myself. But, you know, you've got Maurice River  
18 Township that has multiple, you know, jurisdictions  
19 within it. And they're not -- these unincorporated  
20 areas, these, whether they're called a village or  
21 they call it the neighborhood, they have a certain  
22 locational name. And one township that I'm  
23 particularly familiar with, our office is in  
24 Middletown Township. And that's a fairly sprawling  
25 municipality and that has a whole range of different

1 neighborhood names in Middletown Township. Many of  
2 them associated with a specific church or a specific  
3 building or a specific area of development that took  
4 place, you know, going back maybe in some respects  
5 to Colonial times.

6           And you have Woodbridge Township in  
7 Middlesex County. You have the Colonia section of  
8 Woodbridge Township. You have Iselin in Woodbridge  
9 Township. Actually, downtown area is sometimes  
10 called Woodbridge Proper within Woodbridge Township.  
11 You have the Keasbey section in Woodbridge. And  
12 there's several others that are identified.  
13 Actually, in Port Reading, my grandparents lived in  
14 Port Reading. And my mom grew up in Port Reading.  
15 That's a subdistrict, a neighborhood within  
16 Woodbridge Township. And they often, you know,  
17 said, well, where did you grow up? I grew up in  
18 Port Reading. It's all part of Woodbridge Township  
19 and collectively all those neighborhoods, you know,  
20 made up the community of Woodbridge Township. And  
21 at the same time, they had their own sort of  
22 distinct neighborhood, you know, characteristics,  
23 whether it's -- whether it was an ethnic  
24 characteristic. Port Reading, the predominant  
25 make up in Port Reading, the Port Reading section of

1 Woodbridge Township was Italian. They have their  
2 Italian church there, St. Anthony's, where everybody  
3 recognized where that was a place they went to.

4 Edison, another town, Edison  
5 Township. There's North Edison, there's South  
6 Edison. There's the Nixon section of Edison  
7 Township. Old Bridge also is made up of multiple  
8 neighborhoods and called different names. In  
9 Neptune Township, another coastal community, you  
10 have the Shark River Hills section of Neptune  
11 Township, you have Neptune proper, you have the  
12 Ocean Grove section of Neptune adjoining, as the  
13 City of Asbury Park, which has a very distinct  
14 characteristic because of the fact of its founding,  
15 you know, as a religious community in the past and  
16 has a very distinctive architectural feel and  
17 characteristic. It's on the National Register. And  
18 it's all part of Neptune Township.

19 And, again, I could probably spend  
20 the rest of this evening -- and I'm sure Mr.  
21 Micheline and the board members here wouldn't want  
22 me to -- but I can spend the rest of this evening  
23 just going through all those different kinds of  
24 multiple jurisdictions, neighborhoods. Even smaller  
25 parts of the neighborhoods even within the township,

1 within Berkeley Township, there are sections in  
2 Bayville that are sort of subsections of Bayville  
3 that are identified. So, I think, you know, we have  
4 to be very, very careful in simply using a  
5 foundation of either physical separation or  
6 neighborhood identification as a foundation and a  
7 rationale in of itself for its -- for a area of the  
8 community to de-annex.

9 On top of that, without even getting  
10 into more detail and confusing the matter even  
11 further, you have -- I mean, basically, New Jersey  
12 is an amalgam of ever changing and different places  
13 and with multiple layers of jurisdiction over -- a  
14 laying over on top of everything. You know, you've  
15 got political and you've the got regulatory ones  
16 that I just talked about before in terms of like  
17 Pinelands and CAFRA. You know, you've got places  
18 that, some with names, some just identified as a  
19 place within a place. You've got, you know, you've  
20 got things like designated -- certain specific types  
21 of designations that, like zip code designations.  
22 School districts. Talking about Middletown  
23 Township, we are doing a enrollment projection and  
24 an analysis of a potential redistricting within the  
25 Middletown School District. That analysis is

1 ongoing now. And I can tell you, identification of  
2 school districts is -- talking about somebody going  
3 to Middletown North High School versus Middletown  
4 South High School, that is a very, very strong level  
5 of identification. But it's all happening within  
6 the community and the township of Middletown  
7 Township.

8 You have census tracts and blocks  
9 that -- you have area codes. You know, I think I  
10 mentioned zip codes. That was made, a big issue was  
11 made of zip codes. But the zip codes, in fact,  
12 there's a map shown in one of the exhibits at the  
13 end of the -- at the end of the report, that shows  
14 the overlapping of the zip code areas within the --  
15 within Berkeley Township. And that is a consistent  
16 situation in a number of different areas. So, I  
17 think you have to be very careful when somebody  
18 presents to you, you know, any one piece of  
19 information in terms of what their identification is  
20 of the neighborhood in that context.

21 By the way, there's also voting  
22 districts is another one. But, again, it's just a  
23 reemphasis that there's a layer upon layer upon  
24 layer and crossing over of jurisdictions and levels  
25 of identification that people have with those

1 districts.

2 If we use that as a fundamental  
3 foundation to make a determination of whether or not  
4 it's appropriate to divide up our communities and  
5 de-annex those communities, we would wind up,  
6 instead of with 565 municipalities, we would  
7 probably wind up with several thousand different  
8 jurisdictions in municipalities. And that's  
9 actually, in some respect, some policymakers are  
10 suggesting that we want to look at consolidation and  
11 other, actually, going in the other direction.  
12 Although that does have its own concerns.

13 And then, and then, finally, in  
14 looking at this, this issue, and I spent a lot of  
15 time on it and I think it's important, because it  
16 kind of sets up everything else we're talking about  
17 here, is that you've got a number -- these places  
18 are defined by ethnic characteristics sometimes.  
19 They're sometimes cultural. There's socioeconomic  
20 aspects to that definition. And there's physical  
21 characteristics. So, you're going to have these  
22 differences. But in Berkeley Township and the way  
23 that Berkeley Township defines itself,  
24 Berkeley Township defines itself really as a -- and  
25 the way that we've looked at it in the time that

1 we've worked with you as a planning board and how  
 2 you presented it to us, is that Berkeley Township is  
 3 a collection of neighborhoods. And that your  
 4 planning work has recognized, recognized those  
 5 differences and addressed those differences in  
 6 certain ways, whether it's a redevelopment plan or  
 7 whether it's certain types of zoning or whatever, to  
 8 support and enhance communities to support them in  
 9 their growth. To support them in sustaining  
 10 themselves and their character.

11 And even the neighborhood plan that  
 12 you just adopted, in responding to the community in  
 13 terms of what their vision of themselves are, you've  
 14 done that. But without sacrificing your, your  
 15 obligation to view your community in a comprehensive  
 16 way, and make sure all those other goals and  
 17 objectives, which we'll be talking about later in  
 18 the report, all those comprehensive goals and  
 19 objectives are being achieved. It's an important  
 20 balancing that you're doing. And it is something  
 21 that, in consideration of the de-annexation  
 22 petition, that, how that would render or affect, and  
 23 potentially adversely affect, your efforts and  
 24 Berkeley, then in turn, Berkeley Township, I think,  
 25 is something the board needs to fully consider.

1 Finally, there's a -- let's see here.  
 2 I don't want to skip anything. Because if I do,  
 3 I'll have to go back. And you don't want me to do  
 4 that.

5 There's a definition that we have, a more  
 6 formal definition that we've presented in Moskowitz  
 7 and Lindbloom, which is a reference work for  
 8 planners, that define and describe -- I'm just  
 9 looking to see where that is. Here it is. The  
 10 bottom of page nine.

11 MR. WISER: Sorry. Page nine?

12 MR. SLACHETKA: Yeah, bottom of page  
 13 nine.

14 MR. BACCHIONE: Is it page ten, Stan?

15 MR. SLACHETKA: Depends on how you  
 16 got printed out. Is it saying page ten?

17 MR. BACCHIONE: I have it on ten.

18 That's okay. You can read nine.

19 MR. SLACHETKA: Well, it's at the --  
 20 at the beginning of the section that's identified  
 21 as -- that's called Neighborhoods. And so the  
 22 Moskowitz and Lindbloom book, as I said, it's a  
 23 reference work that defines -- provides a series of  
 24 definitions for the planning community.

25 They quote -- they identify a

1 neighborhood as, quote, an area of a community with  
 2 characteristics that distinguish it from other  
 3 areas, and that may include distinct ethnic or  
 4 economic characteristics, housing types, schools or  
 5 boundaries defined by physical barriers, such as  
 6 major highways, railroads, natural features, such  
 7 as, water bodies or topography.

8 So, you can see the kinds of things  
 9 that I've been presenting to you in terms of the  
 10 consideration of what considers a neighborhood is  
 11 really grounded on the recognized planning framework  
 12 in terms of -- in terms of what these neighborhoods  
 13 are. And one other thing I think which is important  
 14 for the board to understand, that the -- that  
 15 sometimes these neighborhoods or these areas of  
 16 identification extend beyond municipal boundaries.

17 I'll use -- we were talking about  
 18 examples before. In the place where I grew up, I  
 19 grew up in Carteret, New Jersey, in northeastern  
 20 New Jersey. And that even, as it's a relatively  
 21 small community, significantly smaller than  
 22 Berkeley Township, that has recognized identified  
 23 areas. We have the -- we have, in fact, one of the  
 24 big distinctions are -- is West Carteret versus the  
 25 standard regular Carteret. And that distinction is

1 made because of, simply, the fact that the  
 2 New Jersey Turnpike, when it was constructed in the  
 3 early 1950's, separated the two components of  
 4 Carteret, and there is a very strong identification  
 5 in that regard in West Carteret. And that actually  
 6 even extends their recognition of their community,  
 7 extends into portions of Rahway and to portions of  
 8 Woodbridge Township, which are proximate and  
 9 organized around that area as well.

10 So, that kind of recognition and  
 11 organization can be recognized and that sense of  
 12 community can be recognized across municipal  
 13 boundaries. It doesn't fundamentally alter the  
 14 concept of that being a generalized neighborhood,  
 15 but it also doesn't fundamentally alter the fact or  
 16 require a boundary revision just in of itself.  
 17 So -- and from a planning perspective, and this  
 18 starts to get us into the areas where we need --  
 19 where we start to go into the planning concepts,  
 20 from a, from a planning perspective, that, we talk  
 21 about this and we talk about this idea of sense of  
 22 place and that communities that have cultural  
 23 diversity and differences within their boundaries  
 24 are strong communities and stronger communities.  
 25 And it's talked about a lot in the planning

1 literature.  
 2 And, in fact, there is a concern over  
 3 a trend towards too much homogeneity in the -- got  
 4 that one -- too much homogeneity in the communities.  
 5 And that that leads to a less of a sense of  
 6 community and more of sort of a defining of an  
 7 enclave. Again, it's relatively esoteric but it's  
 8 an important planning concept. And that's why these  
 9 ideas of place and looking at places that have that  
 10 level of diversity, whether it's economic levels of  
 11 diversity, whether it's, again, ethnic diversity,  
 12 types of communities, we build that -- the  
 13 communities are built upon that diversity.  
 14 And, again, just kind of going back.  
 15 You think about all the different communities that  
 16 you have in Berkeley Township. I mentioned  
 17 Bayville. And Bayville sometimes is even defined  
 18 and subdivided into places like Glen Cove, Good Luck  
 19 Point, Berkeley Shores, Holly Park, Cedar Beach and  
 20 Mill Creek. These are all names in the township.  
 21 Then you have the senior communities. You have  
 22 Holiday Heights, Holiday City. You have  
 23 Manitou Park which we were talking about before.  
 24 Pelican Island, Pinewald, Silver Ridge,  
 25 south Seaside Park. These are all pieces of the

1 fabric of Berkeley Township. And not any one of  
 2 those is any more or less important or distinct or  
 3 important of your consideration than the other. And  
 4 they bind the community together in that sense of  
 5 diversity and that sense of the collection of  
 6 neighborhoods. And it's a valid planning concern.  
 7 So, in that analysis, in looking at  
 8 the de-annexation, what's the important question, I  
 9 think, for the board to wrestle with, is, there's  
 10 really two parts of it. First of which, what does  
 11 Berkeley sacrifice in economic, cultural, social,  
 12 historic and geographic diversity. And what is the  
 13 sacrifice that's irreplaceable that is not easily  
 14 replaced and basically substituted for the potential  
 15 de-annexation of South Seaside Park. And then with  
 16 regards to the residents of South Seaside Park, what  
 17 has South Seaside Park similarly sacrificed by the  
 18 de-annexation in resources and support from the  
 19 township and their community as a whole, and being  
 20 part of a very, very large and diverse mainland  
 21 community that not only -- that has that resources  
 22 to support them in a variety of different activities  
 23 from a planning prospective and from a, you know,  
 24 from a standpoint of protection from events like we  
 25 had in Superstorm Sandy. And I would argue and I

1 think that our conclusion would be that that's  
 2 irreplaceable.  
 3 So, those are really the two pieces  
 4 that we're going to be kind of evaluating here, that  
 5 it's what's irreplaceable from the standpoint of the  
 6 loss of South Seaside Park in the context of all  
 7 that stuff that I was talking about with the sense  
 8 of community and the various places that occur  
 9 within the township. And then what do the residents  
 10 of Seaside Park sacrifice and what cannot be  
 11 replaced in that level of sacrifice or that change.  
 12 So, now we get into the -- this is  
 13 all just setting the table. But that gets into the  
 14 heart of the matter. And that's some of the  
 15 statistics and information that will help us define  
 16 that a little bit more. And that includes the  
 17 demographics and some key demographics that I think  
 18 are important for the board to consider.  
 19 First, let's talk about the  
 20 population. And this sets some parameters, I think,  
 21 in thinking about the proposed de-annexation from  
 22 you as the planners for the community. First of  
 23 which is in terms of demographics. In the 2010  
 24 Census, the township, Berkeley Township's population  
 25 was 41,255. At that time of the 2010 Census, the

1 population in South Seaside Park was 49 -- excuse  
 2 me -- 490 residents or approximately 1.2 percent of  
 3 the township's population in 2010. Based on the  
 4 American Community Survey, which is a multi-year  
 5 survey that's performed by the Census in the interim  
 6 years between actual Decennial Census, in the 2011  
 7 to 2015 time period -- and this now is at, what was  
 8 projected in 2015 as the population being, the  
 9 township's population being 41,480. And at that  
 10 point in time, the ACS identified that there were  
 11 824 persons in South Seaside Park, which then  
 12 represented two percent of the township's  
 13 population. So, there is a growth in population  
 14 that was identified in the ACS from the Census  
 15 and -- from Decennial Census -- and the proportion  
 16 of South Seaside Park or South Seaside Park became,  
 17 in terms of population, became a somewhat higher  
 18 proportion of the population, going from 1.2 percent  
 19 to two percent.  
 20 With regards to education. The  
 21 residents of South Seaside Park are among the most  
 22 educated of residents within the township. 42.3  
 23 percent of the residents in South Seaside Park had  
 24 earned a college degree. And, again, that's based  
 25 on the ACS data, American Community Survey data.

1 22 percent -- if you compare that to  
 2 Berkeley Township as a whole, 22.7 percent of  
 3 Berkeley residents as a whole had received a college  
 4 degree or greater. And that's -- so, that's  
 5 42.3 percent for South Seaside Park, of their  
 6 resident population, and 22.7 percent as Berkeley as  
 7 a whole. So, they're more highly educated than the  
 8 township as a whole.

9           If you look at household income. The  
 10 median income in South Seaside Park, based on the  
 11 ACS, was 52,639. And Berkeley, as a whole, it was  
 12 43 -- excuse me -- 43,942. And that's -- the median  
 13 income, therefore, in South Seaside Park, is  
 14 20 percent higher than the township as a whole.  
 15 Now, if you compare that to Ocean County, Ocean  
 16 County's median income was 61,994. So, by the loss  
 17 of South Seaside Park, or at least that level of  
 18 income, there would be an increased gap between the  
 19 township's median income and the Ocean County's  
 20 median income.

21           with regards to employment. And it's  
 22 amazing. They're very -- this is actually, I think,  
 23 an incredible statistic and a very positive one. As  
 24 of the ACS, zero of the 402 residents, which were 16  
 25 years of age or older, which is the working age,

1 were unemployed. So, no -- there's no unemployment  
 2 within South Seaside Park. However, in comparison,  
 3 the rest of the township, of the population age 16  
 4 and over, 11.5 percent, at the time the survey was  
 5 done, 11.5 percent of the township's population  
 6 overall was unemployed. So, therefore, I mean, with  
 7 the township losing South Seaside Park, that  
 8 actually would reduce the work force and actually  
 9 eliminate a fairly high -- highly unemployed area,  
 10 population within the township.

11           So, you have a higher educated,  
 12 better educated than the township as a whole. You  
 13 have the population that has higher incomes than the  
 14 township as a whole. And you have the -- a  
 15 community that is fully employed in comparison to  
 16 the unemployment rate that occurs within the  
 17 township. So, highly educated, employed and higher  
 18 incomes than the rest of the township.

19           If you look at the housing stock,  
 20 there's 1,671 dwelling units in South Seaside Park  
 21 in comparison to 24,169 dwelling units within  
 22 Berkeley Township or essentially 6.9 percent of the  
 23 township's housing stock, which is a pretty  
 24 substantial percentage. The de-annexation would,  
 25 essentially, be a complete loss in that

1 neighborhood. Those housing units would be  
 2 eliminated. But it also, they're very -- relatively  
 3 very unique types of dwelling units and housing  
 4 stock within South Seaside Park, in comparison to  
 5 the township as a whole. They're smaller, if you  
 6 look at the number of rooms per unit, as in  
 7 comparison to the township as a whole. And some of  
 8 these statistics and information is -- are probably,  
 9 as you listen to them, are pretty common sense in  
 10 terms of the nature of the community and it's a  
 11 beachfront community. It's seasonal. In many  
 12 cases, it's seasonal. And there are a lot of  
 13 smaller units that are in there.

14           So, the buildings, the rooms are  
 15 smaller. The interesting thing is that there are  
 16 247 units that are identified as not being single  
 17 family detached of the 1,742 units in Berkeley. In  
 18 South Seaside Park, 14.2 percent of the units are  
 19 not characterized as single family detached, which I  
 20 thought was kind of interesting. But I think one of  
 21 the things that we've heard from the residents in  
 22 South Seaside Park is the -- looking forward and  
 23 looking towards the future of the community, that  
 24 they're looking to have more in terms of the single  
 25 family's housing stock as versus multifamily

1 residential. And, again, that's part of the  
 2 evolutionary aspect of these things, and the  
 3 planning board and the township responding to the  
 4 interests of the community and recognizing the  
 5 nature and characteristics of the -- of that  
 6 specific, that specific neighborhood.

7           I'm looking at the average dwelling  
 8 units. And this is on, it's on my page 13. I don't  
 9 know if it's appearing on your page 13. But under  
 10 the American Community Survey estimates, the median  
 11 numbers of rooms in South Seaside Park dwelling  
 12 units is 4.4, whereas, the median number of rooms in  
 13 dwelling units in Berkeley Township overall is 5.3.  
 14 And over 19.4 percent or 247 of the 1,671 units in  
 15 South Seaside Park are not characterized as single  
 16 family detached housing. And then this is greater,  
 17 as I mentioned, this is greater than the percentage  
 18 for the township as a whole, where 7.2 percent or  
 19 1,742 of the 24,169 housing units are not  
 20 characterized as single family detached housing. I  
 21 think that might be -- by reading that right out of  
 22 the report, it's a little clearer than what I said.  
 23 I was thinking through it. I missed a stat there.  
 24 So, just correcting myself.

25           So, as I said, the loss of

1 South Seaside Park through de-annexation would  
 2 result in the -- in a two percent loss in population  
 3 for the township. Nearly seven percent of the  
 4 township's housing stock, and as I said, a very  
 5 unique housing stock. Also, a highly educated  
 6 population. A well -- generally well-compensated  
 7 population. Generally fully employed. And a  
 8 diversity of housing stock that, as I mentioned, is  
 9 distinct from other areas. And also very  
 10 specifically with regards to that, the loss of  
 11 seasonal housing and shorefront housing that also is  
 12 occupied by tourists during the resort season. So,  
 13 it's very, very distinct and different type of  
 14 community and important characteristics that, from a  
 15 demographic perspective, that would be affecting  
 16 the -- that loss being affecting the township.

17 So, wrapping up this section of the  
 18 report, getting into the next section, we talk a  
 19 little bit about locational decision making. And I  
 20 want to emphasize that when we're talking about this  
 21 locational decision making, it's, we're evaluating  
 22 it in the context of the planning field. We're not  
 23 dealing with a real estate analysis. We're not  
 24 doing market analysis, but we're using common  
 25 terminology and understanding locational decisioning

1 that really sort of underpins and creates a  
 2 foundation for planning and for land use planners.  
 3 So, I want to qualify that before we -- before I get  
 4 into the discussion of this.

5 So, and you heard a lot of discussion  
 6 in terms of the distance that South Seaside Park is  
 7 from the mainland and the remainder of the township  
 8 and the ability -- the distance that exists between  
 9 that neighborhood and community facilities. And  
 10 there's no dispute. I'm not disputing that, in  
 11 fact, that is a pretty significant distance and  
 12 there is some travel time that is required from  
 13 the -- from that neighborhood to the facilities such  
 14 as the municipal building.

15 Other areas also have a reasonable  
 16 travel distance. And I think, you know, we'll talk  
 17 a little bit it in a moment in terms of the  
 18 locational decision -- locational aspects of the  
 19 municipal building being sort of centrally located,  
 20 even though, from the standpoint of the population  
 21 center of the community, it's off and to the west of  
 22 the actual real population center of the community.  
 23 But, clearly, South Seaside Park residents do have  
 24 ways to travel to get to this facility and other  
 25 places on the mainland within the township.

1 However, let's talk a little bit  
 2 about locational decision making and what, you know,  
 3 how that's evaluated and what we need to talk about.  
 4 And locational decisions are really made on a  
 5 variety of different factors. Again, these are  
 6 things that planners understand in terms of  
 7 evaluating these things.

8 So, I mean, the classic example is,  
 9 you know, in the New York City metropolitan region,  
 10 you have a choice. You can decide to live in  
 11 New York City, and maybe more specifically in  
 12 Manhattan, and you have access to unparalleled  
 13 facilities, community facilities, entertainment,  
 14 eating establishment and the like. But, obviously,  
 15 in Manhattan, again, this is pretty common sense,  
 16 you're paying a substantial amount for rents. And  
 17 the apartments themselves are relatively small in  
 18 comparison to places in, certainly, in the outlying  
 19 boroughs. And probably significantly different if  
 20 you decided to live out in a more suburban area  
 21 where you would have, based upon your decision to  
 22 live there, a larger area of land, a little distance  
 23 between your neighbors. Not living in, you know,  
 24 not living in the urban environment as versus a more  
 25 suburban environment. But what you are going to do

1 is, you're going to, if you work in New York City,  
 2 you're going to have significant travel times. And  
 3 that is an understand -- you know, in the New York  
 4 metropolitan region or whether it's the Philadelphia  
 5 metropolitan region, that's a factor in deciding and  
 6 determining where you're going to decide to live.  
 7 You know, it's, what are the amenities, what's the  
 8 travel, what's the cost, what's the kind of housing  
 9 that you can get. What are the things that you  
 10 achieve or you're able to obtain in the place that  
 11 you live is that you maybe want to -- might make a  
 12 sacrifice on other things.

13 And, clearly, one of the most  
 14 significant benefits and most significant amenities,  
 15 and we've heard it, I mean, we've heard it in lay  
 16 testimony after lay testimony about the quality of  
 17 life living in South Seaside Park and living next to  
 18 the ocean and living near those -- the places that  
 19 they think are important to them. And they are  
 20 important to them. And so, you know, that's the  
 21 sacrifice that's made. The balancing occurs in  
 22 terms of, I'm getting these, I'm getting the  
 23 oceanfront housing or I'm living next to the ocean.  
 24 I'm living in the place that I want to be living in  
 25 and call home because of a variety of these

1 different factors. But I'm making that sacrifice in  
2 terms of the travel time and access to other,  
3 physical access to other communities in the  
4 township.

5           In fact, from the standpoint of the  
6 township, there is no other place, there is no other  
7 place in Berkeley Township where you can live  
8 proximate to the Atlantic Ocean and that amenity.  
9 You certainly have opportunities as, to have -- to  
10 live along the bayfront. But if I wanted to  
11 experience the ocean and be within walking distance  
12 and be also within walking distance of, you know,  
13 whatever amenities and shopping services that might  
14 be there, but have that kind of environment of being  
15 a New Jersey Shore environment, there is only one  
16 place and one place only in the Township of Berkeley  
17 that's available to you. And that is in  
18 South Seaside Park.

19           And planners are very fully familiar  
20 with this. And you as planners, you're, members of  
21 the board, are fully familiar because you sort of  
22 engage in this all the time. Maybe you don't talk  
23 about it consciously, but you do talk about it in  
24 terms of, you know, providing, you know, your plan,  
25 creating your planning framework here within the

1 community. No neighborhoods, no -- planners talk  
2 about that people want to be in certain  
3 neighborhoods and they want to be in certain  
4 landscapes. The technical term is called transects.  
5 That's a planning jargon where you understand  
6 transects goes from urban to -- I'll make it very  
7 simple -- urban to suburban to rural to agricultural  
8 to whatever. There are a variety of different  
9 places that the planners are aware of that people  
10 want to live. Travel distance, amenities, access to  
11 transit, these are all things that are part of the  
12 lexicon of our work as planners in terms of  
13 evaluating and making -- understanding the  
14 locational decisions that people make. But  
15 fundamentally, the bottom line here is that it is a  
16 balance. And simply having that balance or needing  
17 to make that balance in of itself is a conscious,  
18 it's a conscious determination. Doesn't necessarily  
19 mean that it's not correct or it's wrong from a  
20 planning perspective.

21           I mean, maybe even to further define  
22 that further as it relates specifically to  
23 Berkeley Township. I mean, there are other places  
24 in Berkeley Township and other places where people  
25 decide to live. And there are places where people

1 want to be very close and proximate to community  
2 services and shopping and access to major highways.  
3 That's an important aspect of their decision making  
4 process, and they locate there. And maybe even  
5 understanding, you know, where future development  
6 might take place.

7           There's a very important locational  
8 determinant in Berkeley Township. And that is the  
9 senior communities. The senior communities  
10 themselves have amenities and a population and a  
11 culture and a physical environment that is very,  
12 very distinct and unique within Berkeley Township.  
13 You cannot live in every place but you make a  
14 decision of those places, based on a variety of  
15 different factors. And Berkeley, to its credit,  
16 within the confines of the community, has that, a  
17 substantial range of places in which, you know,  
18 people can live and work and socialize. And in  
19 New Jersey as a whole, you know, we're constantly  
20 making those decisions, consistently making those  
21 decisions in terms of.

22           And, as I said, in Berkeley, you  
23 know, through your planning, maybe by accident or  
24 design, you've really done a very good job of  
25 providing that range. And anything that gets pulled

1 out, any aspect of that that gets pulled out, that  
2 is irreplaceable, further undermines the definition  
3 that you have of yourself as a community, what  
4 you've been doing in terms of planning for your  
5 community.

6           Also wanted to point out, too, and I  
7 think what's important, there was a lot of testimony  
8 and discussion in terms of shopping and services and  
9 access to those kinds of things. And, I mean, we  
10 all do it. I mean, in the place where I live, if I  
11 want to go to a shopping center or a mall, I have to  
12 go outside of my town. I have to drive. I have to  
13 drive someplace to go there. You know, there's a  
14 variety of different choices depending upon the  
15 shopping.

16           You go to the supermarket. In the  
17 community that I live in, there is no supermarket  
18 within, currently, within the boundaries of that  
19 community. And I have to go outside of it. And so,  
20 the same thing occurs if you -- if shopping is  
21 proximate, and shopping might be more proximate for  
22 certain types of shopping than areas within the  
23 township. And the township's retail, you know, is,  
24 has -- there's a certain range of retail that's  
25 provided in Berkeley Township. And if I want to get

1 certain things and, you know, and purchase certain  
 2 items that are not available, maybe I'm getting on  
 3 the internet, I mean, that's a possibility, but then  
 4 I may be driving someplace or going someplace where  
 5 that service or that specific product is not  
 6 available within the boundaries within Berkeley  
 7 Township. So, having to go outside of the boundary  
 8 of your community to get what you want in terms of  
 9 shopping and services in the metropolitan areas that  
 10 we live and the nature of communities in New Jersey,  
 11 where, you know, there is vehicular travel, and we  
 12 have to get in our cars to do certain things, it is  
 13 not unusual. It's not in of itself a need to  
 14 separate and define boundaries, because that's just  
 15 not the way that we live or work within the --  
 16 within New Jersey. Certainly within this region of  
 17 New Jersey.

18 So, I think that's something, you  
 19 know, that needs -- and there's some footnotes that  
 20 we have in the report that cites some of the lay  
 21 testimony in that regard. And, again, what I'm  
 22 trying to do is kind of describe this in the context  
 23 in which you're working as the planning board and  
 24 are evaluating this as members of the planning  
 25 board.

1 So, in -- and we talked about this a little  
 2 bit before in terms of these locational decisions  
 3 where we talked about that there are senior  
 4 communities. And there was a pretty significant  
 5 discussion about the capacity, availability of  
 6 senior facilities or senior services within the  
 7 township and as well, in terms of that, those  
 8 facilities, in terms of the proximate location to  
 9 South Seaside Park. First of which, fundamentally,  
 10 and you've heard testimony on this before, the  
 11 senior, the township's senior programs are open to  
 12 everyone age 62 or age older. There's no  
 13 definition, no delineation in terms of neighborhoods  
 14 that you have to be in a senior community. It's all  
 15 62.

16 There were discussion -- there was discussion  
 17 in terms of the bus stops to the senior complexes,  
 18 that the buses provide a access that's not available  
 19 within, within the South Seaside Park area. And,  
 20 essentially, the bus stops that are provided are,  
 21 with the exception of the recreation center, all  
 22 provided within the actual senior communities within  
 23 the designated or, actually, developed senior  
 24 communities in the township. So, you've got bus  
 25 stops in Holiday Heights, Holiday City South,

1 Holiday City at Berkeley, Holiday City West, Silver  
 2 Park North, Silver Ridge Park East, Silver Ridge  
 3 Park West, Silver Ridge Park Westerly. Then I  
 4 mentioned the township recreation center. And then  
 5 the only other non -- well, it's a senior  
 6 development but it's not one of the senior  
 7 communities, is the Bay Ridge Apartments, which is  
 8 the senior development run by the housing authority.  
 9 So, these -- the bussing is organized directly to  
 10 the populations that, the concentration of  
 11 populations that it serves.

12 We did hear some testimony from  
 13 Mr. Yersonson (phonetic), if I'm pronouncing it  
 14 correctly, that more stops could be added if there  
 15 is a demand and the request been made. So, again,  
 16 this gets to the heart of locational decisions, too,  
 17 in terms of if you want access to those and you know  
 18 that those -- the senior community's where you want  
 19 to be and there's services and there's bus service  
 20 that's available, that is a locational determinant.

21 Also, from the standpoint of recreation  
 22 activities and opportunities for the seniors, the  
 23 township does have sponsored events. Again, you've  
 24 heard that presented to you. In South Seaside Park,  
 25 at White Sands Beach at the Roberts Avenue

1 Recreation Facility, Sergeant Lyons Memorial  
 2 Basketball Courts. And then also the, in terms of  
 3 going on the other spectrum, end of the spectrum, in  
 4 terms of opportunities for recreation that the  
 5 summer youth recreation provides bus service  
 6 throughout the township to those services.

7 But I specifically want to talk about the --  
 8 and there's a table that's presented in here that  
 9 compares the 2017 beach rates between  
 10 Berkeley Township and South Seaside Park. Because I  
 11 knew this is something that affects residents as a  
 12 whole, but also more specifically affects the senior  
 13 community. And it's, you know, and as we'll talk  
 14 about, it's one of those key costs, I think, that  
 15 are something that the board needs to consider in  
 16 terms of impact on the residents of South Seaside  
 17 Park, as well as the impact on residents within  
 18 Berkeley Township with regards to de-annexation.  
 19 There's a few highlights. I'll talk a little  
 20 bit about the information in the table. But, again,  
 21 this is table three. It's on what I have as page  
 22 17.

23 Is that page 17, John?

24 MR. BACCHIONE: Yes, it is.

25 MR. SLACHETKA: It finally starts to

1 match up.  
 2           So, for the people in the audience  
 3 who might not have access to the report,  
 4 essentially, as I said, it provides a comparison of  
 5 the beach badge pricing between Berkeley Township  
 6 and South Seaside Park. So, there's different types  
 7 of lengths of use in the pricing. There's the daily  
 8 beach badge. There's weekend which is a daily. And  
 9 then there's a holiday designation for daily.  
 10 There's a weekly badge. There's a seasonal badge.  
 11 Then there's the preseason badge. And a few key  
 12 things that kind of come out from here. Under the  
 13 daily badges in Berkeley Township, the standard  
 14 badge is eight dollars. That would be -- that's a  
 15 non-senior standard badge, non-children badge. In  
 16 comparison in South Seaside Park -- excuse me, in  
 17 Seaside Park Borough, it is ten dollars. So there's  
 18 a two-dollar increment. It's higher cost in  
 19 Seaside Park.  
 20           Significantly, there's no charge for  
 21 a daily badge for seniors in Berkeley Township. And  
 22 that's township wide. Seniors that live in any part  
 23 of the township can access the White Sands Beach on  
 24 a daily basis for no charge. In Seaside Park, there  
 25 is now a daily charge of ten dollars. What's

1 important to note here, too, is that that pricing,  
 2 the pricing that Berkeley Township offers has to be  
 3 provided to anybody, whether it's Berkeley residents  
 4 or non-Berkeley residents, they need to be provided  
 5 the same pricing chart, which is the same thing in  
 6 Seaside Park. There's no differentiation between  
 7 municipal or non-municipal pricing. They have to  
 8 offer the same prices. So, if somebody wanted to go  
 9 into -- a senior wanted to go to the -- have a daily  
 10 badge at a Seaside Park facility, they would be  
 11 charged the ten dollars for the badge and they  
 12 wouldn't be charged any different than a  
 13 Seaside Park resident. But, again, there is no  
 14 charge, ten dollars on the daily.  
 15           If you look at the weekend, the  
 16 weekend daily is similar. It's eight dollars for  
 17 Berkeley Township for the standard, ten dollars in  
 18 Seaside Park. There's no charge for seniors and no  
 19 charge for children. There's no charge for children  
 20 in Seaside Park. But I do want to point out, too,  
 21 that in Seaside Park, the children are defined as 11  
 22 and under, as verses in Berkeley Township, it's 12  
 23 and under. So, if you're a 12-year-old, you can get  
 24 in for a Seaside -- Berkeley Township beach and  
 25 daily beach badge for no charge. But if you're 12

1 years old, you have to pay the adult price. So I  
 2 guess at Seaside Park you mature much more rapidly  
 3 in Seaside Park than you do in Berkeley Township.  
 4           And then, again, there's -- it's a  
 5 very, very similar pricing range in terms of the  
 6 daily for the holidays. Basically, same framework  
 7 for dailies for holidays. Weeklies, it's, for the  
 8 standard badge in Berkeley Township, it's \$25. \$35  
 9 for Seaside Park, but also the ten-dollar difference  
 10 there. And, again, with regards to seniors, if a  
 11 senior wanted to get a weekly badge in Berkeley  
 12 Township, there is no charge for that, but it's a  
 13 \$35 charge for seniors in Seaside Park. And then  
 14 there are similar differences for seasonal. And,  
 15 again, just let me back up to weekly. For children,  
 16 there's no charge in either Berkeley Township or  
 17 Seaside Park, but there is that age difference, the  
 18 categories that I cited before. And then the  
 19 seasonal for standard is 50 in Berkeley Township,  
 20 \$60 in Seaside Park. For seniors it's no charge,  
 21 \$20 in Seaside Park, and no charge for children.  
 22 And pre-season it's 30 for standard, 55 for -- 30 in  
 23 Berkeley Township, 55 in South Seaside Park -- in  
 24 Seaside Park. My apologies. Seniors, there's no  
 25 charge in Berkeley Township and \$20 in Seaside Park.

1 And then children, no charge in either one.  
 2           I should point out one other little  
 3 caveat that's noted on the table. That if a senior  
 4 in Berkeley Township wanted to get a lifetime badge,  
 5 essentially, there's a ten-dollar processing charge  
 6 for that. They get a lifetime badge that's  
 7 available to them. So, clearly, the -- if, in fact,  
 8 the White Sands Beach -- and there's -- I know  
 9 there's been some issue about whether or not the  
 10 White Sands Beach actually becomes part of  
 11 Berkeley Township or stays as Berkeley Township or  
 12 becomes part of the Borough of Seaside Park with the  
 13 de-annexation and annexation of South Seaside Park  
 14 to the Borough of Seaside Park. And we don't  
 15 fault -- you know, we just recognize or acknowledge  
 16 the fact that there's a discussion there. But if,  
 17 in fact, White Sands goes to Seaside Park Borough,  
 18 essentially, the seniors in Berkeley Township that  
 19 actually get access to that beach no charge are, in  
 20 fact, going to have -- face a charge to, you know,  
 21 to go access them in Seaside Park. Because, again,  
 22 Seaside Park would have to charge the same amount to  
 23 the nonresidents as they would residents.  
 24           And, conversely, if, in fact,  
 25 Berkeley Township retained the jurisdiction of the

1 White Sands Beach, then the residents of Seaside  
2 would be subject to those, the requirements in  
3 Berkeley Township. And whether or not there would  
4 be further charges or changes, we'd have to see what  
5 might transpire. But, in general, the beaches, and  
6 particularly for seniors, are more expensive.

7         One other difference and distinction  
8 that I think is really important is that in  
9 Berkeley Township, seniors are defined as 62 and  
10 over. Whereas, in Seaside Park, it's 65 and over.  
11 So, that throws a, you know, portion of the senior  
12 population into the standard rates, rather than the  
13 senior rates. And, again, that would affect the  
14 residents of Berkeley Township, the senior residents  
15 of Berkeley Township, in particular, if they want to  
16 use the White Sands Beach. So, essentially, they'll  
17 be losing their complimentary beach access and the  
18 rates are going to be higher.

19         The one thing I do want to say is,  
20 even though, potentially, that the rates are going  
21 to be lower for -- if I -- if I'm living in  
22 Seaside Park and Berkeley Township retained the  
23 beach, the White Sands Beach, the residents of  
24 South Seaside Park would, in fact, lose the  
25 programmatic -- the input on the programmatic

1 activities that would take place or would be taking  
2 place on the White Sands Beach. Now as residents of  
3 Berkeley Township, they do have that input. So,  
4 Berkeley Township would, in fact, retain the rights  
5 for programs.

6         The one thing I do want to say and  
7 this got a lot of press over the course of the last  
8 weekend. And maybe we'll come back to it in just a  
9 moment in terms of looking at recreational  
10 facilities. But there was a significant contention  
11 or significant testimony, contention that, well,  
12 look, guys, you know, even if you lose the  
13 White Sands Beach, you have the ability, you know,  
14 to go to Island Beach State Park. Naturally, Island  
15 Beach State Park, the rates to get onto Island Beach  
16 State Park are governed by the State. And they're  
17 by the automobile versus by the individual person.  
18 So, trying to make a comparison and evaluation in  
19 that in terms of monetary is one thing. And  
20 everybody else -- everybody, whether you're in  
21 Seaside Park or Berkeley Township, would be paying  
22 the same rates to get on Island Beach State Park.  
23 But, as we've seen, and as we might see very much in  
24 the future, given the annual budgeting issues that  
25 come, there is no guarantee that in any point in

1 time that -- for whatever reason, could be  
2 budgetary, there could be other issues -- that beach  
3 is closed and not made available to Berkeley  
4 Township residents or anybody. And, therefore --

5         MR. WISER: Except the governor.

6         MR. SLACHETKA: I was not going to go  
7 there.

8         MR. WISER: Sorry.

9         MR. SLACHETKA: I was not going to go  
10 there.

11         But I think that's relatively  
12 significant. And I think it's important to  
13 understand that even though that the -- that Island  
14 Beach State Park is in the jurisdiction of the  
15 township, the township does not control that. It's  
16 not a -- it's not under the township's control.  
17 What is under the township's control right now, from  
18 a programmatic perspective and from the standpoint  
19 of establishing rates and establishing access to its  
20 senior community, is the White Sands Beach.

21         In fact, I think there was a  
22 newspaper, there was a photograph -- not the aerial  
23 photograph you're thinking of -- but an aerial  
24 photograph that showed, during the closure, the lack  
25 of people, with the exception of a few, on the

1 Island Beach State Park beaches and the packed  
2 nature of the White Sand Beach, the amount of people  
3 that were there. I think that really just  
4 underscores the important and irreplaceable, again,  
5 resource that that beach represents to the residents  
6 of Berkeley Township. And I think it's an important  
7 factor for the township and planning board to  
8 consider.

9         (Off the record.)

10         MR. SLACHETKA: So, the next -- the  
11 last thing I want to talk about in this context of  
12 this section of the report in that, talking about  
13 locational decision and talking about access to the  
14 beach. There was, in fact, a, also, a significant  
15 amount of testimony, lay testimony, with regards to  
16 the condition of the Barnegat Bay shoreline in  
17 South Seaside Park. And there was some specific  
18 complaints made with regards to the condition of  
19 that beach particularly between 20th and 24th Street  
20 west of Bayview Avenue. And there was a concern  
21 over the township's maintenance of that area or lack  
22 thereof.

23         First of which, what's important to  
24 understand is that that beach or that area is not on  
25 the -- what's called the recreation and open space

1 inventory, which is the catalog which is commonly  
2 called a ROSI or some people at DEP call it the  
3 ROSI, which basically is a catalog listing of all  
4 the recreation and open space lands that a  
5 municipality holds. That area, in fact, is not on  
6 the township ROSI. So it's not a formal part of the  
7 recreation and open space inventory of the  
8 community. It's also not identified as such in the  
9 municipality's master plan or open space or  
10 recreation plans.

11           There -- and it's essentially kind of  
12 a combination and there's a graphic, a tax, two tax  
13 maps that are listed in exhibits and that show the  
14 sort of combination of ownerships that that property  
15 that we would be commonly calling the, it's sort of  
16 the Bayview area, the Bayview beach area, whatever,  
17 along the -- along 24th Street. And, essentially,  
18 it's a combination of what's called privately owned  
19 riparian grants, grants to private property owners  
20 that extend out into the water.

21           There's tideland areas that are under  
22 state jurisdiction. And then there's a portion of  
23 the bay -- a portion of that is in the Bayview  
24 right-of-way, which is probably the only portion  
25 that's technically in control by the township. So,

1 essentially, the township doesn't control that area.  
2 A, it's not open space and recreation. And, B, it's  
3 not really controlled by the township. Well,  
4 despite that fact, the township was able to get  
5 permission and undertook a shoreline stabilization  
6 project for Bayview. And, in fact, actually, that,  
7 you know, took place and there's been -- basically,  
8 that -- that was -- that was done to ensure that the  
9 Bayview Avenue was stabilized, that it also  
10 protecting from flood impacts as well.

11           So, there was activity there, but,  
12 again, it's not something that's under, typically  
13 under the jurisdiction or control of the township.  
14 And that would not change. That would not change if  
15 the South Seaside Park were annexed and made part of  
16 Seaside Park. Seaside Park would not have  
17 jurisdiction either, except to the extent that  
18 Berkeley Township currently has that ability to kind  
19 of do the shoreline -- do the maintenance work  
20 adjacent to the right-of-way.

21           Now, as I alluded to before -- and,  
22 again, this is kind of -- again, this is, all these  
23 things are sort of rapped up in locational decisions  
24 and looking at amenities and looking at things that  
25 are available to a community. Again, there was a

1 significant discussion in testimony, both lay  
2 testimony and Mr. Bauman's testimony, with regards  
3 to the distance between South Seaside Park and the  
4 municipal building. The municipal building here and  
5 as well as other facilities. But the municipal  
6 building here was in constructed 1978, just before  
7 the adoption of the Pinelands Protection Act and  
8 also before the Pinelands Comprehensive Master Plan  
9 was enacted, which establishes the land use planning  
10 framework for the Pinelands area. And, as we know,  
11 Pinelands -- that plan puts pretty substantial and  
12 significant restrictions on development that is  
13 going to take place.

14           So, as a consequence of that and  
15 consequence of that act and the protection of an  
16 important natural resource -- nobody is denying that  
17 that is not important to protect -- the township's  
18 plan or anticipated plan in terms of looking at the  
19 community and trying to centrally locate its  
20 facilities went askew a bit. And askew being that  
21 the township is located -- the township facilities  
22 are located to the west of the actual population  
23 center of the community. However -- and we'll talk  
24 about this in greater detail when we get into the  
25 discussions of the benefits to the community and the

1 storm preparedness planning and the post Sandy  
2 planning; there is actually a benefit that, in fact,  
3 accrues to both the township as a whole and  
4 South Seaside Park by having the community  
5 facilities located where they're located.

6           First of which, they're outside of  
7 any flood hazard area. If you take a look at the  
8 mapping, the mapping that's provided in, again, in  
9 the appendix of the report, it's also substantially  
10 far away from any storm surge that was either  
11 experienced in Superstorm Sandy or would be  
12 anticipated in storms of similar events.

13           In fact, actually we've got some  
14 what's called SLOSH modeling which is a good acronym  
15 for it. Basically, it's an analysis and mapping of  
16 anticipated storm level, storm events, going from  
17 category one to category four, hurricane type  
18 events. And in any of those modelings, you can see  
19 where the extent of the potential storm surges would  
20 occur. And they're pretty substantial in a category  
21 three and category four. Most of those don't reach  
22 to the Route Nine area, so, and certainly don't  
23 reach anywhere near here. So, in terms of being  
24 able to respond to and to support a preparedness for  
25 a storm event having the municipal facilities

1 outside of those vulnerable areas are -- is  
2 significant.

3 That was not the experience in  
4 Seaside Park. In fact, actually, the municipal  
5 township facilities here in Berkeley Township didn't  
6 close because of the fact that you had Superstorm  
7 Sandy. In fact, this was the hub and the center of  
8 the activities in terms of dispatching and  
9 responding to Superstorm Sandy, as it will be in  
10 future storm events.

11 In fact, there's a footnote that's  
12 listed in, on page 20. And this is pursuant to the  
13 Seaside Park website. And I'll read from the  
14 footnote, because I think it's important to  
15 understand. Per the borough's website, Seaside Park  
16 municipal offices, located at 1701 North Ocean  
17 Avenue in Seaside Park were opened for business on  
18 Monday, February 4, 2013, three months following  
19 Superstorm Sandy. During this time, a quote,  
20 temporary, unquote, Seaside Park Borough hall was  
21 located at Ten Allen Street in Toms River, borough  
22 council meetings were held at Toms River Municipal  
23 Complex, the Ocean County library, Toms River  
24 branch, and the Ocean County Administration  
25 building, Toms River; planning board meetings were

1 held at the Toms River Municipal Complex and the  
2 Ocean County library, Toms River branch; municipal  
3 court was located at the Toms River Municipal Court  
4 building and zoning board of adjustment meetings  
5 were held at the Ocean County library, Toms River  
6 branch. A quote, senior luncheon/town hall post  
7 Sandy rebuilding meeting, unquote, was held on the  
8 barrier island in Seaside Park on January 16, 2013,  
9 however, this meeting took place at Saint Catharine  
10 of Siena Church.

11 It's logical there on the --  
12 Seaside Park is on the barrier island and it was  
13 significantly impacted by Superstorm Sandy. And  
14 their municipal facilities were significantly  
15 impacted. Berkeley Township's municipal facilities  
16 are, in fact, in a relatively sustainable area of  
17 the township in terms of the potential impacts to  
18 such storms. And whether by design or by accident  
19 due to the quirk of sort of long range planning,  
20 fundamentally, it's a good location. It's a good  
21 place for these facilities because of that.

22 And we'll be talking a little bit  
23 later about the GIS and the modeling work that the  
24 township is now engaged in with the University of  
25 Notre Dame, which is going to be focusing on not

1 only just storm surge, but also wind effects and  
2 other types of detail in terms of tracking storms in  
3 real time. To be able to have that resource and  
4 also to be able to tie that resource into being able  
5 to dispatch and to organize it in a place that is  
6 less impacted by potential events is an extreme  
7 benefit and a fundamental benefit to, not only to  
8 residents of the township as a whole but also  
9 specifically to the residents of South Seaside Park,  
10 which is in one of the more vulnerable areas of the  
11 community in terms of the impacts of storm  
12 facilities. And a benefit, one of the key benefits,  
13 we'll be talking about that, potentially, the  
14 residents of South Seaside Park can lose.

15 So, I'm at a point now where the next  
16 step is discussing planning efforts in  
17 Berkeley Township. I can continue on but do you  
18 want to --

19 (Recess was taken.)

20 MR. SLACHETKA: Actually, what I was  
21 going -- I was looking for sort of a natural break  
22 point in terms of, given the time. And I think I  
23 found one. I'm going to -- I'm now into the section  
24 talking about the planning efforts in Berkeley  
25 Township. And that's the -- if you look at the

1 table of contents, that's in the -- starts the  
2 second section. So, we've gone through the whole  
3 first section which is Municipal and Community  
4 Overview.

5 So, I'll talk about the Recent  
6 Planning History. And then I'll break there. And  
7 then when we come back next meeting, start with the  
8 resiliency planning efforts. Because I think  
9 there's such a important fundamental linkage between  
10 that aspect to go into then the next sections. I  
11 think this would be a good break point, if that's  
12 okay with you guys.

13 Okay. So, talking about planning  
14 efforts in Berkeley Township. And most of you, at  
15 least in one way, shape or form or the other, have  
16 been involved in those efforts. And, as I  
17 mentioned, our review of these starts back in the  
18 1997 Comprehensive Master Plan. That's the last  
19 full Comprehensive Master Plan that was prepared.  
20 And, essentially, over the course of the last two  
21 decades, the township and this board have been  
22 engaged in a substantial amount of comprehensive  
23 planning for the community addressing a whole wide  
24 variety of different issues, issues that affect the  
25 township overall and also issues that affect

1 specific neighborhoods or areas or sections of the  
2 township.

3           So, the township's planning has been  
4 comprehensive. And it's been ongoing and continues  
5 to go on as the community evolves and moves forward.  
6 And since 1997, since the '97 Master Plan, you did  
7 three separate master plan reexaminations. There  
8 were two redevelopment plans. The Town Center Plan,  
9 which we talked about an amendment earlier in this  
10 meeting, and the Manitou Park Plan, which we also  
11 talked about as part of the application you heard  
12 earlier.

13           There is a pretty extensive planning  
14 that took place as part of the Transfer Development  
15 Rights Program that was established here in the  
16 township. And, as I mentioned before, the TDR being  
17 a mechanism to transfer development potential away  
18 from environmentally sensitive lands into areas  
19 where there's existing or plan for infrastructure  
20 and where growth is projected to take place. But  
21 that included, you know, crafting a TDR plan  
22 element, updating the utility plan element for the  
23 municipality, as well as a capital improvement plan,  
24 a real estate market analysis that was prepared as  
25 part of that. And that TDR effort, and we'll talk

1 about in a moment, that TDR effort was sort of  
2 embedded and incorporated into and part of a more  
3 comprehensive effort by the township to obtain plan  
4 endorsement from the State Planning Commission  
5 certifying that your comprehensive planning  
6 documents and your zoning was consistent with sound,  
7 statewide policies.

8           There were multiple housing elements  
9 and fair share plans addressing your affordable  
10 housing obligation. And I'll be -- and my testimony  
11 today will be concluding on the most recent version  
12 of that, the 2017 housing element. And, as I  
13 said -- actually, before I get into the next one,  
14 what's important, too, for the township to know and  
15 for the residents of Berkeley Township to understand  
16 is, a lot of these planning efforts, and especially  
17 the most recent ones, with post Sandy planning  
18 projects and reports and plans, much of this was  
19 funded through grants that the township obtained  
20 through the State or from other sources, including  
21 the TDR was, transfer development rights, was a --  
22 was funded by a state grant. And the township  
23 received close to a half a million dollars in post  
24 Sandy planning assistance grant money that funded a  
25 whole variety of different plans, including both

1 your recent master plan reexamination report, and  
2 the recent neighborhood plan that was adopted today  
3 by resolution by the planning board for the  
4 South Seaside Park neighborhood, as well as the  
5 coastal neighborhood plans.

6           Probably the most significant aspect  
7 of all your comprehensive planning efforts and what  
8 kind of intertwines them all together and kind of  
9 creates a sort of framework for planning and moving  
10 forward, including planning for the South Seaside  
11 Park neighborhood as part of that, is your plan  
12 endorsement. And the recognition and the things  
13 that you needed to do to prepare for and get  
14 approval from the State that your plans were  
15 consistent with state and regional planning  
16 policies. And the -- associated with that was  
17 what's called a CAFRA consistency statement and  
18 acknowledgment by the DEP that your plans also were  
19 consistent with the coastal planning framework as  
20 embodied in the Coastal Area Facility Review Act,  
21 CAFRA regulations. And then embodied even within  
22 that, listed within that, is your 2020 vision plan,  
23 which was done in 2003, which formed a foundation  
24 for further planning.

25           As we'll talk about, and especially

1 when we get into resiliency planning, and we talk  
2 about planning for South Seaside Park specifically,  
3 this is a continuum. It's not just a one off on any  
4 one particular plan. But each plan that you've  
5 done, and each step that you've taken as a community  
6 to plan for your community in a comprehensive way,  
7 builds upon what you've done before and creates a  
8 foundation for you moving forward and taking  
9 actions. And we'll see that very specifically as it  
10 relates to South Seaside Park.

11           So, I think that it's important for  
12 the board to understand, and I think residents of  
13 South Seaside Park, as well as the township as a  
14 whole, that how this is all intertwined, how this  
15 becomes -- is evolutionary, how it's a continuum,  
16 how it creates a foundation for taking one step and  
17 one action after the other to provide a  
18 comprehensive and a very sound planning foundation  
19 for your community.

20           So, going -- and I'll go through the  
21 earlier plans a little bit more quickly. Then we'll  
22 get -- when I get into some of the later ones, we'll  
23 get into more detail. But, again, the last full  
24 comprehensive plan that you did was your 1997 Master  
25 Plan. And as part of that, there was also a visual

1 resource analysis that was done. Interestingly  
 2 enough, South Seaside Park scored the lowest. And I  
 3 don't know the reason why, because we weren't  
 4 involved with that. But they did, in fact, score  
 5 the lowest in terms of overall looking at the visual  
 6 representation or visual impact or view of  
 7 developments. And some of the work, some of the  
 8 recommendations out of the '97 plan was in response  
 9 to that, in trying to kind of create, you know,  
 10 better communities within the township. But as most  
 11 comprehensive master plans do, you had the land use  
 12 plan element and you had the other components that  
 13 establish a foundation for zoning moving forward.

14           The -- we're looking at the section  
 15 of the report. Just give me one second. Some of  
 16 the other things that were in that plan were that  
 17 the plan outlined goals and objectives that would  
 18 improve property maintenance regulations, extend  
 19 township utilities into areas not presently served,  
 20 at that time, to reduce the use of septic systems  
 21 and private water wells, rehabilitate older housing  
 22 stock, promote affordable housing opportunities,  
 23 ensure attractive retail and office development  
 24 along the 166 and Nine corridors, as well as  
 25 development, and that was one of the first places

1 where we identified the development of the new town  
 2 center.

3           So, it was very general in nature  
 4 and, again, set the foundation for the zoning within  
 5 the township at the time as a master plan would, in  
 6 relationship to the zoning ordinance pursuant to the  
 7 requirements of the Municipal Land Use Law.

8           So, I did mention that the 2020  
 9 vision statement that was undertaken as a foundation  
 10 and a requirement of the plan endorsement for the  
 11 township pursuant to the State Planning Commission  
 12 requirements for an application for plan  
 13 endorsement. That, in 2003, you did your first  
 14 reexamination, it was six years after the 1997 plan.  
 15 And in 2003, you also did that 2020 vision  
 16 statement. And the 2003 reexamination basically  
 17 reaffirmed the various goals and objectives and the  
 18 proposed planning framework that was set forth in  
 19 the 1997 plan. And it also began to focus on areas  
 20 of growth and potential preservation. And, again,  
 21 one of the things that's important from the  
 22 township's perspective, and what we talk about even  
 23 to this day is, we need opportunities for growth and  
 24 development, the improvement -- the increasing  
 25 ratables within the township. But also, as I

1 mentioned earlier, the role of the township in terms  
 2 of the stewardship of the environmentally sensitive  
 3 lands and natural resources within the area.  
 4 Within, whether it's within the Pinelands area,  
 5 whether we talked about TDR preserving areas within  
 6 Pinewald and other portions of the township through  
 7 the Transfer Development Rights program, whether we  
 8 looked at areas that are impacted by storms that  
 9 might be in flood hazard areas. All those things  
 10 are -- have been a consistent and constant theme in  
 11 terms of creating that kind of balance. And  
 12 intertwined within all that is looking for  
 13 opportunities for redevelopment and also  
 14 opportunities to protect and enhance existing  
 15 neighborhoods within the township. Again, using the  
 16 neighborhood framework as being an important  
 17 identification and defining aspect of the township.

18           So, that balancing, that looking at  
 19 areas for growth, looking at areas of conservation,  
 20 looking at areas of preservation sort of intertwine  
 21 the whole planning effort you've had. So, in that  
 22 context, the reexamination report, in fact,  
 23 recommended substantial portions of the township to  
 24 be in a public preservation, conservation or  
 25 conservation recreation zones. And, again -- again,

1 looking at the environmental stewardship, that was a  
 2 result of the evaluation of the importance of those  
 3 areas, not only just in terms of sensitivity, but  
 4 protecting the Barnegat Bay ecosystem and the water  
 5 quality in that ecosystem. And this, these efforts  
 6 to preserve and protect Barnegat Bay, while still  
 7 providing growth opportunities for the township,  
 8 ultimately reaches benefits or provides benefits for  
 9 the community as a whole, township wide, region wide  
 10 and then -- and specifically South Seaside Park,  
 11 which is part of the Barnegat Bay ecosystem. So,  
 12 the quality and the benefits and planning that takes  
 13 place on the mainland is as important to  
 14 South Seaside Park as any other planning approach  
 15 that the township is taking.

16           So, moving on from there -- and I  
 17 should just sort of mention very quickly. The  
 18 vision plan, again, was required pursuant to the  
 19 plan endorsement and also talked about the concept  
 20 of concentrating development in centers. There was  
 21 a lot of public input in that process and  
 22 establishing that framework, that framework of  
 23 balancing preservation with providing areas, center  
 24 based development consistent with the state plan,  
 25 was the outcome of that 2020 vision statement. And

1 maybe I can specifically quote from the plan  
 2 document here that, the report, the goals of the  
 3 2020 vision statement included the provision of  
 4 different land uses, direct new development towards  
 5 the town center, redevelop existing commercial  
 6 centers with linkages to surrounding neighborhoods,  
 7 complete the development of existing neighborhoods,  
 8 a comprehensive open space and recreation system,  
 9 increased road connectivity and congestion  
 10 reduction, efficient delivery of public services,  
 11 strategic extension of water and sewer, creation of  
 12 design standards, promotion of a balanced housing  
 13 stock and housing maintenance.

14 This is not defining just for  
 15 Manitou, or just for South Seaside Park, or just for  
 16 Pinewald section. This is community as a whole.  
 17 And these goals and objectives are community wide  
 18 goals and objectives. And I mentioned the --  
 19 reducing the impact on Barnegat Bay, which is of a  
 20 benefit to South Seaside Park.

21 So then the next step in this process  
 22 is evolution. And remember, at the time that this  
 23 is all going on, there is the active application  
 24 before the State Planning Commission and review of  
 25 the planning documents by state agencies, including

1 the Department of Environmental Protection and the  
 2 Office of -- I think it was Office of Smart Growth  
 3 at the time, now it's Office of Planning Advocacy,  
 4 and other agencies and entities, including DOT.

5 As part of that ongoing process, we  
 6 then had the 2008 reexamination report which  
 7 reiterates the vision that was enunciated in the  
 8 2020 vision statement and then kind of translates  
 9 that vision into actual real land use policies that  
 10 could be the foundation of zoning within the  
 11 municipality. Again, with the emphasis on  
 12 preservation of open space, improve roadway  
 13 connections.

14 Manitou Park redevelopment, the  
 15 Manitou Park being designated as an area in need of  
 16 rehabilitation was identified there. And  
 17 significantly in the 2008 reexamination report, they  
 18 recommended a land use study for South Seaside Park.  
 19 Again, we're talking about an evolutionary movement  
 20 forward in a variety of different things.

21 Then, as a outcome of that  
 22 reexamination report or in conjunction with that  
 23 reexamination report, there was a 2008 land use plan  
 24 and circulation elements. And it's, again,  
 25 primarily as part of the implementation of the 2020

1 vision plan through specific zoning changes that  
 2 were being recommended. And, again, this is all  
 3 going into the context of plan endorsement, and all  
 4 going into time where the TDR idea and concept is  
 5 also evolving as well.

6 And then with respect to South  
 7 Seaside Park, the recommendation, it was to study  
 8 the neighborhood's land uses in relation to zoning  
 9 and develop recommendations to improve Central  
 10 Avenue. So, South Seaside Park is, again,  
 11 specifically mentioned in that plan document. So,  
 12 again, this is, the planning you're doing and the  
 13 planning that's happening even to this date, is  
 14 comprehensive and community wide and addressing all  
 15 areas.

16 And then, in 2012, the township did,  
 17 in fact, receive its plan endorsement from the State  
 18 Planning Commission. Then shortly thereafter  
 19 adopted the TDR plan element and the TDR ordinance  
 20 and other components of that. And they -- idea of  
 21 the plan endorsement, there's -- I won't get into a  
 22 lot of details in terms of the goals and objectives  
 23 here. They're spelled out in the report. But,  
 24 essentially, the township was determined and all its  
 25 comprehensive planning documents were determined,

1 and its land use policy for the entire township was  
 2 determined to be consistent with sound state and  
 3 regional planning objectives. And, again, the  
 4 fundamental component of all of that is the efforts  
 5 to preserve and protect the ecosystem associated  
 6 with Barnegat Bay. And I mentioned we had the TDR  
 7 transfer element, the real estate market analysis,  
 8 the utility services plan and the capital  
 9 improvement plan, which were also adopted.

10 So, then, the last thing that I  
 11 wanted to talk about before we take our break, our  
 12 merciful break, is, before getting into the  
 13 resiliency planning the next time we get together,  
 14 is the township's housing element and fair share  
 15 plan. And we do note that in Mr. Bauman's  
 16 testimony and in his report, he was very critical of  
 17 the township's affordable housing planning efforts  
 18 and specifically very critical in connection with  
 19 what the township may or may not have done in terms  
 20 of trying to locate affordable housing in  
 21 South Seaside Park, fundamentally, I think, you  
 22 know, misses the point. But, in fairness, you know,  
 23 he did, at the time he was writing his report, all  
 24 we had in place was the 2008 housing element and  
 25 fair share plan, which was submitted -- had been

1 ysubmitted to COAH for review. But, ultimately, you  
 2 know, as you are aware, Council on Affordable  
 3 Housing and their regulations were the subject of  
 4 extensive litigation, a variety of different court  
 5 decisions and, ultimately, significant portions of  
 6 their regulations were overturned. So, there was a  
 7 whole period of time that the township, along with  
 8 other municipalities in the State of New Jersey, was  
 9 trying to figure out what was going to be happening  
 10 with those regulations and the impact on the  
 11 township and the township's affordable housing  
 12 obligation.

13           Ultimately, the Supreme Court  
 14 determined that the appropriate venue that -- they  
 15 determined that COAH, the State agency that was  
 16 regulating this process, was not doing their job.  
 17 And so, therefore, they threw the whole process into  
 18 the courts. I don't have to get into all the  
 19 details about why that happened, but what's more --  
 20 most important is the ultimate outcome of that for  
 21 the township and what this means in terms of  
 22 planning and in terms of planning not only for the  
 23 township but in South Seaside Park as well.

24           The 2017 housing plan element, and  
 25 you also made some recommendations tonight about

1 some ordinances that were designed to implement  
 2 components of that, the 2017 housing plan element is  
 3 the -- was the subject of a settlement agreement  
 4 between the Fair Share Housing Center, which is the  
 5 advocacy organization that is basically in  
 6 litigation with a whole variety of municipalities,  
 7 including -- it was including Berkeley Township.

8           Berkeley filed a declaratory judgment  
 9 request or action, which, essentially, asked the  
 10 court to approve its plan. And so, as part of that,  
 11 we negotiated with Fair Share Housing Center. And  
 12 as part of that negotiation, the ultimate outcome  
 13 was a recognition that the township, A, had an  
 14 ongoing rehabilitation obligation, which met that  
 15 part of township's need, rehabilitation obligation.  
 16 Two, the township fully satisfied, based on  
 17 activities that took place and based on housing that  
 18 was produced within the township, for both  
 19 affordable housing and housing that wasn't defined  
 20 as affordable, but, essentially, because of its  
 21 affordability, was, in fact, creditworthy. That's  
 22 housing, what we call development without controls.  
 23 Again, not getting into details, but essentially,  
 24 fundamentally, the township satisfied, the court  
 25 determined, and Fair Share Housing Center agreed,

1 the township fully satisfied its prior round  
 2 obligations. And then, as part of the settlement  
 3 with the township, the Fair Share Housing Center --  
 4 and, again, recognizing the ongoing activity the  
 5 township was doing in providing affordable housing  
 6 in a variety of different places, in places like  
 7 Manitou Park, that the township's actual third round  
 8 obligation or obligation moving forward between  
 9 20 -- what is it -- 2015 to 2020. Actually, no.  
 10 1999 to 2025. What's called the prospect to be.  
 11 1999 to 2025. That obligation was zero.

12           Now, part of the responsibility the  
 13 township had in the negotiation and ultimate  
 14 settlement agreement was to then put in place  
 15 ordinances that, despite its, you know, that it  
 16 satisfied its obligation, that it actually had  
 17 provided more affordable housing than, actually, its  
 18 obligation both from the second round and prior  
 19 round with all the activity that was taking place.  
 20 It did agree for the agreement by the Fair Share  
 21 Housing Center that our obligation was zero and we  
 22 didn't need to do any further negotiations on that.  
 23 Agreed to put in place an ordinance which  
 24 establishes a requirement that any multifamily  
 25 residential housing that was provided for in

1 Berkeley Township, would be required to have a set  
 2 aside for affordable housing or a percentage of  
 3 those units. And by multifamily, we're saying any  
 4 multifamily housing that is five units or more and  
 5 has a density of six units, or dwelling units, or  
 6 more. And that if it's rental, you'd have a  
 7 15 percent set aside requirement. And if they were  
 8 for sale units, they'd be at 20 percent. And you  
 9 adopted that recently, that housing element which  
 10 implements and basically encapsulates that  
 11 settlement agreement.

12           And so, therefore, now, there is a  
 13 ordinance which we commonly call the point system  
 14 ordinance which establishes that requirement. So,  
 15 if there's a zoning board action that creates  
 16 multifamily housing, if it's currently zoned for  
 17 multifamily housing, if it creates or if there's a  
 18 redevelopment plan that creates multifamily housing  
 19 or mixed use development, whatever that might be  
 20 with the multi -- a multifamily development as  
 21 component of that, there is the affordable housing  
 22 obligation. That is township wide. It's  
 23 everywhere. It's in South Seaside Park. It's  
 24 everywhere.

25           Now, the only part of that that

1 creates an analysis that's necessary is that, of a  
2 part of, depending upon the location of the  
3 development and its proximity to community  
4 facilities and transportation network and some other  
5 factors that we've developed, that there is an  
6 opportunity for that portion of that housing to be  
7 provided on-site or through a payment, what's called  
8 a payment in lieu of construction, which means they  
9 get a -- the township gets a payment, and that we  
10 have -- we create that housing in an appropriate  
11 location, that affordable housing in an appropriate  
12 location based on planning -- based on planning  
13 criteria.

14 That very much, you know, for the  
15 most part, that's not really affecting anything  
16 other than the fact that it depends upon, you know,  
17 it affects how much is constructed on-site versus  
18 how much is done through a payment in lieu of  
19 construction. And that is consistent. And that  
20 applies to all multifamily residential development  
21 within the township.

22 Now, despite Mr. Bauman's contention  
23 that there was not an intent to provide affordable  
24 housing, that has to be taken in the place of the  
25 context. And, again, this is -- this occurred after

1 he made this testimony and prepared his report of  
2 all the planning that was taking place in  
3 South Seaside Park in terms of the creation of the  
4 neighborhood plan. And we heard a very clear  
5 message from the community, that they wanted to take  
6 any, or limit very substantially any opportunities  
7 for multifamily residential development within the  
8 confines of their neighborhood. And that the plan  
9 itself establishes dominant development form within  
10 that area is, as being single family detached, with  
11 the exception of a couple small areas like where the  
12 business -- where mixed use is provided in the  
13 business zone in the -- in South Seaside Park.

14 So, essentially, really, you can't  
15 have it both ways. I mean, if you want affordable  
16 housing, the way that affordable housing is  
17 delivered under the provisions of the ordinance, and  
18 not only that, but also pretty much common, is  
19 through a multifamily residential housing form.

20 So, we provide those opportunities.  
21 And if, at any point in time, a multifamily  
22 development occurs in South Seaside Park or anywhere  
23 else in the township, they are -- there's going to  
24 be a commensurate requirement for affordable  
25 housing. And that's consistent. That's --

1 everybody gets, you know, treated the same way. And  
2 those opportunities are there if, in fact, the  
3 community determines that multifamily residential is  
4 an appropriate vehicle to provide that.

5 So, I think that might be a good  
6 place to stop. And then we go on to resiliency next  
7 time.

8 MR. MICHELINI: I assume the planner  
9 will be here in the next meeting, right, to  
10 continue? There's not going to be any breaks,  
11 right?

12 MR. WINWARD: And I think at this  
13 rate, the meeting after that, too.

14 MR. MICHELINI: Well, that will begin  
15 my cross-examination.

16 MR. WINWARD: Okay. Well, thank you  
17 so much for that testimony.

18 At this time, I'd like to have a  
19 motion to adjourn the meeting.

20 DR. HUDAK: Motion.

21 MR. MACKRES: Second.

22 MR. WINWARD: All in favor.

23 ALL: Aye.

24 (Meeting adjourned.)  
25

C E R T I F I C A T E

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3  
4 I, LINDA SULLIVAN-HILL, a Notary  
5 Public and Certified Court Reporter of the State of  
6 New Jersey, do hereby certify that the foregoing is  
7 a true and accurate transcript of the proceedings as  
8 taken stenographically by and before me at the time,  
9 place and on the date hereinbefore set forth.

10  
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12  
13 Notary Public of the State of New Jersey  
14 My Commission expires January 26, 2021

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16 Dated: July 30, 2017  
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1,742 [2] 47/17 48/19	490 [1] 44/2	acronym [1] 72/14
1.2 [2] 44/2 44/18	5	across [1] 40/12
11 [1] 62/21	5.3 [1] 48/13	ACS [5] 44/10 44/14 44/25 45/11 45/24
11.5 [2] 46/4 46/5	50 [1] 63/19	act [3] 71/7 71/15 79/20
12 [2] 62/22 62/25	52,639 [1] 45/11	acting [2] 12/17 14/20
12-year-old [1] 62/23	55 [2] 63/22 63/23	action [3] 80/17 90/9 92/15
13 [2] 48/8 48/9	565 [1] 36/6	actions [3] 23/21 24/11 80/9
14.2 [1] 47/18	6	active [1] 85/23
15 percent [1] 92/7	6.9 percent [1] 46/22	activities [11] 9/2 17/11 17/24 24/11 25/19 28/9 42/22 59/22 66/1 73/8 90/17
16 [3] 45/24 46/3 74/8	61,994 [1] 45/16	activity [5] 17/4 30/16 70/11 91/4 91/19
166 [1] 81/24	62 [3] 58/12 58/15 65/9	actual [6] 44/6 50/22 58/22 71/22 86/9 91/7
17 [5] 2/7 3/12 4/1 60/22 60/23	620 [1] 2/4	actually [33] 9/22 12/23 17/14 17/19 19/5 21/11 21/14 22/21 23/10 27/5 27/12 27/24 30/15 32/9 32/13 36/9 36/11 40/5 45/22 46/8 46/8 58/23 64/10 64/19 70/6 72/2 72/13 73/4 75/20 78/13 91/9 91/16 91/17
1701 [1] 73/16	65 [2] 13/11 65/10	added [1] 59/14
19 [1] 17/2	65 percent [1] 13/11	address [1] 8/23
19.4 [1] 48/14	7	addressed [1] 37/5
1950's [1] 40/3	7.2 percent [1] 48/18	addressing [6] 9/13 16/17 26/23 76/23 78/9 87/14
1978 [1] 71/6	7/3/17 [2] 3/12 4/1	adjacent [1] 70/20
1997 [5] 76/18 77/6 80/24 82/14 82/19	72 [3] 3/13 6/15 6/21	adjoining [3] 10/4 10/5 33/12
1999 [2] 91/10 91/11	72A [2] 6/19 6/22	adjourn [1] 95/19
2	73 [1] 6/15	adjourned [1] 95/24
20 [7] 17/2 17/3 20/17 28/10 73/12 91/9 92/8	732 [1] 1/25	adjustment [1] 74/4
20 percent [1] 45/14	7:40 [1] 1/9	Administration [1] 73/24
2003 [4] 79/23 82/13 82/15 82/16	8	adopted [10] 5/9 17/18 17/19 17/21 25/6 37/12 79/2 87/19 88/9 92/9
2008 [4] 86/6 86/17 86/23 88/24	824 [1] 44/11	adoption [1] 71/7
2010 [2] 43/23 44/3	833-0001 [1] 1/25	adult [1] 63/1
2010 Census [1] 43/25	A	advances [1] 29/3
2011 [1] 44/6	A-72 [3] 3/13 6/15 6/21	adversely [1] 37/23
2012 [1] 87/16	A-72A [2] 6/19 6/22	advocacy [2] 86/3 90/5
2013 [2] 73/18 74/8	A-73 [1] 6/15	aerial [2] 67/22 67/23
2015 [3] 44/7 44/8 91/9	Aberdeen [1] 31/3	affect [5] 37/22 37/23 65/13 76/24 76/25
2016 [1] 6/16	ability [3] 50/8 66/13 70/18	affected [3] 12/6 21/3 23/17
2017 [7] 1/8 7/25 60/9 78/12 89/24 90/2 96/16	able [7] 9/18 52/10 70/4 72/24 75/3 75/4 75/4	affecting [3] 49/15 49/16 93/15
2020 [8] 79/22 82/8 82/15 84/25 85/3 86/8 86/25 91/9	about [86] 4/8 4/16 4/17 13/5 13/11 14/7 14/9 15/25	
2021 [1] 96/14	16/12 16/13 16/20 16/24	
2025 [2] 91/10 91/11	16/25 17/12 17/22 17/23	
20th [1] 68/19	17/25 18/3 18/4 18/8 18/11	
22 percent [1] 45/1	19/25 22/3 25/10 25/15	
22.7 percent [2] 45/2 45/6	25/21 26/15 27/2 27/7 27/8	
24,169 [2] 46/21 48/19	28/3 28/8 28/18 29/5 31/9	
247 [2] 47/16 48/14	31/14 34/16 34/22 35/2	
24th [2] 68/19 69/17	36/16 37/17 39/17 40/21	
26 [1] 96/14	40/21 40/25 41/15 41/23	
285 [2] 13/9 14/1	43/7 43/19 43/21 49/19	
3	49/20 51/2 51/3 52/16	
30 [3] 63/22 63/22 96/16	53/23 53/23 54/2 58/1 58/3	
32 [2] 4/2 8/5	58/5 60/7 60/14 60/20 64/9	
	68/11 68/12 68/13 71/24	
	74/23 75/13 75/24 76/5	
	76/13 77/9 77/11 78/1	

<b>A</b>		
affects [3] 60/11 60/12 93/17	amalgam [1] 34/12	approved [1] 5/12
affirmative [1] 5/4	amazing [1] 45/22	approximately [1] 44/2
affordability [1] 90/21	amendment [1] 77/9	arbitrary [2] 12/2 12/17
affordable [18] 25/12 78/9	amenities [6] 52/7 52/14	architectural [1] 33/16
81/22 88/17 88/20 89/2	53/13 54/10 55/10 70/24	are [115]
89/11 90/19 90/20 91/5	amenity [1] 53/8	area [36] 4/20 5/11 21/16
91/17 92/2 92/21 93/11	American [3] 44/4 44/25	22/6 22/15 24/16 27/14
93/23 94/15 94/16 94/24	48/10	28/7 28/18 29/2 29/10 32/3
after [6] 9/19 52/16 80/17	among [1] 44/21	32/9 34/7 35/9 39/1 40/9
82/14 93/25 95/13	amount [11] 17/15 20/17	46/9 51/20 51/22 58/19
again [50] 4/21 13/4 17/22	20/18 20/20 23/1 28/12	68/21 68/24 69/5 69/16
18/2 18/25 23/9 24/25 31/6	51/16 64/22 68/2 68/15	69/16 70/1 71/10 72/7
33/19 35/22 41/7 41/11	76/22	72/22 74/16 79/20 83/3
41/14 44/24 48/1 51/5	analysis [18] 8/15 9/1	83/4 86/15 94/10
51/15 57/21 59/15 59/23	9/24 14/14 15/23 17/10	areas [49] 20/12 20/13
60/20 62/13 63/4 63/10	18/14 25/9 34/24 34/25	21/18 21/25 22/24 23/3
63/15 64/21 65/13 68/4	42/7 49/23 49/24 72/15	23/9 24/17 24/22 24/23
70/12 70/22 70/22 70/25	77/24 81/1 88/7 93/1	27/11 27/12 27/22 27/22
72/8 80/23 82/4 82/20	analyze [2] 9/3 19/5	27/23 28/11 28/14 28/15
83/15 83/25 83/25 84/18	analyzing [2] 11/10 11/10	28/24 29/17 31/15 31/20
86/11 86/19 86/24 87/2	annex [2] 34/8 36/5	35/14 35/16 39/3 39/15
87/10 87/12 88/3 90/23	annexation [33] 1/5 4/6	39/23 40/18 49/9 50/15
91/4 93/25	7/24 8/12 8/12 8/15 10/3	56/22 57/9 69/21 73/1
against [1] 10/23	10/11 12/2 12/4 12/8 12/16	75/10 77/1 77/18 81/19
age [6] 45/25 45/25 46/3	12/20 12/23 12/24 13/2	82/19 83/5 83/8 83/9 83/19
58/12 58/12 63/17	13/9 15/2 15/3 17/9 18/16	83/19 83/20 84/3 84/23
agencies [2] 85/25 86/4	25/24 30/6 37/21 42/8	87/15 94/11
agency [2] 24/6 89/15	42/15 42/18 43/21 46/24	argue [1] 42/25
agenda [1] 4/4	49/1 60/18 64/13 64/13	arguments [1] 9/14
ago [1] 28/3	annexations [2] 30/23	around [2] 21/6 40/9
agree [1] 91/20	30/24	as [191]
agreed [2] 90/25 91/23	annexed [1] 70/15	Asbury [1] 33/13
agreement [4] 90/3 91/14	annual [1] 66/24	aside [2] 92/2 92/7
91/20 92/11	another [3] 33/4 33/9	ask [1] 4/9
agricultural [1] 54/7	35/22	asked [2] 10/2 90/9
aligned [1] 16/3	answer [2] 5/4 16/1	askew [2] 71/20 71/20
all [56] 4/22 4/23 5/23	Anthony's [1] 33/2	aspect [6] 48/2 55/3 56/1
5/24 6/11 8/3 8/19 11/16	anticipated [4] 21/17	76/10 79/6 83/17
12/12 13/5 14/7 19/16	71/18 72/12 72/16	aspects [3] 25/22 36/20
20/22 21/14 22/18 25/6	any [24] 7/13 9/20 10/18	50/18
26/13 26/14 28/21 32/18	10/19 15/25 35/18 42/1	assets [1] 25/3
32/19 33/18 33/23 35/5	42/2 56/1 61/22 62/12	assistance [3] 17/14 17/15
37/16 37/18 41/15 41/20	66/25 72/7 72/10 72/18	78/24
41/25 43/6 43/13 53/22	80/3 84/14 91/22 91/24	associated [6] 8/4 22/20
54/11 56/10 58/14 58/21	92/3 94/6 94/6 94/21 95/10	27/17 32/2 79/16 88/5
69/3 70/22 79/7 79/8 80/14	anybody [2] 62/3 67/4	ASSOCIATES [3] 1/23 7/9
83/9 83/12 85/23 87/2 87/3	anything [6] 7/14 14/13	7/10
87/14 87/24 88/4 88/23	15/6 38/2 55/25 93/15	ASSOCIATION [4] 1/5 4/6
89/18 91/19 93/20 94/2	anyway [1] 8/7	6/5 10/1
95/22 95/23	anywhere [2] 72/23 94/22	assume [1] 95/8
Allen [1] 73/21	apartments [3] 5/15 51/17	Atlantic [6] 19/16 19/18
Allen Street [1] 73/21	59/7	19/23 21/5 30/11 53/8
allow [1] 13/23	apologies [1] 63/24	Atlantic Ocean [1] 53/8
alluded [1] 70/21	apologize [4] 9/6 9/15	attachments [1] 8/3
along [6] 24/22 53/10	11/13 18/25	Attorney [1] 7/15
69/17 69/17 81/24 89/7	appearance [1] 6/3	Attorneys [2] 2/5 2/8
also [46] 2/11 11/1 15/19	APPEARANCES [1] 2/2	attractive [1] 81/23
19/23 20/12 22/6 26/7	appearing [1] 48/9	audience [1] 61/2
27/16 28/2 28/15 31/11	appendix [1] 72/9	audio [1] 26/14
33/7 35/21 40/15 47/2 49/5	application [6] 10/21	authority [1] 59/8
49/9 49/11 50/15 53/12	10/22 22/4 77/11 82/12	automobile [1] 66/17
56/6 59/21 60/2 60/12 63/9	85/23	availability [1] 58/5
68/14 69/8 70/9 71/8 72/9	applications [1] 11/6	available [8] 53/17 57/2
75/1 75/4 75/8 76/25 77/10	applies [1] 93/20	57/6 58/18 59/20 64/7 67/3
79/18 80/25 82/15 82/19	appointed [1] 7/10	70/25
82/25 83/13 84/19 87/5	approach [1] 84/14	Avenue [5] 59/25 68/20
88/9 89/25 94/18	appropriate [9] 10/15 11/7	70/9 73/17 87/10
alter [2] 40/13 40/15	24/18 26/9 36/4 89/14	average [1] 48/7
Although [1] 36/12	93/10 93/11 95/4	aware [3] 10/7 54/9 89/2
	appropriateness [1] 25/24	away [2] 72/10 77/17
	approval [1] 79/14	Aye [1] 95/23
	approve [1] 90/10	

<b>B</b>	39/9 56/4 59/15 64/9 70/7 76/16 76/21 77/3 77/4 83/10 88/25 before [24] 4/6 9/25 10/8 13/14 14/12 14/17 34/16 39/18 41/23 50/3 50/3 58/2 58/10 63/18 70/21 71/6 71/8 77/16 78/13 80/7 85/24 88/11 88/12 96/8 began [1] 82/19 begin [1] 95/14 beginning [3] 9/7 16/5 38/20 behalf [1] 6/4 being [26] 11/23 12/5 12/9 12/21 14/21 17/17 19/6 19/6 24/17 37/19 40/14 42/19 44/8 44/9 47/16 49/16 50/19 53/14 71/20 72/23 75/4 77/16 83/16 86/15 87/2 94/10 believe [3] 4/12 5/4 5/11 Bell [1] 1/13 benefit [5] 72/2 75/7 75/7 75/12 85/20 benefits [6] 52/14 71/25 75/12 84/8 84/8 84/12 Bergen [1] 31/3 BERKELEY [87] 1/1 10/4 13/4 14/22 15/13 16/22 16/24 17/8 19/13 20/16 22/2 27/10 34/1 35/15 36/22 36/23 36/24 37/2 37/24 37/24 39/22 41/16 41/19 42/1 42/11 43/24 45/2 45/3 45/6 45/11 46/22 47/17 48/13 53/7 53/16 54/23 54/24 55/8 55/12 55/15 55/22 56/25 57/6 59/1 60/10 60/18 61/5 61/13 61/21 62/2 62/3 62/4 62/17 62/22 62/24 63/3 63/8 63/11 63/16 63/19 63/23 63/25 64/4 64/11 64/11 64/18 64/25 65/3 65/9 65/14 65/15 65/22 66/3 66/4 66/21 67/3 68/6 70/18 73/5 74/15 75/17 75/24 76/14 78/15 90/7 90/8 92/1 Berkeley Township [56] 10/4 14/22 16/22 17/8 19/13 20/16 27/10 34/1 35/15 36/22 36/23 36/24 37/2 37/24 39/22 41/16 42/1 45/2 46/22 53/7 54/23 54/24 55/12 56/25 60/10 60/18 61/5 61/13 61/21 62/2 62/17 62/22 62/24 63/3 63/8 63/16 63/19 63/23 63/25 64/11 64/11 64/18 64/25 65/3 65/9 65/14 65/22 66/3 66/4 68/6 70/18 73/5 75/17 78/15 90/7 92/1 better [4] 9/3 26/12 46/12 81/10 between [13] 30/19 44/6 45/18 50/8 51/23 60/9 61/5 62/6 68/19 71/3 76/9 90/4 91/8 beyond [1] 39/16	big [4] 4/17 27/11 35/10 39/24 bind [1] 42/4 bit [17] 16/13 16/19 16/25 18/20 19/6 19/25 25/7 25/22 43/16 49/19 50/17 51/1 58/2 60/20 71/20 74/22 80/21 blocks [1] 35/8 Blvd [1] 2/7 board [36] 1/1 2/5 7/12 8/17 9/12 9/17 9/25 10/8 10/15 11/18 13/14 14/13 14/15 14/17 17/6 18/2 19/11 23/22 33/21 37/1 37/25 39/14 42/9 43/18 48/3 53/21 57/23 57/25 60/15 68/7 73/25 74/4 76/21 79/3 80/12 92/15 bodies [1] 39/7 body [7] 10/12 12/2 12/4 12/16 22/9 29/9 30/19 book [1] 38/22 borough [6] 61/17 64/12 64/14 64/17 73/20 73/21 borough's [1] 73/15 boroughs [1] 51/19 both [10] 11/4 14/17 25/25 28/14 71/1 72/3 78/25 90/18 91/18 94/15 bottom [3] 38/10 38/12 54/15 boundaries [8] 16/8 39/5 39/16 40/13 40/23 56/18 57/6 57/14 boundary [5] 19/14 19/16 30/22 40/16 57/7 branch [3] 73/24 74/2 74/6 break [5] 75/21 76/6 76/11 88/11 88/12 breaks [1] 95/10 Brick [2] 2/7 29/16 Bridge [1] 33/7 brief [1] 4/12 bringing [1] 8/19 broader [3] 25/14 27/10 27/12 broadly [1] 27/21 budgetary [1] 67/2 budgeting [1] 66/24 build [1] 41/12 building [9] 28/1 32/3 50/14 50/19 71/4 71/4 71/6 73/25 74/4 buildings [1] 47/14 builds [1] 80/7 built [1] 41/13 burden [1] 11/24 bus [5] 58/17 58/20 58/24 59/19 60/5 buses [1] 58/18 business [4] 5/13 73/17 94/12 94/13 bussing [1] 59/9 Byram [1] 31/2
	<b>C</b>	
	CAFRA [4] 23/5 34/17 79/17 79/21 call [7] 14/23 18/21 31/21 52/25 69/2 90/22 92/13 Callahan [1] 1/14	

<b>C</b>	39/4 48/5 49/14	41/13 41/15 41/21 53/3
called [13] 5/12 31/20	characterized [3] 47/19	55/9 55/9 57/10 58/4 58/22
32/10 33/8 38/21 54/4	48/15 48/20	58/24 59/7 81/10
68/25 69/2 69/18 72/14	charge [19] 61/20 61/24	community [76] 10/4 10/23
79/17 91/10 93/7	61/25 62/14 62/18 62/19	11/2 12/25 16/6 18/4 18/21
calling [2] 18/10 69/15	62/19 62/25 63/12 63/13	19/12 20/19 22/4 24/12
can [26] 4/9 9/11 11/17	63/16 63/20 63/21 63/25	24/19 27/8 28/20 32/20
14/15 21/16 23/3 27/3 31/4	64/1 64/5 64/19 64/20	33/9 33/15 34/8 35/6 37/12
31/12 31/13 33/22 35/1	64/22	37/15 38/24 39/1 39/21
38/18 39/8 40/11 40/12	charged [2] 62/11 62/12	40/6 40/12 41/6 42/4 42/19
51/10 52/9 53/7 55/18	charges [1] 65/4	42/21 43/8 43/22 44/4
61/23 62/23 72/18 75/14	chart [1] 62/5	44/25 46/15 47/10 47/11
75/17 85/1	CHERKOS [1] 2/3	47/23 48/4 48/10 49/14
can't [1] 94/14	children [7] 61/15 62/19	50/9 50/21 50/22 51/13
cannot [3] 15/17 43/10	62/19 62/21 63/15 63/21	54/1 55/1 55/16 56/3 56/5
55/13	64/1	56/17 56/19 57/8 58/14
capable [1] 11/10	choice [1] 51/10	60/13 67/20 69/8 70/25
capacity [1] 58/5	choices [1] 56/14	71/19 71/23 71/25 72/4
Cape [1] 30/10	church [3] 32/2 33/2 74/10	75/11 76/3 76/23 77/5 80/5
capital [2] 77/23 88/8	circulation [1] 86/24	80/6 80/19 84/9 85/16
careful [2] 34/4 35/17	circumstance [4] 29/13	85/17 87/14 93/3 94/5 95/3
cars [1] 57/12	29/14 30/1 30/1	community's [1] 59/18
Carteret [5] 39/19 39/24	circumstances [1] 29/22	compare [2] 45/1 45/15
39/25 40/4 40/5	cited [1] 63/18	compares [1] 60/9
case [4] 6/8 8/21 10/7	cites [1] 57/20	comparison [9] 46/2 46/15
12/7	citizen [1] 28/6	46/21 47/4 47/7 51/18 61/4
cases [1] 47/12	City [8] 33/13 41/22 51/9	61/16 66/18
catalog [2] 69/1 69/3	51/11 52/1 58/25 59/1 59/1	compensated [1] 49/6
categories [1] 63/18	clarification [4] 6/7 9/21	complaints [1] 68/18
categorized [1] 20/24	14/14 27/2	complete [2] 46/25 85/7
category [4] 72/17 72/17	classic [1] 51/8	Complex [2] 73/23 74/1
72/20 72/21	clear [1] 94/4	complexes [1] 58/17
Catharine [1] 74/9	clearer [1] 48/22	complimentary [1] 65/17
cause [2] 12/8 13/3	clearly [4] 9/10 50/23	component [4] 10/17 14/21
caveat [1] 64/3	52/13 64/7	88/4 92/21
Cedar [1] 41/19	climate [1] 25/17	components [6] 11/15 12/14
census [7] 35/8 43/24	close [4] 26/7 55/1 73/6	40/3 81/12 87/20 90/2
43/25 44/5 44/6 44/14	78/23	comprehend [1] 9/18
44/15	closed [1] 67/3	comprehensive [27] 8/18
center [18] 24/19 24/20	closely [1] 18/6	9/2 10/25 16/22 20/15
50/21 50/22 56/11 58/21	closure [1] 67/24	20/19 24/2 26/25 28/19
59/4 71/23 73/7 77/8 82/2	COAH [2] 89/1 89/15	28/22 37/15 37/18 71/8
84/23 85/5 90/4 90/11	coastal [7] 17/21 23/6	76/18 76/19 76/22 77/4
90/25 91/3 91/21	23/9 33/9 79/5 79/19 79/20	78/3 78/5 79/7 80/6 80/18
centers [2] 84/20 85/6	code [2] 34/21 35/14	80/24 81/11 85/8 87/14
Central [1] 87/9	codes [4] 35/9 35/10 35/11	87/25
centrally [2] 50/19 71/19	35/11	comprehensively [2] 9/11
century [1] 21/8	collection [2] 37/3 42/5	29/2
certain [14] 20/2 20/3	collectively [1] 32/19	concentrating [1] 84/20
27/16 31/21 34/20 37/6	college [2] 44/24 45/3	concentration [1] 59/10
37/7 54/2 54/3 56/22 56/24	Colonia [1] 32/7	concept [6] 26/22 27/4
57/1 57/1 57/12	Colonial [1] 32/5	40/14 41/8 84/19 87/4
certainly [9] 9/19 14/15	combination [3] 69/12	concepts [1] 40/19
15/7 16/15 29/13 51/18	69/14 69/18	concern [4] 4/8 41/2 42/6
53/9 57/16 72/22	come [4] 61/12 66/8 66/25	68/20
CERTIFIED [2] 1/24 96/5	76/7	concerns [3] 4/23 11/20
certify [1] 96/6	comes [1] 10/8	36/12
certifying [1] 78/5	commensurate [1] 94/24	concluding [1] 78/11
cetera [1] 16/11	commercial [1] 85/5	conclusion [3] 12/15 18/17
Chair [1] 13/15	Commission [6] 24/1 78/4	43/1
Chairman [2] 1/12 7/7	82/11 85/24 87/18 96/14	conclusions [5] 9/14 12/11
change [4] 25/17 43/11	common [4] 47/9 49/24	13/6 18/9 18/15
70/14 70/14	51/15 94/18	condition [2] 68/16 68/18
changes [4] 4/23 30/22	commonly [3] 69/1 69/15	conditional [1] 5/14
65/4 87/1	92/13	confines [2] 55/16 94/8
changing [1] 34/12	communities [39] 16/11	confusing [1] 34/10
character [1] 37/10	19/15 19/20 19/21 20/25	congestion [1] 85/9
characteristic [3] 32/24	21/11 21/12 21/13 21/17	conjunction [1] 86/22
33/14 33/17	21/22 21/24 22/1 25/21	connected [1] 18/6
characteristics [8] 22/17	25/25 28/3 28/6 30/8 30/12	connection [2] 18/5 88/18
32/22 36/18 36/21 39/2	30/25 36/4 36/5 37/8 40/22	connections [1] 86/13
	40/24 40/24 41/4 41/12	connectivity [1] 85/9

<b>C</b>	96/5 courts [2] 60/2 89/18 Cove [1] 41/18 CPA [1] 2/13 crafting [2] 11/4 77/21 create [3] 28/13 81/9 93/10 created [1] 30/24 creates [8] 50/1 79/9 80/7 80/16 92/15 92/17 92/18 93/1 creating [2] 53/25 83/11 creation [2] 85/11 94/3 credentials [2] 7/13 7/17 credit [1] 55/15 creditworthy [1] 90/21 Creek [1] 41/20 criteria [5] 9/5 16/4 16/18 18/8 93/13 critical [2] 88/16 88/18 cross [1] 95/15 cross-examination [1] 95/15 crossing [1] 35/24 cultural [4] 25/3 36/19 40/22 42/11 culture [1] 55/11 currently [3] 56/18 70/18 92/16	decisioning [1] 49/25 decisions [9] 20/3 51/4 54/14 55/20 55/21 58/2 59/16 70/23 89/5 declaratory [1] 90/8 define [4] 38/8 43/15 54/21 57/14 defined [12] 21/4 21/6 21/25 22/19 27/9 27/21 36/18 39/5 41/17 62/21 65/9 90/19 defines [3] 36/23 36/24 38/23 defining [5] 24/12 24/12 41/6 83/17 85/14 definition [6] 16/10 36/20 38/5 38/6 56/2 58/13 definitions [1] 38/24 degree [2] 44/24 45/4 Delaware [1] 30/12 delineation [1] 58/13 delivered [1] 94/17 delivery [1] 85/10 demand [1] 59/15 DeMarco [1] 4/8 demographic [1] 49/15 demographics [5] 16/13 16/14 43/17 43/17 43/23 demonstrate [1] 12/1 density [1] 92/5 denying [2] 12/16 71/16 DEP [2] 69/2 79/18 Department [5] 23/7 24/7 24/8 24/9 86/1 depending [2] 56/14 93/2 depends [2] 38/15 93/16 derogatory [1] 14/24 describe [2] 38/8 57/22 DESCRIPTION [1] 3/11 design [4] 23/8 55/24 74/18 85/12 designated [4] 24/21 34/20 58/23 86/15 designation [1] 61/9 designations [2] 34/21 34/21 designed [1] 90/1 despite [3] 70/4 91/15 93/22 detached [5] 47/17 47/19 48/16 48/20 94/10 detail [10] 17/18 18/25 19/1 19/3 25/7 25/11 34/10 71/24 75/2 80/23 details [8] 13/5 13/7 14/7 14/9 29/22 87/22 89/19 90/23 determinant [2] 55/8 59/20 determination [4] 17/7 24/7 36/3 54/18 determine [1] 10/9 determined [6] 87/24 87/25 88/2 89/14 89/15 90/25 determines [1] 95/3 determining [1] 52/6 detrimental [4] 12/4 12/20 12/24 12/24 develop [2] 23/19 87/9 developed [3] 21/7 58/23 93/5 Developers [1] 5/17 development [39] 20/6
<b>D</b>	dailies [1] 63/7 daily [12] 61/7 61/8 61/9 61/13 61/21 61/24 61/25 62/9 62/14 62/16 62/25 63/6 Dame [1] 74/25 DASTI [1] 2/3 data [2] 44/25 44/25 date [3] 14/18 87/13 96/9 dated [2] 7/25 96/16 day [1] 82/23 de [36] 1/5 4/6 7/24 8/12 8/12 8/15 10/3 10/11 12/2 12/4 12/8 12/16 12/20 12/23 12/24 13/2 13/9 15/2 15/3 17/9 18/16 25/24 30/6 30/23 30/24 34/8 36/5 37/21 42/8 42/15 42/18 43/21 46/24 49/1 60/18 64/13 de-annex [2] 34/8 36/5 de-annexation [32] 1/5 4/6 7/24 8/12 8/12 8/15 10/3 10/11 12/2 12/4 12/8 12/16 12/20 12/23 12/24 13/2 13/9 15/2 15/3 17/9 18/16 25/24 30/6 37/21 42/8 42/15 42/18 43/21 46/24 49/1 60/18 64/13 de-annexations [2] 30/23 30/24 dealing [2] 25/13 49/23 decades [1] 76/21 Decennial [2] 44/6 44/15 decide [3] 51/10 52/6 54/25 decided [1] 51/20 deciding [1] 52/5 decision [10] 16/20 19/8 49/19 49/21 50/18 51/2 51/21 55/3 55/14 68/13	

<b>D</b>		
development... [38] 20/14	document [2] 85/2 87/11	64/1 70/17 72/10
22/21 23/3 23/6 23/9 23/11	documents [7] 10/25 10/25	element [11] 77/22 77/22
24/13 24/15 24/18 24/24	15/21 24/2 78/6 85/25	78/12 81/12 87/19 88/7
25/11 28/12 30/16 32/3	87/25	88/14 88/24 89/24 90/2
55/5 59/6 59/8 71/12 77/14	does [5] 19/5 36/12 42/10	92/9
77/17 78/21 81/23 81/25	59/23 67/15	elements [4] 16/17 30/25
82/1 82/24 83/7 84/20	doesn't [4] 40/13 40/15	78/8 86/24
84/24 85/4 85/7 90/22	54/18 70/1	eliminate [1] 46/9
92/19 92/20 93/3 93/20	doing [9] 20/16 28/19	eliminated [1] 47/2
94/7 94/9 94/22	34/23 37/20 49/24 56/4	else [3] 36/16 66/20 94/23
developments [1] 81/7	87/12 89/16 91/5	embedded [2] 25/18 78/2
Dickerson [1] 2/12	dollar [3] 61/18 63/9 64/5	embodied [3] 25/19 79/20
did [16] 4/19 6/13 6/23	dollars [8] 61/14 61/17	79/21
6/25 11/16 32/17 59/12	61/25 62/11 62/14 62/16	emphasis [1] 86/11
77/6 80/24 81/4 82/8 82/13	62/17 78/23	emphasize [1] 49/20
82/15 87/16 88/23 91/20	Domenick [1] 1/13	employed [3] 46/15 46/17
didn't [2] 73/5 91/22	dominant [1] 94/9	49/7
difference [3] 63/9 63/17	don't [15] 7/13 13/16 14/3	employment [1] 45/21
65/7	14/6 17/2 27/3 38/2 38/3	enacted [1] 71/9
differences [5] 36/22 37/5	48/8 53/22 64/14 72/21	encapsulates [1] 92/10
37/5 40/23 63/14	72/22 81/3 89/18	enclave [1] 41/7
different [30] 15/21 21/2	done [12] 20/2 20/17 37/14	enclaves [1] 22/3
22/17 24/10 27/22 28/25	46/5 55/24 70/8 79/23 80/5	encourage [1] 22/8
28/25 31/25 33/8 33/23	80/7 81/1 88/19 93/18	end [3] 35/13 35/13 60/3
34/12 35/16 36/7 41/15	DOT [1] 86/4	endorsement [11] 23/23
42/22 49/13 51/5 51/19	downtown [1] 32/9	23/24 24/10 78/4 79/12
53/1 54/8 55/15 56/14 61/6	drink [1] 26/3	82/10 82/13 84/19 87/3
62/12 76/24 78/25 85/4	drinking [1] 11/12	87/17 87/21
86/20 89/4 91/6	drive [3] 1/24 56/12 56/13	engage [1] 53/22
differentiation [1] 62/6	driving [1] 57/4	engaged [2] 74/24 76/22
direct [2] 25/8 85/4	due [1] 74/19	enhance [2] 37/8 83/14
direction [1] 36/11	duly [1] 7/4	enough [1] 81/2
directly [1] 59/9	during [4] 9/22 49/12	enrollment [1] 34/23
discontinuities [1] 31/6	67/24 73/19	ensure [2] 70/8 81/23
discontinuity [1] 31/7	dwelling [7] 46/20 46/21	ensuring [1] 23/11
discussing [1] 75/16	47/3 48/7 48/11 48/13 92/5	entailed [1] 30/6
discussion [11] 16/7 16/12	<b>E</b>	enter [1] 6/2
26/5 50/4 50/5 56/8 58/5	each [4] 19/3 29/22 80/4	entertainment [1] 51/13
58/16 58/16 64/16 71/1	80/5	entire [3] 24/2 24/4 88/1
discussions [1] 71/25	earlier [4] 77/9 77/12	entities [1] 86/4
dispatch [1] 75/5	80/21 83/1	entity [2] 15/12 27/18
dispatching [1] 73/8	early [4] 18/11 18/11	enunciated [1] 86/7
dispute [1] 50/10	21/11 40/3	environment [6] 20/8 51/24
disputing [1] 50/10	earned [1] 44/24	51/25 53/14 53/15 55/11
disqualified [1] 14/8	easily [1] 42/13	environmental [6] 23/7
distance [9] 50/6 50/8	east [2] 28/7 59/2	24/9 25/2 28/16 84/1 86/1
50/11 50/16 51/22 53/11	eating [1] 51/14	environmentally [4] 20/9
53/12 54/10 71/3	ecological [2] 23/12 25/14	24/15 77/18 83/2
distinct [7] 32/22 33/13	economic [5] 12/5 12/21	esoteric [1] 41/7
39/3 42/2 49/9 49/13 55/12	39/4 41/10 42/11	especially [4] 17/4 26/21
distinction [2] 39/25 65/7	ecosystem [5] 20/11 84/4	78/16 79/25
distinctions [1] 39/24	84/5 84/11 88/5	ESQ [2] 2/5 2/8
distinctive [1] 33/16	Edison [5] 33/4 33/4 33/5	ESQS [2] 2/3 2/6
distinguish [1] 39/2	33/6 33/6	essence [1] 15/16
district [2] 5/13 34/25	educated [6] 44/22 45/7	essential [1] 18/23
districts [5] 5/11 34/22	46/11 46/12 46/17 49/5	essentially [19] 8/23
35/2 35/22 36/1	education [1] 44/20	20/23 27/10 46/22 46/25
diverse [1] 42/20	effects [1] 75/1	58/20 61/4 64/5 64/18
diversity [8] 40/23 41/10	efficient [1] 85/10	65/16 69/11 69/17 70/1
41/11 41/11 41/13 42/5	effort [4] 77/25 78/1 78/3	76/20 87/24 90/9 90/20
42/12 49/8	83/21	90/23 94/14
divide [1] 36/4	efforts [14] 16/24 17/1	establish [2] 9/1 81/13
divided [1] 16/2	24/25 37/23 75/16 75/24	established [2] 28/23
do [30] 5/22 7/14 8/22	76/8 76/14 76/16 78/16	77/15
11/4 19/4 20/5 27/20 27/25	79/7 84/5 88/4 88/17	establishes [4] 71/9 91/24
38/2 38/3 43/9 50/23 51/25	Egg [1] 30/11	92/14 94/9
53/23 56/10 57/12 57/22	eight [3] 29/20 61/14	establishing [3] 67/19
62/20 63/3 65/19 66/3 66/6	62/16	67/19 84/22
70/19 70/19 75/17 79/13	eight dollars [2] 61/14	establishment [1] 51/14
81/11 88/15 91/22 96/6	62/16	estate [3] 49/23 77/24
	either [6] 15/1 34/5 63/16	88/7
		estimates [1] 48/10

<b>E</b>	extensive [3] 19/22 77/13 89/4	follow [1] 14/14
et [1] 16/11	extent [4] 23/2 27/16 70/17 72/19	follow-up [1] 14/14
ethnic [5] 22/2 32/23 36/18 39/3 41/11	extreme [1] 75/6	following [1] 73/18
evaluate [2] 17/6 26/25	<b>F</b>	follows [1] 7/5
evaluated [1] 51/3	fabric [1] 42/1	footnote [3] 15/14 73/11 73/14
evaluating [7] 16/16 25/23 43/4 49/21 51/7 54/13 57/24	face [1] 64/20	footnotes [4] 22/8 22/9 22/11 57/19
evaluation [6] 10/9 12/13 16/14 18/1 66/18 84/2	facilities [19] 27/25 50/9 50/13 51/13 51/13 58/6 58/8 66/10 71/5 71/20 71/21 72/5 72/25 73/5 74/14 74/15 74/21 75/12 93/4	force [1] 46/8
even [24] 25/13 27/12 27/18 28/24 28/24 29/14 30/11 33/24 33/25 34/9 34/10 37/11 39/20 40/6 41/17 50/20 54/21 55/4 65/20 66/12 67/13 79/21 82/22 87/13	facility [5] 28/2 50/24 60/1 62/10 79/20	foregoing [1] 96/6
evening [5] 7/12 9/16 17/19 33/20 33/22	fact [44] 10/16 12/20 12/22 13/3 17/7 24/1 27/21 28/10 30/15 30/18 30/24 33/14 35/11 39/23 40/1 40/15 41/2 50/11 53/5 64/7 64/16 64/17 64/20 64/24 65/24 66/4 67/21 68/14 69/5 70/4 70/6 72/2 72/13 73/4 73/6 73/7 73/11 74/16 81/4 83/22 87/17 90/21 93/16 95/2	Forked [1] 2/4
evenings [1] 9/16	factor [5] 16/14 16/15 30/4 52/5 68/7	form [5] 18/13 23/8 76/15 94/9 94/19
event [1] 72/25	factors [6] 8/19 18/1 51/5 53/1 55/15 93/5	formal [3] 10/1 38/6 69/6
events [7] 42/24 59/23 72/12 72/16 72/18 73/10 75/6	fair [8] 78/9 88/14 88/25 90/4 90/11 90/25 91/3 91/20	formed [1] 79/23
ever [1] 34/12	fairly [4] 22/25 22/25 31/24 46/9	forth [3] 16/4 82/18 96/9
every [3] 28/19 28/20 55/13	fairness [1] 88/22	forward [9] 27/6 28/17 47/22 77/5 79/10 80/8 81/13 86/20 91/8
everybody [4] 33/2 66/20 66/20 95/1	familiar [4] 7/17 31/23 53/19 53/21	found [1] 75/23
everybody's [1] 31/14	family [8] 4/18 4/20 5/7 47/17 47/19 48/16 48/20 94/10	foundation [15] 18/14 19/4 27/5 34/5 34/6 36/3 50/2 79/23 80/8 80/16 80/18 81/13 82/4 82/9 86/10
everyone [1] 58/12	family's [1] 47/25	foundations [1] 11/3
everyplace [1] 92/23	far [3] 8/24 17/3 72/10	founding [1] 33/14
everything [2] 34/14 36/16	fault [1] 64/15	four [3] 16/2 72/17 72/21
everywhere [1] 92/24	favor [2] 15/2 95/22	framework [13] 8/9 8/15 9/1 39/11 53/25 63/6 71/10 79/9 79/19 82/18 83/16 84/22 84/22
evolution [1] 85/22	features [3] 21/4 21/4 39/6	frank [1] 14/6
evolutionary [3] 48/2 80/15 86/19	February [1] 73/18	Frederick [1] 1/13
evolve [2] 22/16 23/19	February 4 [1] 73/18	frequently [1] 30/2
evolved [1] 23/18	feel [1] 33/16	full [5] 8/2 9/12 14/3 76/19 80/23
evolves [1] 77/5	few [4] 17/5 60/19 61/11 67/25	full-time [1] 14/3
evolving [1] 87/5	field [1] 49/22	fully [9] 9/18 11/9 37/25 46/15 49/7 53/19 53/21 90/16 91/1
examination [1] 95/15	figure [1] 89/9	function [3] 15/9 18/3 22/23
example [2] 31/1 51/8	figures [1] 29/19	fundamental [13] 10/17 11/3 11/22 12/15 13/6 20/4 25/22 30/4 30/7 36/2 75/7 76/9 88/4
examples [3] 30/17 31/16 39/18	filed [1] 90/8	fundamentally [7] 40/13 40/15 54/15 58/9 74/20 88/21 90/24
except [2] 67/5 70/17	fill [1] 31/12	funded [5] 17/13 17/15 78/19 78/22 78/24
exception [3] 58/21 67/25 94/11	finally [6] 13/2 16/19 18/16 36/13 38/1 60/25	further [8] 24/11 34/11 54/21 54/22 56/2 65/4 79/24 91/22
exclusions [1] 15/5	first [16] 7/7 11/22 11/23 15/6 16/5 18/13 26/15 42/10 43/19 43/22 58/9 68/23 72/6 76/3 81/25 82/13	future [7] 22/23 23/19 23/21 47/23 55/5 66/24 73/10
excuse [3] 44/1 45/12 61/16	five [1] 92/4	<b>G</b>
exercise [1] 17/25	fizzes [1] 26/14	gap [1] 45/18
exhibit [1] 6/14	flood [3] 70/10 72/7 83/9	general [4] 11/1 11/2 65/5 82/3
exhibits [3] 8/3 35/12 69/13	focus [2] 30/5 82/19	generalized [1] 40/14
existing [4] 77/19 83/14 85/5 85/7	focused [1] 20/3	generally [3] 16/3 49/6 49/7
exists [1] 50/8	focusing [2] 8/10 74/25	geographic [1] 42/12
expensive [1] 65/6		geographically [1] 29/24
experience [3] 31/15 53/11 73/3		get [37] 4/7 8/13 8/14 11/11 12/11 13/4 14/9 17/17 25/7 27/9 40/18 43/12 50/3 50/24 52/9 56/25 57/8 57/12 62/23
experienced [1] 72/11		
expires [1] 96/14		
explain [1] 13/19		
expressed [1] 10/24		
extend [3] 39/16 69/20 81/18		
extends [3] 19/13 40/6 40/7		
extension [1] 85/11		

**G**  
get... [18] 63/11 64/4  
64/6 64/19 66/15 66/22  
70/4 71/24 78/13 79/13  
80/1 80/22 80/22 80/23  
87/21 88/13 89/18 93/9  
gets [6] 43/13 55/25 56/1  
59/16 93/9 95/1  
getting [9] 23/25 29/21  
34/9 49/18 52/22 52/22  
57/2 88/12 90/23  
GIS [1] 74/23  
give [2] 4/7 81/15  
given [3] 18/17 66/24  
75/22  
glad [2] 9/22 15/25  
Glen [1] 41/18  
go [22] 11/11 15/23 17/2  
18/7 38/3 40/19 56/11  
56/12 56/13 56/16 56/19  
57/7 62/8 62/9 64/21 66/14  
67/6 67/9 76/10 77/5 80/20  
95/6  
goals [11] 10/23 28/22  
29/3 37/16 37/18 81/17  
82/17 85/2 85/17 85/18  
87/22  
goes [2] 54/6 64/17  
going [50] 5/25 7/20 8/10  
8/20 9/6 9/9 9/9 9/13 9/17  
11/12 18/21 18/22 18/24  
19/25 21/19 21/20 22/23  
28/9 28/9 32/4 33/23 35/2  
36/11 36/21 41/14 43/4  
44/18 51/25 52/1 52/2 52/6  
57/4 60/3 64/20 65/18  
65/20 67/6 67/9 71/13  
72/16 74/25 75/21 75/23  
80/20 85/23 87/3 87/4 89/9  
94/23 95/10  
gone [1] 76/2  
good [11] 6/23 22/10 26/12  
27/5 41/18 55/24 72/14  
74/20 74/20 76/11 95/5  
got [18] 19/20 19/22 21/1  
26/9 27/11 30/12 31/17  
34/15 34/15 34/17 34/19  
34/20 36/17 38/16 41/3  
58/24 66/7 72/13  
govern [4] 22/21 22/22  
23/6 23/8  
governed [2] 22/5 66/16  
governing [4] 10/12 12/2  
12/4 12/15  
government [1] 14/22  
governor [1] 67/5  
governs [1] 22/25  
grandparents [1] 32/13  
grant [3] 17/14 78/22  
78/24  
grants [4] 17/16 69/19  
69/19 78/19  
graphic [1] 69/12  
great [1] 25/10  
greater [5] 28/15 45/4  
48/16 48/17 71/24  
Greg [1] 7/14  
GREGORY [1] 2/5  
grew [4] 32/14 32/17 39/18  
39/19  
gritty [1] 29/21

grounded [1] 39/11  
Grove [1] 33/12  
grow [3] 22/23 23/19 32/17  
growth [12] 20/6 24/18  
25/1 28/12 37/9 44/13  
77/20 82/20 82/23 83/19  
84/7 86/2  
guarantee [1] 66/25  
guess [1] 63/2  
guiding [1] 25/11  
guys [2] 66/12 76/12  
**H**  
habitat [2] 20/13 28/14  
Hackensack [1] 31/3  
had [20] 4/8 4/17 4/23  
13/23 17/16 32/21 42/25  
44/23 45/3 73/6 81/11  
81/12 83/21 86/6 88/6  
88/24 88/25 90/13 91/13  
91/16  
Haines [1] 2/13  
half [2] 13/11 78/23  
hall [2] 73/20 74/6  
happened [1] 89/19  
happening [3] 35/5 87/13  
89/9  
Harbor [1] 30/11  
harm [3] 13/3 13/3 17/8  
has [26] 5/4 5/21 9/12  
10/15 20/17 23/17 28/9  
28/17 29/5 30/13 31/18  
31/25 33/13 33/16 37/4  
39/22 42/17 42/21 46/13  
55/16 56/24 62/2 70/18  
77/3 92/5 93/24  
have [126]  
having [6] 7/4 29/12 54/16  
57/7 72/4 72/25  
hazard [2] 72/7 83/9  
he [5] 5/4 88/16 88/23  
88/23 94/1  
hear [3] 9/15 26/8 59/12  
heard [15] 8/24 14/23  
25/14 26/19 26/20 27/7  
27/8 47/21 50/5 52/15  
52/15 58/10 59/24 77/11  
94/4  
hearing [4] 1/5 4/6 5/9  
8/20  
heart [2] 43/14 59/16  
Heights [3] 21/23 41/22  
58/25  
held [4] 73/22 74/1 74/5  
74/7  
help [2] 19/7 43/15  
here [29] 8/8 9/8 11/19  
14/22 15/24 18/22 19/8  
21/20 21/21 26/9 27/1  
33/21 36/17 38/1 38/9 43/4  
53/25 54/15 60/8 61/12  
62/1 71/4 71/6 72/23 73/5  
77/15 85/2 87/23 95/9  
hereby [1] 96/6  
hereinbefore [1] 96/9  
high [3] 35/3 35/4 46/9  
higher [7] 44/17 45/14  
46/11 46/13 46/17 61/18  
65/18  
highlighted [1] 30/9  
highlights [2] 18/22 60/19  
highly [4] 45/7 46/9 46/17

49/5  
highways [2] 39/6 55/2  
HILL [2] 1/23 96/4  
Hills [1] 33/10  
his [4] 7/5 88/16 88/23  
94/1  
historic [2] 30/21 42/12  
historically [1] 17/3  
history [2] 31/14 76/6  
hitting [2] 26/13 26/13  
holds [1] 69/5  
holiday [8] 21/23 41/22  
41/22 58/25 58/25 59/1  
59/1 61/9  
Holiday City [4] 41/22  
58/25 59/1 59/1  
Holiday Heights [2] 41/22  
58/25  
holidays [2] 63/6 63/7  
Holly [1] 41/19  
home [1] 52/25  
HOMEOWNERS [4] 1/4 4/5 6/5  
10/1  
homogeneity [2] 41/3 41/4  
hope [1] 19/10  
hopes [1] 5/15  
household [1] 45/9  
housing [62] 25/5 25/10  
25/12 39/4 46/19 46/23  
47/1 47/3 47/25 48/16  
48/19 48/20 49/4 49/5 49/8  
49/11 49/11 52/8 52/23  
59/8 78/8 78/10 78/12  
81/21 81/22 85/12 85/13  
88/14 88/17 88/20 88/24  
89/3 89/11 89/24 90/2 90/4  
90/11 90/17 90/19 90/19  
90/22 90/25 91/3 91/5  
91/17 91/21 91/25 92/2  
92/4 92/9 92/16 92/17  
92/18 92/21 93/6 93/10  
93/11 93/24 94/16 94/16  
94/19 94/25  
how [17] 5/17 5/19 11/1  
17/25 19/3 22/22 29/8 37/1  
37/22 38/15 51/3 80/14  
80/14 80/15 80/16 93/17  
93/18  
however [6] 8/22 29/12  
46/2 51/1 71/23 74/9  
hub [1] 73/7  
Hudak [1] 1/15  
Hugg [1] 2/12  
hurricane [1] 72/17  
**I**  
I'd [1] 95/18  
I'll [17] 4/12 8/13 8/14  
9/22 12/12 15/25 16/7  
26/12 38/3 39/17 54/6  
60/19 73/13 76/5 76/6  
78/10 80/20  
I'm [35] 7/20 9/6 9/8 9/13  
11/7 11/12 18/21 18/22  
18/22 19/6 19/6 19/24  
21/20 21/20 26/6 26/8  
29/20 30/13 31/22 33/20  
38/8 48/7 50/10 52/22  
52/22 52/23 52/24 53/1  
57/2 57/21 59/13 65/21  
75/15 75/23 75/23  
I've [2] 18/17 39/9

I  
idea [4] 31/6 40/21 87/4  
87/20  
ideas [1] 41/9  
identifiable [1] 22/1  
identification [12] 4/2  
6/22 26/17 26/17 34/6 35/1  
35/5 35/19 35/25 39/16  
40/4 83/17  
identified [15] 8/5 24/17  
24/22 30/9 32/12 34/3  
34/18 38/20 39/22 44/10  
44/14 47/16 69/8 82/1  
86/16  
identify [2] 15/6 38/25  
impact [12] 10/9 10/10  
10/18 15/17 25/16 25/20  
25/25 60/16 60/17 81/6  
85/19 89/10  
impacted [4] 74/13 74/15  
75/6 83/8  
impacts [6] 10/22 11/1  
28/16 70/10 74/17 75/11  
implement [1] 90/1  
implementation [1] 86/25  
implemented [1] 29/1  
implements [1] 92/10  
importance [2] 25/20 84/2  
important [43] 8/8 8/16  
16/14 16/15 19/1 20/13  
23/4 23/12 24/24 25/1 25/3  
26/24 29/25 36/15 37/19  
39/13 41/8 42/2 42/3 42/8  
43/18 49/14 52/19 52/20  
55/3 55/7 56/7 62/1 65/8  
67/12 68/4 68/6 68/23  
71/16 71/17 73/14 76/9  
78/14 80/11 82/21 83/16  
84/13 89/20  
importantly [1] 24/8  
improve [3] 81/18 86/12  
87/9  
improvement [3] 77/23  
82/24 88/9  
include [4] 11/16 15/20  
27/23 39/3  
included [4] 15/19 24/10  
77/21 85/3  
includes [5] 19/17 20/20  
22/24 24/19 43/16  
including [12] 8/3 14/19  
19/18 21/8 24/7 78/20  
78/25 79/10 85/25 86/4  
90/7 90/7  
income [7] 45/9 45/10  
45/13 45/16 45/18 45/19  
45/20  
incomes [2] 46/13 46/18  
incorporated [1] 78/2  
increased [2] 45/18 85/9  
increasing [1] 82/24  
incredible [1] 45/23  
increment [1] 61/18  
individual [1] 66/17  
individuals [2] 13/9 14/1  
influence [1] 15/17  
information [8] 9/8 14/12  
14/14 22/10 35/19 43/15  
47/8 60/20  
infrastructure [2] 21/7  
77/19

injury [1] 12/9  
input [4] 24/6 65/25 66/3  
84/21  
instead [1] 36/6  
integrated [1] 28/21  
intent [1] 93/23  
interesting [2] 47/15  
47/20  
Interestingly [1] 81/1  
interests [1] 48/4  
interim [1] 44/5  
internet [1] 57/3  
interrupting [1] 13/17  
intertwine [1] 83/20  
intertwined [2] 80/14  
83/12  
intertwines [1] 79/8  
inventory [2] 69/1 69/7  
invoice [4] 3/13 6/15 6/17  
6/21  
invoices [1] 6/15  
involved [4] 8/11 25/25  
76/16 81/4  
irreplaceable [5] 42/13  
43/2 43/5 56/2 68/4  
is [242]  
Iselin [1] 32/8  
island [20] 19/19 21/13  
27/13 27/14 27/16 27/17  
29/10 29/12 29/17 30/14  
30/15 41/24 66/14 66/14  
66/15 66/22 67/13 68/1  
74/8 74/12  
issue [4] 26/16 35/10  
36/14 64/9  
issues [18] 8/11 9/13  
11/20 12/13 16/9 16/21  
19/2 25/12 25/14 25/18  
26/23 27/1 30/5 66/24 67/2  
76/24 76/24 76/25  
it [86] 4/11 4/19 4/19  
4/20 4/25 5/3 5/6 5/13  
5/18 6/14 6/15 9/10 10/17  
11/19 15/14 15/25 17/17  
18/24 19/5 19/13 19/17  
20/24 28/8 28/20 29/10  
31/19 31/21 32/23 36/15  
36/15 36/25 37/2 37/20  
38/9 38/14 38/16 38/17  
39/2 40/2 40/13 40/15  
42/10 45/11 47/2 48/23  
49/22 50/17 52/15 52/15  
53/23 53/23 54/6 54/15  
54/22 56/10 56/19 57/12  
59/11 59/13 60/24 60/25  
61/4 61/17 66/8 69/2 70/9  
72/15 73/9 74/12 75/5 80/9  
80/16 82/3 82/14 82/19  
86/2 87/7 90/7 91/9 91/15  
91/16 91/20 92/17 93/16  
93/17 94/15  
it's [112]  
Italian [3] 22/14 33/1  
33/2  
Italy [1] 22/13  
items [1] 57/2  
its [17] 17/6 33/14 34/7  
36/12 55/15 67/19 71/19  
87/17 87/24 88/1 90/10  
90/20 91/1 91/15 91/16  
91/17 93/3  
itself [10] 27/19 27/21

30/4 34/7 36/23 36/24  
40/16 54/17 57/13 94/9  
J  
Jack [1] 1/15  
JACKSON [1] 1/25  
January [2] 74/8 96/14  
January 16 [1] 74/8  
jargon [1] 54/5  
Jersey [24] 1/8 1/25 2/4  
2/7 8/2 15/12 21/1 21/14  
23/6 30/3 31/8 31/10 34/11  
39/19 39/20 40/2 53/15  
55/19 57/10 57/16 57/17  
89/8 96/6 96/13  
job [2] 55/24 89/16  
John [4] 1/12 1/15 13/18  
60/23  
JOSEPH [2] 2/8 6/3  
judgment [1] 90/8  
July [3] 1/8 7/25 96/16  
July 3rd [1] 7/25  
June [1] 5/9  
jurisdiction [8] 15/16  
31/7 34/13 64/25 67/14  
69/22 70/13 70/17  
jurisdictional [1] 23/16  
jurisdictions [6] 15/11  
22/20 31/18 33/24 35/24  
36/8  
just [33] 6/2 6/7 8/16  
13/16 13/19 14/25 17/24  
22/3 24/3 33/23 34/16  
34/18 35/22 37/12 38/8  
40/16 41/14 43/13 48/24  
57/14 63/15 64/15 66/8  
68/3 71/6 75/1 80/3 81/15  
84/3 84/17 85/14 85/15  
85/15  
K  
Keasbey [1] 32/11  
keep [4] 4/11 4/19 26/6  
26/12  
Kelly [1] 2/12  
Keswick [1] 1/7  
key [5] 11/15 43/17 60/14  
61/11 75/12  
kind [25] 9/18 11/14 16/20  
18/5 26/4 26/19 26/24 27/3  
36/16 40/10 41/14 43/4  
47/20 52/8 53/14 57/22  
61/12 69/11 70/18 70/22  
79/8 79/8 81/9 83/11 86/8  
kinds [4] 27/9 33/23 39/8  
56/9  
knew [1] 60/11  
know [87] 4/17 4/18 5/24  
9/19 14/7 14/20 15/4 15/9  
16/9 17/23 18/9 18/18  
19/10 19/10 19/12 20/4  
21/17 21/23 23/20 24/5  
24/23 25/12 25/15 26/8  
27/4 27/5 27/9 29/21 30/1  
30/5 31/5 31/11 31/17  
31/18 32/4 32/16 32/19  
32/22 33/15 34/3 34/14  
34/17 34/19 35/9 35/18  
42/23 48/9 50/16 51/2 51/9  
51/23 52/3 52/7 52/20  
53/12 53/24 53/24 55/5  
55/17 55/19 55/23 56/13

**K**  
know... [25] 56/23 57/1  
57/11 57/19 59/17 60/13  
64/8 64/15 64/20 65/11  
66/12 66/13 70/7 71/10  
77/21 78/14 81/3 81/9  
88/22 88/22 89/2 91/15  
93/14 93/16 95/1

**L**  
l-a-c-h-e-t-k-a [1] 7/9  
Lacey [1] 2/4  
lack [2] 67/24 68/21  
LAKEVIEW [1] 1/24  
land [14] 12/6 12/10 15/13  
50/2 51/22 71/9 81/11 82/7  
85/4 86/9 86/18 86/23 87/8  
88/1  
lands [5] 20/9 24/16 69/4  
77/18 83/3  
landscapes [1] 54/4  
language [1] 11/16  
large [1] 42/20  
larger [1] 51/22  
last [13] 7/8 17/2 17/3  
17/4 20/17 21/8 28/10 66/7  
68/11 76/18 76/20 80/23  
88/10  
later [7] 8/21 17/18 19/5  
25/7 37/17 74/23 80/22  
law [2] 7/5 82/7  
lay [8] 8/25 14/23 14/25  
52/15 52/16 57/20 68/15  
71/1  
layer [3] 35/23 35/23  
35/24  
layers [1] 34/13  
laying [1] 34/14  
leads [2] 16/21 41/5  
least [2] 45/17 76/15  
legitimacy [1] 25/23  
lengths [1] 61/7  
less [3] 41/5 42/2 75/6  
let [2] 9/14 63/15  
let's [9] 11/11 18/19  
18/20 26/3 26/3 26/15 38/1  
43/19 51/1  
level [7] 25/18 27/10 35/4  
41/10 43/11 45/17 72/16  
levels [2] 35/24 41/10  
lexicon [1] 54/12  
libraries [1] 15/14  
library [3] 73/23 74/2  
74/5  
licensed [1] 8/1  
lieu [2] 93/8 93/18  
life [1] 52/17  
lifetime [2] 64/4 64/6  
like [17] 4/3 7/14 14/4  
14/12 18/24 19/6 24/16  
30/12 34/16 34/20 34/21  
41/18 42/24 51/14 91/6  
94/11 95/18  
limit [1] 94/6  
LINDA [2] 1/23 96/4  
Lindbloom [2] 38/7 38/22  
line [1] 54/15  
linkage [1] 76/9  
linkages [1] 85/6  
linked [1] 28/21  
links [1] 19/3

list [1] 15/24  
listed [3] 69/13 73/12  
79/22  
listen [1] 47/9  
listing [1] 69/3  
literature [1] 41/1  
litigation [2] 89/4 90/6  
little [17] 16/13 16/19  
16/25 18/20 22/13 25/7  
43/16 48/22 49/19 50/17  
51/1 51/22 58/1 60/19 64/2  
74/22 80/21  
live [17] 23/14 51/10  
51/20 51/22 52/6 52/11  
53/7 53/10 54/10 54/25  
55/13 55/18 56/10 56/17  
57/10 57/15 61/22  
lived [1] 32/13  
living [9] 51/23 51/24  
52/17 52/17 52/18 52/23  
52/24 52/24 65/21  
LLC [1] 5/19  
locate [3] 55/4 71/19  
88/20  
located [9] 12/10 50/19  
71/21 71/22 72/5 72/5  
73/16 73/21 74/3  
location [5] 58/8 74/20  
93/2 93/11 93/12  
locational [16] 16/20  
31/22 49/19 49/21 49/25  
50/18 50/18 51/2 51/4  
54/14 55/7 58/2 59/16  
59/20 68/13 70/23  
logical [1] 74/11  
long [2] 30/25 74/19  
look [9] 22/23 36/10 45/9  
46/19 47/6 62/15 66/12  
72/7 75/25  
looked [2] 36/25 83/8  
looking [22] 17/10 28/17  
36/14 38/9 41/9 42/7 47/22  
47/23 47/24 48/7 66/9  
70/24 70/24 71/18 75/21  
81/5 81/14 83/12 83/18  
83/19 83/20 84/1  
Lorelli [1] 1/13  
lose [3] 65/24 66/12 75/14  
losing [2] 46/7 65/17  
loss [7] 43/6 45/16 46/25  
48/25 49/2 49/10 49/16  
lot [23] 9/7 9/8 9/15  
18/25 20/25 22/10 25/14  
25/15 26/19 27/2 27/3 28/8  
28/17 29/5 36/14 40/25  
47/12 50/5 56/7 66/7 78/16  
84/21 87/22  
lots [1] 21/15  
lower [2] 30/10 65/21  
lowest [2] 81/2 81/5  
Luck [1] 41/18  
luncheon [1] 74/6  
luncheon/town [1] 74/6  
Lyons [1] 60/1

**M**  
Mackres [1] 1/14  
made [14] 20/3 32/20 33/7  
35/10 35/11 40/1 51/4  
52/21 59/15 67/3 68/18  
70/15 89/25 94/1  
mainland [12] 20/9 27/13

27/20 27/21 28/7 28/10  
29/10 29/18 42/20 50/7  
50/25 84/13  
maintenance [4] 68/21  
70/19 81/18 85/13  
major [2] 39/6 55/2  
majority [2] 12/6 12/22  
make [10] 6/24 9/22 36/3  
37/16 52/11 54/6 54/14  
54/17 55/13 66/18  
makeup [1] 32/25  
making [10] 10/11 16/20  
49/19 49/21 51/2 53/1  
54/13 55/3 55/20 55/20  
mall [1] 56/11  
Manhattan [2] 51/12 51/15  
Manitou [8] 22/4 22/5  
41/23 77/10 85/15 86/14  
86/15 91/7  
Manitou Park [6] 22/4  
41/23 77/10 86/14 86/15  
91/7  
many [3] 21/12 32/1 47/11  
map [3] 30/9 31/5 35/12  
mapping [3] 72/8 72/8  
72/15  
maps [3] 8/4 21/15 69/13  
March [1] 6/16  
marked [4] 3/13 4/2 6/21  
6/22  
market [3] 49/24 77/24  
88/7  
Mashipacong [1] 30/14  
master [13] 10/24 21/10  
21/12 69/9 71/8 76/18  
76/19 77/6 77/7 79/1 80/24  
81/11 82/5  
match [1] 61/1  
matter [7] 1/3 6/7 7/22  
7/23 11/7 34/10 43/14  
mature [1] 63/2  
Maurice [1] 31/17  
Maurice River [1] 31/17  
may [6] 7/2 30/10 39/3  
57/4 88/19 88/19  
maybe [13] 9/16 15/11  
27/12 32/4 51/11 52/11  
53/22 54/21 55/4 55/23  
57/2 66/8 85/1  
McGUICKIN [2] 2/3 2/5  
me [16] 4/13 7/13 7/25  
9/14 9/15 13/17 14/12 26/7  
33/22 38/3 44/2 45/12  
61/16 63/15 81/15 96/8  
mean [13] 13/20 19/10  
34/11 46/6 51/8 52/15  
54/19 54/21 54/23 56/9  
56/10 57/3 94/15  
means [2] 89/21 93/8  
mechanism [1] 77/17  
median [7] 45/10 45/12  
45/16 45/19 45/20 48/10  
48/12  
meeting [11] 4/4 4/17 6/1  
74/7 74/9 76/7 77/10 95/9  
95/13 95/19 95/24  
meetings [3] 73/22 73/25  
74/4  
Member [6] 1/13 1/13 1/14  
1/14 1/15 1/15  
members [3] 33/21 53/20  
57/24

**M**  
 Memorial [1] 60/1  
 mention [2] 82/8 84/17  
 mentioned [15] 14/16 15/18  
 24/14 27/24 35/10 41/16  
 48/17 49/8 59/4 76/17  
 77/16 83/1 85/18 87/11  
 88/6  
 merciful [1] 88/12  
 message [1] 94/5  
 met [1] 90/14  
 metropolitan [4] 51/9 52/4  
 52/5 57/9  
 MICHELINI [6] 2/6 2/8 6/3  
 6/4 6/24 33/21  
 microphone [1] 26/7  
 Middlesex [1] 32/7  
 Middletown [7] 31/24 32/1  
 34/22 34/25 35/3 35/3 35/6  
 might [13] 15/17 25/17  
 48/21 52/11 53/13 55/6  
 56/21 61/3 65/5 66/23 83/9  
 92/19 95/5  
 miles [1] 19/13  
 Mill [1] 41/20  
 million [1] 78/23  
 mind [1] 13/17  
 minutes [1] 4/7  
 missed [1] 48/23  
 misses [1] 88/22  
 mixed [3] 5/12 92/19 94/12  
 modeling [2] 72/14 74/23  
 modelings [1] 72/18  
 mom [1] 32/14  
 moment [5] 8/16 28/3 50/17  
 66/9 78/1  
 Monday [1] 73/18  
 monetary [1] 66/19  
 money [1] 78/24  
 Monmouth [1] 31/4  
 Montague [1] 30/13  
 Montague Township [1]  
 30/13  
 months [2] 31/13 73/18  
 more [32] 14/9 16/25 17/11  
 18/14 20/10 21/9 21/21  
 25/7 28/15 34/10 38/5 41/6  
 42/2 43/16 45/7 47/24  
 51/11 51/20 51/24 56/21  
 59/14 60/12 63/2 65/6  
 75/10 78/2 80/21 80/23  
 89/19 91/17 92/4 92/6  
 mosaic [1] 20/24  
 Moskowitz [2] 38/6 38/22  
 most [15] 17/5 19/10 19/14  
 24/8 44/21 52/13 52/14  
 72/21 76/14 78/11 78/17  
 79/6 81/10 89/20 93/15  
 motion [2] 95/19 95/20  
 move [3] 18/20 26/3 27/4  
 movement [1] 86/19  
 moves [1] 77/5  
 moving [6] 27/6 79/9 80/8  
 81/13 84/16 91/8  
 Mr. [6] 7/6 7/15 8/25 33/20  
 59/13 93/22  
 Mr. [4] 4/8 6/24 71/2  
 88/15  
 Mr. Bauman's [2] 71/2  
 88/15  
 Mr. DeMarco [1] 4/8

Mr. Michelini [1] 6/24  
 much [13] 17/24 22/9 26/13  
 41/3 41/4 63/2 66/23 78/18  
 93/14 93/17 93/18 94/18  
 95/17  
 multi [2] 44/4 92/20  
 multi-year [1] 44/4  
 multifamily [15] 4/21 5/10  
 47/25 91/24 92/3 92/4  
 92/16 92/17 92/18 92/20  
 93/20 94/7 94/19 94/21  
 95/3  
 multiple [5] 31/18 33/7  
 33/24 34/13 78/8  
 municipal [27] 14/22 16/6  
 16/8 18/20 19/9 27/25 28/1  
 39/16 40/12 50/14 50/19  
 62/7 62/7 71/4 71/4 71/5  
 72/25 73/4 73/16 73/22  
 74/1 74/2 74/3 74/14 74/15  
 76/3 82/7  
 municipalities [5] 31/16  
 36/6 36/8 89/8 90/6  
 municipality [14] 9/3 10/5  
 10/10 12/9 16/9 23/13 24/3  
 24/4 24/4 30/19 31/25 69/5  
 77/23 86/11  
 municipality's [1] 69/9  
 MURPHY [1] 2/3  
 my [15] 6/3 7/11 8/10 9/20  
 9/22 26/8 26/12 32/13  
 32/14 48/8 56/12 63/24  
 78/10 95/15 96/14  
 myself [3] 14/19 31/17  
 48/24

**N**  
 name [4] 3/2 7/7 7/8 31/22  
 names [4] 32/1 33/8 34/18  
 41/20  
 National [1] 33/17  
 natural [8] 21/3 21/4 23/4  
 23/12 39/6 71/16 75/21  
 83/3  
 Naturally [1] 66/14  
 nature [8] 23/2 23/8 29/6  
 47/10 48/5 57/10 68/2 82/3  
 near [2] 52/18 72/23  
 Nearly [1] 49/3  
 necessarily [1] 54/18  
 necessary [2] 9/17 93/1  
 need [12] 7/13 20/5 26/24  
 28/13 40/18 51/3 57/13  
 62/4 82/23 86/15 90/15  
 91/22  
 needed [2] 14/16 79/13  
 needing [1] 54/16  
 needs [4] 27/2 37/25 57/19  
 60/15  
 negotiated [1] 90/11  
 negotiation [2] 90/12  
 91/13  
 negotiations [1] 91/22  
 neighborhood [33] 4/16  
 5/13 5/22 10/3 10/10 12/7  
 12/25 17/21 20/21 22/12  
 26/16 27/7 31/21 32/1  
 32/15 32/22 34/6 35/20  
 37/11 39/1 39/10 40/14  
 47/1 48/6 50/9 50/13 79/2  
 79/4 79/5 79/11 83/16 94/4  
 94/8

neighborhood's [1] 87/8  
 neighborhoods [26] 16/11  
 16/12 20/22 20/25 21/2  
 22/18 22/22 23/17 24/12  
 25/4 32/19 33/8 33/24  
 33/25 37/3 38/21 39/12  
 39/15 42/6 54/1 54/3 58/13  
 77/1 83/15 85/6 85/7  
 neighbors [1] 51/23  
 Neptune [5] 33/9 33/10  
 33/11 33/12 33/18  
 network [1] 93/4  
 new [32] 1/8 1/25 2/4 2/7  
 8/1 15/12 21/1 21/13 23/6  
 24/18 24/18 30/3 31/8  
 31/10 34/11 39/19 39/20  
 40/2 51/9 51/11 52/1 52/3  
 53/15 55/19 57/10 57/16  
 57/17 82/1 85/4 89/8 96/6  
 96/13  
 New Jersey [12] 23/6 30/3  
 31/10 34/11 39/19 39/20  
 40/2 53/15 55/19 57/10  
 57/16 57/17  
 New York [3] 51/9 51/11  
 52/3  
 newspaper [1] 67/22  
 next [14] 4/4 31/13 49/18  
 52/17 52/23 68/10 75/15  
 76/7 76/10 78/13 85/21  
 88/13 95/6 95/9  
 Nick [3] 1/14 2/12 5/3  
 nine [8] 21/9 24/22 38/10  
 38/11 38/13 38/18 72/22  
 81/24  
 nitty [1] 29/21  
 Nixon [1] 33/6  
 no [31] 5/7 5/7 5/10 13/18  
 46/1 46/1 50/10 53/6 53/6  
 54/1 54/1 56/17 58/12  
 58/13 61/20 61/24 62/6  
 62/13 62/18 62/18 62/19  
 62/25 63/12 63/16 63/20  
 63/21 63/24 64/1 64/19  
 66/25 91/9  
 nobody [1] 71/16  
 non [5] 59/5 61/15 61/15  
 62/4 62/7  
 non-Berkeley [1] 62/4  
 non-children [1] 61/15  
 non-municipal [1] 62/7  
 non-senior [1] 61/15  
 noncontiguous [2] 29/6  
 30/25  
 nonresidents [1] 64/23  
 North [4] 33/5 35/3 59/2  
 73/16  
 northeastern [1] 39/19  
 northwestern [2] 21/24  
 28/4  
 not [89] 8/18 11/16 12/8  
 12/16 12/20 13/21 14/2  
 14/3 14/7 14/24 14/25 15/6  
 15/7 15/11 15/16 17/7  
 17/24 18/22 18/23 19/22  
 20/25 24/3 29/9 29/13  
 29/14 30/4 30/7 31/8 31/8  
 31/8 31/9 31/19 36/3 42/1  
 42/13 42/21 47/16 47/19  
 48/15 48/19 49/22 49/23  
 50/10 51/23 51/24 54/19  
 57/2 57/5 57/13 57/13

**N**  
 not... [39] 57/15 58/18  
 59/6 61/3 64/9 65/3 67/3  
 67/6 67/9 67/15 67/16  
 67/16 67/22 68/24 69/5  
 69/6 69/8 70/2 70/3 70/12  
 70/14 70/14 70/16 71/17  
 73/3 74/25 75/7 80/3 81/19  
 84/3 85/14 88/19 89/16  
 89/22 90/23 93/15 93/23  
 94/18 95/10  
 Notary [2] 96/4 96/13  
 note [3] 6/24 62/1 88/15  
 noted [1] 64/3  
 nothing [1] 5/21  
 Notre [1] 74/25  
 now [20] 4/9 4/18 6/19  
 29/5 35/1 43/12 44/7 45/15  
 61/25 66/2 67/17 70/21  
 74/24 75/15 75/23 86/3  
 91/12 92/12 92/25 93/22  
 number [6] 3/11 15/19  
 35/16 36/17 47/6 48/12  
 numbers [1] 48/11

**O**  
 O'MALLEY [2] 2/6 6/4  
 oath [1] 7/5  
 objective [1] 28/25  
 objectives [11] 10/24  
 28/23 29/3 37/17 37/19  
 81/17 82/17 85/17 85/18  
 87/22 88/3  
 obligation [12] 37/15  
 78/10 89/12 90/14 90/15  
 91/8 91/8 91/11 91/16  
 91/18 91/21 92/22  
 obligations [2] 10/18 91/2  
 obtain [2] 52/10 78/3  
 obtained [1] 78/19  
 obviously [3] 11/17 27/15  
 51/14  
 occupants [1] 23/10  
 occupied [1] 49/12  
 occur [2] 43/8 72/20  
 occurred [1] 93/25  
 occurs [6] 23/17 30/1  
 46/16 52/21 56/20 94/22  
 ocean [20] 15/11 19/16  
 19/18 19/23 29/15 29/15  
 31/1 33/12 45/15 45/15  
 45/19 52/18 52/23 53/8  
 53/11 73/16 73/23 73/24  
 74/2 74/5  
 oceanfront [1] 52/23  
 of Seaside [2] 43/10 64/14  
 off [6] 7/19 8/6 26/10  
 50/21 68/9 80/3  
 offer [1] 62/8  
 offers [1] 62/2  
 office [5] 31/23 81/23  
 86/2 86/2 86/3  
 offices [1] 73/16  
 often [1] 32/16  
 okay [15] 4/3 4/14 4/15  
 5/16 6/11 6/18 7/2 7/18  
 14/10 26/11 26/12 38/18  
 76/12 76/13 95/16  
 old [3] 33/7 62/23 63/1  
 older [3] 45/25 58/12  
 81/21

on-site [2] 93/7 93/17  
 one [51] 4/18 4/20 5/7  
 5/11 11/2 12/15 15/19  
 21/12 22/7 22/13 24/3  
 24/20 25/22 29/22 30/7  
 30/19 31/1 31/22 35/12  
 35/18 35/22 39/13 39/23  
 41/4 42/1 45/23 47/20  
 52/13 53/15 53/16 59/6  
 60/14 64/1 64/2 65/7 65/19  
 66/6 66/19 72/17 75/10  
 75/12 75/23 76/15 78/13  
 80/3 80/4 80/16 80/17  
 81/15 81/25 82/21  
 one-family [3] 4/18 4/20  
 5/7  
 ones [5] 14/4 26/24 34/15  
 78/17 80/22  
 ongoing [5] 35/1 77/4 86/5  
 90/14 91/4  
 only [13] 19/23 31/9 42/21  
 53/15 53/16 59/5 69/24  
 75/1 75/7 84/3 89/22 92/25  
 94/18  
 open [9] 5/25 58/11 68/25  
 69/4 69/7 69/9 70/2 85/8  
 86/12  
 opened [1] 73/17  
 opportunities [15] 20/5  
 25/1 28/11 28/13 53/9  
 59/22 60/4 81/22 82/23  
 83/13 83/14 84/7 94/6  
 94/20 95/2  
 opportunity [1] 93/6  
 opposed [1] 15/2  
 ordinance [6] 82/6 87/19  
 91/23 92/13 92/14 94/17  
 ordinances [2] 90/1 91/15  
 organization [2] 40/11  
 90/5  
 organize [1] 75/5  
 organized [4] 21/3 21/6  
 40/9 59/9  
 other [43] 9/16 14/13  
 15/10 19/3 20/22 24/22  
 30/8 30/20 36/11 36/11  
 37/16 39/2 39/13 42/3 49/9  
 50/15 50/24 52/12 53/2  
 53/3 53/6 53/6 54/23 54/24  
 59/5 60/3 64/2 65/7 67/2  
 71/5 75/2 76/15 78/20  
 80/17 81/12 81/16 83/6  
 84/14 86/4 87/20 89/8 93/4  
 93/16  
 others [3] 14/2 21/5 32/12  
 our [18] 6/1 9/10 9/13  
 9/14 12/13 12/14 15/14  
 16/23 18/9 31/23 36/4 43/1  
 54/12 57/12 76/17 88/11  
 88/11 91/21  
 out [17] 18/10 18/21 19/15  
 21/24 38/16 48/21 51/20  
 56/1 56/1 56/6 61/12 62/20  
 64/2 69/20 81/8 87/23 89/9  
 outcome [4] 84/25 86/21  
 89/20 90/12  
 outlined [1] 81/17  
 outlining [1] 51/18  
 outside [5] 56/12 56/19  
 57/7 72/6 73/1  
 over [15] 17/1 18/23 20/17  
 22/16 34/13 34/14 35/24

41/2 46/4 48/14 65/10  
 65/10 66/7 68/21 76/20  
 overall [8] 20/15 28/22  
 29/2 29/3 46/6 48/13 76/25  
 81/5  
 overlapping [3] 23/16  
 23/16 35/14  
 overturned [1] 89/6  
 overview [4] 16/6 18/21  
 19/9 76/4  
 own [2] 32/21 36/12  
 owned [1] 69/18  
 owners [1] 69/19  
 ownerships [1] 69/14

**P**  
 P's [1] 26/8  
 p.m [1] 1/9  
 packed [1] 68/1  
 page [14] 3/2 3/11 29/20  
 29/20 38/10 38/11 38/12  
 38/14 38/16 48/8 48/9  
 60/21 60/23 73/12  
 page eight [1] 29/20  
 page nine [1] 38/10  
 parameters [1] 43/20  
 park [142]  
 Parkway [4] 21/9 27/23  
 27/25 28/5  
 part [47] 5/19 10/5 11/17  
 11/23 15/22 16/23 17/6  
 17/10 17/13 17/17 18/11  
 18/11 20/14 22/6 22/25  
 24/24 28/4 28/18 28/20  
 29/11 32/18 33/18 42/20  
 48/1 54/11 61/22 64/10  
 64/12 69/6 70/15 77/11  
 77/14 77/25 78/2 79/11  
 80/25 84/11 86/5 86/25  
 90/10 90/12 90/15 91/2  
 91/12 92/25 93/2 93/15  
 particular [2] 65/15 80/4  
 particularly [4] 24/16  
 31/23 65/6 68/19  
 parts [4] 11/21 11/22  
 33/25 42/10  
 pass [1] 4/19  
 passed [1] 4/18  
 past [1] 33/15  
 pay [1] 63/1  
 paying [2] 51/16 66/21  
 payment [4] 93/7 93/8 93/9  
 93/18  
 Pelican [2] 27/17 41/24  
 Pelican Island [2] 27/17  
 41/24  
 Pennsauken [1] 30/14  
 people [12] 26/18 35/25  
 54/2 54/9 54/14 54/24  
 54/25 55/18 61/2 67/25  
 68/2 69/2  
 per [2] 47/6 73/15  
 percent [22] 13/11 13/11  
 44/2 44/12 44/18 44/19  
 44/23 45/1 45/2 45/5 45/6  
 45/14 46/4 46/5 46/22  
 47/18 48/14 48/18 49/2  
 49/3 92/7 92/8  
 percentage [3] 46/24 48/17  
 92/2  
 performed [1] 44/5  
 period [2] 44/7 89/7

<b>P</b>	6/1 7/11 7/13 8/1 14/20 95/8	86/12
permission [1] 70/5	planners [9] 38/8 43/22	preserve [3] 20/14 84/6 88/5
permit [1] 5/14	50/2 51/6 53/19 53/20 54/1 54/9 54/12	preserving [2] 25/2 83/5
person [1] 66/17	planning [126]	press [1] 66/7
persons [1] 44/11	plans [14] 11/5 16/21	pretty [10] 31/5 46/23 47/9 50/11 51/15 58/4 71/11 72/20 77/13 94/18
perspective [12] 10/20 10/20 10/21 16/16 26/6 29/4 40/17 40/20 49/15 54/20 67/18 82/22	17/21 28/20 69/10 77/8 78/9 78/18 78/25 79/5 79/14 79/18 80/21 81/11	previously [3] 3/13 6/21 18/18
petition [15] 1/5 4/6 6/6 9/4 13/8 13/8 13/13 13/14 13/23 14/1 15/22 16/17 18/1 18/15 37/22	please [1] 4/10	price [1] 63/1
Petitioned [1] 7/24	point [17] 9/21 10/7 22/13 26/5 26/19 41/19 44/10 56/6 62/20 64/2 66/25 75/15 75/22 76/11 88/22 92/13 94/21	prices [1] 62/8
petitioners [6] 2/8 8/13 10/2 11/23 11/24 14/18	points [1] 18/24	pricing [7] 61/5 61/7 62/1 62/2 62/5 62/7 63/5
petitioners' [1] 8/24	policies [3] 78/7 79/16 86/9	primarily [1] 86/25
Petty [1] 30/15	policy [1] 88/1	principles [1] 24/6
Petty Island [1] 30/15	policymakers [1] 36/9	printed [1] 38/16
Philadelphia [1] 52/4	political [1] 34/15	prior [3] 15/18 91/1 91/18
phonetic [1] 59/13	popping [1] 26/8	private [2] 69/19 81/21
photograph [3] 67/22 67/23 67/24	pops [1] 26/14	privately [1] 69/18
physical [7] 30/3 30/17 34/5 36/20 39/5 53/3 55/11	population [23] 43/20 43/24 44/1 44/3 44/8 44/9 44/13 44/13 44/17 44/18 45/6 46/3 46/5 46/10 46/13 49/2 49/6 49/7 50/20 50/22 55/10 65/12 71/22	probably [21] 8/8 8/20 9/6 9/15 10/6 10/15 14/9 17/1 17/5 21/9 26/4 28/16 31/12 31/12 31/13 33/19 36/7 47/8 51/19 69/24 79/6
physically [2] 29/18 29/24	Port [7] 32/13 32/14 32/14 32/18 32/24 32/25 32/25	proceed [2] 7/3 13/24
piece [2] 19/3 35/18	Port Reading [5] 32/13 32/14 32/14 32/24 32/25	proceedings [1] 96/7
pieces [2] 41/25 43/3	portion [8] 24/3 29/11 30/19 65/11 69/22 69/23 69/24 93/6	process [9] 8/21 10/6 13/24 55/4 84/21 85/21 86/5 89/16 89/17
Pinelands [12] 19/14 20/8 20/12 22/24 27/24 28/6 34/17 71/7 71/8 71/10 71/11 83/4	portions [5] 40/7 40/7 83/6 83/23 89/5	processing [1] 64/5
Pinewald [7] 1/7 21/14 21/16 24/16 41/24 83/6 85/16	position [1] 25/17	produced [1] 90/18
place [44] 23/3 26/16 26/17 26/18 28/17 28/20 30/16 31/9 31/10 32/4 33/3 34/19 34/19 39/18 40/22 41/9 52/10 52/24 53/6 53/7 53/16 53/16 55/6 55/13 56/10 66/1 66/2 70/7 71/13 74/9 74/21 75/5 77/14 77/20 84/13 88/24 90/17 91/14 91/19 91/23 93/24 94/2 95/6 96/9	positive [1] 45/23	product [1] 57/5
places [21] 16/9 16/10 22/16 34/12 34/17 36/17 41/9 41/18 43/8 50/25 51/18 52/18 54/9 54/23 54/24 54/25 55/14 55/17 81/25 91/6 91/6	possibility [1] 57/3	professional [1] 8/1
plan [71] 4/16 5/22 17/20 20/15 21/10 21/12 22/5 23/23 23/23 24/10 24/21 25/5 25/10 37/6 37/11 53/24 69/9 71/8 71/11 71/18 71/18 76/18 76/19 77/6 77/7 77/8 77/10 77/19 77/21 77/22 77/23 78/3 79/1 79/2 79/11 79/22 80/4 80/4 80/6 80/24 80/25 81/8 81/12 81/16 81/17 82/5 82/10 82/12 82/14 82/19 84/18 84/19 84/24 85/1 86/23 87/1 87/3 87/11 87/17 87/19 87/21 88/8 88/9 88/15 88/25 89/24 90/2 90/10 92/18 94/4 94/8	possibly [1] 9/11	professionals [1] 15/1
planned [2] 21/14 21/17	post [6] 17/13 17/15 72/1 74/6 78/17 78/23	program [4] 20/15 24/14 77/15 83/7
planner [9] 2/12 2/13 2/14	potential [8] 25/20 34/24 42/14 72/19 74/17 75/6 77/17 82/20	programmatic [3] 65/25 65/25 67/18
	potentially [3] 37/23 65/20 75/13	programs [2] 58/11 66/5
	pre [1] 63/22	project [1] 70/6
	pre-season [1] 63/22	projected [2] 44/8 77/20
	predominant [1] 32/24	projection [1] 34/23
	prepare [1] 79/13	projects [2] 17/14 78/18
	prepared [4] 7/22 76/19 77/24 94/1	promote [1] 81/22
	preparedness [2] 72/1 72/24	promotion [1] 85/12
	preseason [1] 61/11	pronouncing [2] 30/13 59/13
	present [3] 2/11 9/10 25/9	proper [2] 32/10 33/11
	presented [9] 11/14 11/19 12/18 14/18 14/19 37/2 38/6 59/24 60/8	property [3] 69/14 69/19 81/18
	presenting [5] 11/8 11/8 15/1 16/7 39/9	proportion [2] 44/15 44/18
	presently [1] 81/19	proposals [2] 10/19 10/19
	presents [1] 35/18	proposed [5] 8/11 9/4 16/16 43/21 82/18
	preservation [6] 28/14 82/20 83/20 83/24 84/23	prospect [1] 91/10
		prospective [1] 42/23
		protect [7] 23/4 23/9 28/15 71/17 83/14 84/6 88/5
		protecting [5] 23/12 25/1 25/3 70/10 84/4
		protection [7] 20/7 23/7 24/9 42/24 71/7 71/15 86/1
		prove [1] 11/25
		provide [6] 14/15 58/18 80/17 93/23 94/20 95/4
		provided [11] 8/2 56/25 58/20 58/22 62/3 62/4 72/8 91/17 91/25 93/7 94/12
		provides [6] 22/24 23/1 38/23 60/5 61/4 84/8

**P**  
 providing [8] 24/25 24/25  
 27/5 53/24 55/25 84/7  
 84/23 91/5  
 provision [1] 85/3  
 provisions [2] 8/14 94/17  
 proximate [7] 27/18 40/8  
 53/8 55/1 56/21 56/21 58/8  
 proximity [1] 93/3  
 public [7] 4/23 28/1 83/24  
 84/21 85/10 96/5 96/13  
 pulled [2] 55/25 56/1  
 purchase [1] 57/1  
 pursuant [4] 73/12 82/6  
 82/11 84/18  
 purview [2] 15/7 15/8  
 put [2] 91/14 91/23  
 puts [1] 71/11

**Q**  
 qualified [1] 14/8  
 qualify [1] 50/3  
 quality [3] 52/16 84/5  
 84/12  
 question [7] 5/5 5/17  
 12/25 13/1 13/16 13/22  
 42/8  
 questions [2] 9/20 15/25  
 quick [3] 13/7 13/16 18/17  
 quickly [3] 27/3 80/21  
 84/17  
 quirk [1] 74/19  
 quite [2] 19/25 30/2  
 quote [5] 38/25 39/1 73/19  
 74/6 85/1

**R**  
 Rahway [1] 40/7  
 railroads [2] 21/8 39/6  
 range [6] 31/25 55/17  
 55/25 56/24 63/5 74/19  
 rapidly [1] 63/2  
 rapped [1] 70/23  
 ratables [2] 24/18 82/25  
 rate [2] 46/16 95/13  
 rates [8] 60/9 65/12 65/13  
 65/18 65/20 66/15 66/22  
 67/19  
 rather [1] 65/12  
 rationale [1] 34/7  
 reach [2] 72/21 72/23  
 reaches [1] 84/8  
 read [7] 4/22 4/25 7/13  
 22/8 22/9 38/18 73/13  
 reading [8] 32/13 32/14  
 32/14 32/18 32/24 32/25  
 32/25 48/21  
 reaffirmed [1] 82/17  
 real [6] 49/23 50/22 75/3  
 77/24 86/9 88/7  
 really [20] 10/17 10/19  
 11/21 13/5 19/1 20/3 26/18  
 27/11 36/24 39/11 42/10  
 43/3 50/1 51/4 55/24 65/8  
 68/3 70/3 93/15 94/14  
 reason [3] 19/7 67/1 81/3  
 reasonable [1] 50/15  
 reasons [2] 12/17 20/2  
 rebuilding [1] 74/7  
 receive [1] 87/17  
 received [3] 17/16 45/3

78/23  
 receiving [1] 24/23  
 recent [8] 16/25 17/1  
 17/11 76/5 78/11 78/17  
 79/1 79/2  
 recently [4] 17/18 21/9  
 25/6 92/9  
 Recess [1] 75/19  
 recognition [5] 23/25 40/6  
 40/10 79/12 90/13  
 recognize [2] 31/11 64/15  
 recognized [8] 22/17 33/3  
 37/4 37/4 39/11 39/22  
 40/11 40/12  
 recognizing [2] 48/4 91/4  
 recommendation [1] 87/7  
 recommendations [4] 10/12  
 81/8 87/9 89/25  
 recommended [3] 83/23  
 86/18 87/2  
 record [7] 6/3 7/14 7/19  
 8/6 11/17 26/10 68/9  
 recreation [13] 58/21 59/4  
 59/21 60/1 60/4 60/5 68/25  
 69/4 69/7 69/10 70/2 83/25  
 85/8  
 recreational [1] 66/9  
 redevelop [2] 23/20 85/5  
 redevelopment [6] 22/5  
 37/6 77/8 83/13 86/14  
 92/18  
 redistricting [1] 34/24  
 reduce [2] 46/8 81/20  
 reducing [1] 85/19  
 reduction [1] 85/10  
 reemphasis [1] 35/23  
 reexamination [8] 79/1  
 82/14 82/16 83/22 86/6  
 86/17 86/22 86/23  
 reexaminations [1] 77/7  
 reference [3] 22/7 38/7  
 38/23  
 referenced [3] 7/23 8/4  
 11/18  
 references [1] 15/20  
 referencing [1] 29/20  
 referred [1] 22/13  
 refusal [3] 12/1 12/3  
 12/19  
 regard [3] 11/9 40/5 57/21  
 regarding [1] 16/10  
 regards [18] 10/12 13/8  
 16/8 17/18 18/15 25/13  
 25/17 26/22 30/6 42/16  
 44/20 45/21 49/10 60/18  
 63/10 68/15 68/18 71/2  
 region [6] 23/14 51/9 52/4  
 52/5 57/16 84/9  
 regional [2] 79/15 88/3  
 Register [1] 33/17  
 registered [1] 13/12  
 regular [1] 39/25  
 regularly [1] 30/2  
 regulating [1] 89/16  
 regulations [7] 23/5 23/7  
 79/21 81/18 89/3 89/6  
 89/10  
 regulatory [3] 22/20 23/15  
 34/15  
 rehabilitate [1] 81/21  
 rehabilitation [4] 22/6  
 86/16 90/14 90/15

reiterates [1] 86/7  
 Reiterating [1] 18/9  
 related [1] 25/11  
 relates [4] 11/19 17/25  
 54/22 80/10  
 relating [1] 16/21  
 relation [1] 87/8  
 relationship [4] 12/14  
 25/8 29/7 82/6  
 relatively [7] 19/11 39/20  
 41/7 47/2 51/17 67/11  
 74/16  
 relevant [1] 17/5  
 religious [1] 33/15  
 remainder [1] 50/7  
 remember [1] 85/22  
 render [1] 37/22  
 rental [1] 92/6  
 rents [1] 51/16  
 repetitive [2] 19/6 19/7  
 replaced [2] 42/14 43/11  
 report [37] 3/12 4/1 7/21  
 7/23 8/5 8/9 8/17 8/18  
 11/17 15/14 16/2 16/6  
 16/23 18/2 18/12 22/7 22/9  
 35/13 37/18 48/22 49/18  
 57/20 61/3 68/12 72/9 79/1  
 81/15 83/22 85/2 86/6  
 86/17 86/22 86/23 87/23  
 88/16 88/23 94/1  
 Reporter [1] 96/5  
 REPORTERS [1] 1/24  
 reports [2] 15/22 78/18  
 representation [1] 81/6  
 represented [2] 20/11  
 44/12  
 represents [2] 13/10 68/5  
 request [5] 8/14 9/24 10/8  
 59/15 90/9  
 requested [2] 8/12 18/15  
 requesting [1] 10/11  
 require [1] 40/16  
 required [4] 10/6 50/12  
 84/18 92/1  
 requirement [5] 82/10  
 91/24 92/7 92/14 94/24  
 requirements [6] 11/3  
 11/12 11/15 65/2 82/7  
 82/12  
 resident [2] 45/6 62/13  
 residential [7] 5/11 48/1  
 91/25 93/20 94/7 94/19  
 95/3  
 residents [34] 12/6 12/22  
 14/2 14/3 23/10 26/21  
 42/16 43/9 44/2 44/21  
 44/22 44/23 45/3 45/24  
 47/21 50/23 60/11 60/16  
 60/17 62/3 62/4 64/23 65/1  
 65/14 65/14 65/23 66/2  
 67/4 68/5 75/8 75/9 75/14  
 78/15 80/12  
 resiliency [5] 17/12 76/8  
 80/1 88/13 95/6  
 resolution [6] 4/16 4/19  
 5/1 5/8 5/20 79/3  
 resort [1] 49/12  
 resource [5] 68/5 71/16  
 75/3 75/4 81/1  
 resources [6] 23/4 23/13  
 25/2 42/18 42/21 83/3  
 respect [2] 36/9 87/6

**R**  
 respects [1] 32/4  
 respond [1] 72/24  
 responding [3] 37/12 48/3 73/9  
 response [1] 81/8  
 responsibility [3] 10/16 18/4 91/12  
 rest [5] 29/18 33/20 33/22 46/3 46/18  
 restart [1] 4/4  
 restrictions [2] 23/2 71/12  
 result [2] 49/2 84/2  
 retail [4] 5/15 56/23 56/24 81/23  
 retain [1] 66/4  
 retained [2] 64/25 65/22  
 review [10] 8/22 10/18 17/6 18/7 18/8 18/18 76/17 79/20 85/24 89/1  
 reviewing [1] 11/5  
 revision [1] 40/16  
 Richard [1] 1/14  
 Ride [1] 15/11  
 Ridge [6] 21/23 41/24 59/2 59/2 59/3 59/7  
 right [13] 4/24 5/2 5/23 9/7 15/5 16/4 18/25 48/21 67/17 69/24 70/20 95/9 95/11  
 right-of-way [2] 69/24 70/20  
 rights [8] 20/14 24/13 24/15 24/24 66/4 77/15 78/21 83/7  
 riparian [1] 69/19  
 rise [1] 25/18  
 River [12] 2/4 29/15 31/17 33/10 73/21 73/22 73/23 73/25 74/1 74/2 74/3 74/5  
 road [3] 1/7 2/4 85/9  
 roadway [1] 86/12  
 Robert [1] 1/12  
 Roberts [1] 59/25  
 Rodney [1] 2/13  
 role [3] 10/16 18/3 83/1  
 room [1] 31/12  
 rooms [4] 47/6 47/14 48/11 48/12  
 ROSI [3] 69/2 69/3 69/6  
 round [4] 91/1 91/7 91/18 91/19  
 Route [3] 21/9 24/22 72/22  
 Route Nine [1] 21/9  
 run [1] 59/8  
 rural [1] 54/7

**S**  
 sacrifice [7] 42/11 42/13 43/10 43/11 52/12 52/21 53/1  
 sacrificed [1] 42/17  
 sacrificing [1] 37/14  
 safety [2] 23/11 28/1  
 said [14] 14/12 14/20 23/18 25/6 29/5 29/12 32/17 38/22 48/22 48/25 49/4 55/22 61/4 78/13  
 Saint [1] 74/9  
 sale [1] 92/8

Sam [1] 7/9  
 same [10] 28/13 32/21 56/20 62/5 62/5 62/8 63/6 64/22 66/22 95/1  
 Sand [1] 68/2  
 Sands [11] 59/25 61/23 64/8 64/10 64/17 65/1 65/16 65/23 66/2 66/13 67/20  
 Sandy [13] 17/13 17/15 25/16 42/25 72/1 72/11 73/7 73/9 73/19 74/7 74/13 78/17 78/24  
 satisfied [4] 90/16 90/24 91/1 91/16  
 say [4] 17/1 19/21 65/19 66/6  
 saying [2] 38/16 92/3  
 school [5] 34/22 34/25 35/2 35/3 35/4  
 schools [1] 39/4  
 score [1] 81/4  
 scored [1] 81/2  
 sea [1] 25/18  
 SEASIDE [122]  
 Seaside Park [30] 10/5 61/19 61/24 62/6 62/13 62/18 62/20 62/21 63/2 63/9 63/13 63/17 63/20 63/21 63/25 64/12 64/13 64/17 65/10 65/22 66/21 70/16 70/16 73/4 73/13 73/15 73/17 73/20 74/8 74/12  
 season [2] 49/12 63/22  
 seasonal [6] 47/11 47/12 49/11 61/10 63/14 63/19  
 second [5] 5/16 76/2 81/15 91/18 95/21  
 Secretary [1] 2/12  
 section [17] 16/5 16/12 32/7 32/11 32/25 33/6 33/10 33/12 38/20 49/17 49/18 68/12 75/23 76/2 76/3 81/14 85/16  
 sections [5] 16/3 18/13 34/1 76/10 77/1  
 see [13] 19/2 21/14 21/15 21/16 28/8 31/5 38/1 38/9 39/8 65/4 66/23 72/18 80/9  
 seen [1] 66/23  
 senior [30] 19/15 21/22 28/2 28/6 41/21 55/9 55/9 58/3 58/6 58/6 58/11 58/11 58/14 58/17 58/22 58/23 59/5 59/6 59/8 59/18 60/12 61/15 62/9 63/11 64/3 65/11 65/13 65/14 67/20 74/6  
 seniors [11] 59/22 61/21 61/22 62/18 63/10 63/13 63/20 63/24 64/18 65/6 65/9  
 sense [9] 8/18 40/11 40/21 41/5 42/4 42/5 43/7 47/9 51/15  
 sensitive [4] 20/9 24/15 77/18 83/2  
 sensitivity [1] 84/3  
 separate [3] 27/18 57/14 77/7  
 separated [5] 29/8 29/9

29/17 29/24 40/3  
 separation [4] 29/23 30/3 30/18 34/5  
 septic [1] 81/20  
 Sergeant [1] 60/1  
 series [3] 14/16 15/20 38/23  
 served [1] 81/19  
 serves [1] 59/11  
 service [3] 57/5 59/19 60/5  
 services [9] 53/13 55/2 56/8 57/9 58/6 59/19 60/6 85/10 88/8  
 set [8] 8/9 16/4 28/25 82/4 82/18 92/1 92/7 96/9  
 sets [3] 19/4 36/16 43/20  
 setting [1] 43/13  
 settlement [4] 90/3 91/2 91/14 92/11  
 seven [2] 29/20 49/3  
 seven percent [1] 49/3  
 several [3] 31/13 32/12 36/7  
 sewer [1] 85/11  
 shape [1] 76/15  
 share [8] 78/9 88/14 88/25 90/4 90/11 90/25 91/3 91/20  
 Shark [1] 33/10  
 shopping [9] 53/13 55/2 56/8 56/11 56/15 56/20 56/21 56/22 57/9  
 shore [2] 21/5 53/15  
 shorefront [4] 19/18 19/18 20/10 49/11  
 shoreline [5] 19/22 28/15 68/16 70/5 70/19  
 shores [1] 41/19  
 short [1] 4/11  
 shortly [1] 87/18  
 should [4] 11/10 19/21 64/2 84/17  
 show [1] 69/13  
 showed [1] 67/24  
 shown [1] 35/12  
 shows [1] 35/13  
 Siena [1] 74/10  
 signatories [1] 13/23  
 signatures [1] 14/8  
 signed [3] 7/25 13/9 14/1  
 signers [1] 6/6  
 significant [20] 12/8 20/11 20/20 23/1 28/12 31/5 50/11 52/2 52/14 52/14 58/4 66/10 66/11 67/12 68/14 71/1 71/12 73/2 79/6 89/5  
 significantly [7] 29/8 39/21 51/19 61/20 74/13 74/14 86/17  
 Silver [6] 21/23 41/24 59/1 59/2 59/2 59/3  
 Silver Ridge [1] 59/3  
 similar [4] 62/16 63/5 63/14 72/12  
 similarly [1] 42/17  
 simple [1] 54/7  
 simply [3] 34/4 40/1 54/16  
 since [2] 77/6 77/6  
 single [6] 47/16 47/19 47/24 48/15 48/20 94/10

<b>S</b>		
sip [1] 21/20	80/10 80/13 81/2 84/10	82/16 84/25 85/3 86/8
site [2] 93/7 93/17	84/14 85/15 85/20 86/18	statewide [3] 15/9 24/5
sitting [1] 19/11	87/6 87/10 88/21 89/23	78/7
situation [3] 29/13 29/14	92/23 94/3 94/13 94/22	statistic [1] 45/23
35/16	south seaside [78] 4/5	statistics [2] 43/15 47/8
six [2] 82/14 92/5	5/22 6/5 7/24 9/25 12/7	statutory [8] 9/5 10/6
skip [2] 18/23 38/2	13/12 17/8 17/20 19/17	11/12 11/15 11/16 16/4
slachetka [4] 2/14 3/3 7/4	19/19 20/21 21/11 22/12	16/18 18/8
7/8	26/1 26/21 27/15 29/7	stays [1] 64/11
SLOSH [1] 72/14	41/25 42/15 42/16 42/17	stenographically [1] 96/8
small [3] 39/21 51/17	43/6 44/1 44/11 44/16	step [4] 75/16 80/5 80/16
94/11	44/16 44/21 44/23 45/5	85/21
smaller [5] 33/24 39/21	45/10 45/13 45/17 46/2	stewardship [3] 20/1 83/2
47/5 47/13 47/15	46/7 46/20 47/4 47/18	84/1
Smart [1] 86/2	47/22 48/11 48/15 49/1	still [2] 6/8 84/6
so [113]	50/6 50/23 52/17 53/18	stipulated [1] 5/9
social [3] 12/5 12/21	58/9 58/19 59/24 60/10	stock [9] 46/19 46/23 47/4
42/11	60/16 61/6 61/16 65/24	47/25 49/4 49/5 49/8 81/22
socialize [1] 55/18	68/17 70/15 71/3 72/4 75/9	85/13
socioeconomic [1] 36/19	75/14 79/4 79/10 80/2	stop [1] 95/6
some [49] 5/18 8/9 8/20	80/10 80/13 81/2 84/10	stops [4] 58/17 58/20
8/23 8/25 14/13 15/4 16/7	84/14 85/15 85/20 86/18	58/25 59/14
16/8 16/17 16/21 16/25	87/10 88/21 89/23 92/23	storm [9] 72/1 72/10 72/16
17/11 17/12 18/10 18/21	94/3 94/13 94/22	72/16 72/19 72/25 73/10
18/23 19/2 21/2 21/15	space [7] 68/25 69/4 69/7	75/1 75/11
28/13 29/19 30/17 30/23	69/9 70/2 85/8 86/12	storms [4] 72/12 74/18
31/4 32/4 34/18 34/18 36/9	speaking [2] 15/24 21/20	75/2 83/8
36/9 43/14 43/17 43/20	speaking [12] 9/20 18/14	strategic [1] 85/11
47/7 50/12 57/19 57/20	32/2 32/2 32/3 34/20 48/6	street [3] 68/19 69/17
59/12 64/9 68/17 69/2	48/6 57/5 68/17 77/1 87/1	73/21
72/13 80/22 81/7 81/7	specifically [14] 11/20	strong [3] 35/4 40/4 40/24
81/15 89/25 90/1 93/4	23/22 49/10 51/11 54/22	stronger [1] 40/24
somebody [3] 35/2 35/17	60/7 60/12 75/9 80/2 80/9	Stuart [1] 2/13
62/8	84/10 85/1 87/11 88/18	study [2] 86/18 87/7
someplace [3] 56/13 57/4	spectrum [2] 60/3 60/3	stuff [2] 9/8 43/7
57/4	spelled [1] 87/23	subdistrict [1] 32/15
something [8] 5/18 11/9	spend [3] 31/13 33/19	subdivided [1] 41/18
37/20 37/25 57/18 60/11	33/22	subject [4] 11/7 65/2 89/3
60/15 70/12	spent [1] 36/14	90/3
sometimes [6] 19/6 32/9	sponsored [1] 59/23	submitted [1] 88/25
36/18 36/19 39/15 41/17	sprawling [1] 31/24	subsections [1] 34/2
somewhat [2] 27/17 44/17	square [1] 19/13	substantial [13] 13/3
Sorry [2] 38/11 67/8	st [1] 33/2	17/14 19/17 20/17 20/18
sort [21] 8/8 15/5 18/17	stabilization [1] 70/5	22/25 46/24 51/16 55/17
20/24 20/24 21/6 32/21	stabilized [1] 70/9	71/11 72/20 76/22 83/23
34/2 41/6 50/1 50/19 53/21	Stan [4] 7/2 7/7 7/7 38/14	substantially [2] 72/9
69/14 69/15 70/23 74/19	standard [8] 39/25 61/13	94/6
75/21 78/1 79/9 83/20	61/15 62/17 63/8 63/19	substantive [1] 13/22
84/17	63/22 65/12	substituted [1] 42/14
sound [5] 19/5 20/6 78/6	standards [1] 85/12	suburban [3] 51/20 51/25
80/18 88/2	standpoint [7] 9/4 42/24	54/7
sounds [1] 18/24	43/5 50/20 53/5 59/21	such [10] 10/19 15/9 16/10
sources [1] 78/20	67/18	21/4 39/5 39/6 50/13 69/8
south [88] 1/4 1/24 4/5	Stanley [4] 2/14 3/3 7/4	74/18 76/9
5/22 6/5 7/24 9/25 12/7	7/8	suggesting [1] 36/10
13/12 17/8 17/20 19/17	start [3] 8/7 40/19 76/7	SULLIVAN [2] 1/23 96/4
19/19 20/21 21/11 22/12	started [1] 4/7	SULLIVAN-HILL [2] 1/23
26/1 26/21 27/15 29/7 31/2	starting [2] 26/5 26/19	96/4
31/2 33/5 35/4 41/25 42/15	starts [4] 40/18 60/25	summary [2] 11/14 11/19
42/16 42/17 43/6 44/1	76/1 76/17	summer [1] 60/5
44/11 44/16 44/16 44/21	stat [1] 48/23	supermarket [2] 56/16
44/23 45/5 45/10 45/13	state [37] 8/1 15/13 19/19	56/17
45/17 46/2 46/7 46/20 47/4	21/1 21/13 22/1 23/13	Superstorm [7] 25/16 42/25
47/18 47/22 48/11 48/15	23/23 24/1 24/6 24/21	72/11 73/6 73/9 73/19
49/1 50/6 50/23 52/17	27/16 30/2 31/7 66/14	74/13
53/18 58/9 58/19 58/25	66/15 66/16 66/16 66/22	Superstorm Sandy [3] 25/16
59/24 60/10 60/16 61/6	67/14 68/1 69/22 78/4	42/25 72/11
61/16 63/23 64/13 65/24	78/20 78/22 79/14 79/15	support [6] 37/8 37/8 37/9
68/17 70/15 71/3 72/4 75/9	82/11 84/24 85/24 85/25	42/18 42/22 72/24
75/14 79/4 79/10 80/2	87/17 88/2 89/8 89/15 96/5	Supreme [1] 89/13
	96/13	sure [2] 33/20 37/16
	statement [6] 79/17 82/9	surge [2] 72/10 75/1

**S**  
 surges [1] 72/19  
 SURMAN [2] 2/6 6/4  
 surrounding [1] 85/6  
 survey [5] 44/4 44/5 44/25  
 46/4 48/10  
 Sussex [1] 31/2  
 sustain [1] 23/20  
 sustainable [2] 20/7 74/16  
 sustaining [1] 37/9  
 sworn [1] 7/4  
 system [2] 85/8 92/13  
 systems [1] 81/20

**T**  
 T's [1] 26/8  
 T-32 [2] 4/2 8/5  
 table [7] 15/19 43/13 60/8  
 60/20 60/21 64/3 76/1  
 take [11] 9/9 21/20 23/3  
 26/3 55/6 66/1 71/13 72/7  
 77/20 88/11 94/5  
 taken [5] 23/23 75/19 80/5  
 93/24 96/8  
 takes [1] 84/12  
 taking [9] 28/17 30/16  
 31/10 66/1 80/8 80/16  
 84/15 91/19 94/2  
 talk [34] 16/13 16/19  
 16/23 16/24 17/22 17/23  
 18/8 18/19 25/10 25/21  
 26/15 28/7 28/18 40/20  
 40/21 43/19 49/18 50/16  
 51/1 51/3 53/22 53/23 54/1  
 60/7 60/13 60/19 68/11  
 71/23 76/5 77/25 79/25  
 80/1 82/22 88/11  
 talked [10] 18/10 28/3  
 34/16 40/25 58/1 58/3 77/9  
 77/11 83/5 84/19  
 talking [22] 12/12 17/12  
 19/25 22/3 25/15 31/9  
 31/13 34/22 35/2 36/16  
 37/17 39/17 41/23 43/7  
 49/20 68/12 68/13 74/22  
 75/13 75/24 76/13 86/19  
 tax [4] 21/15 21/15 69/12  
 69/12  
 TDR [10] 77/16 77/21 77/25  
 78/1 78/21 83/5 87/4 87/19  
 87/19 88/6  
 technical [1] 54/4  
 technically [1] 69/25  
 tell [1] 35/1  
 temporary [1] 73/20  
 ten [11] 38/14 38/16 38/17  
 61/17 61/25 62/11 62/14  
 62/17 63/9 64/5 73/21  
 ten dollars [5] 61/17  
 61/25 62/11 62/14 62/17  
 ten-dollar [2] 63/9 64/5  
 term [1] 54/4  
 terminology [1] 49/25  
 terms [61] 11/4 12/13  
 15/24 23/2 25/8 25/11  
 25/24 26/1 26/20 27/22  
 28/14 31/7 34/16 35/19  
 37/13 39/9 39/12 39/12  
 43/23 44/17 47/10 47/24  
 50/6 50/17 51/6 52/22 53/2  
 53/24 54/12 55/21 56/4

56/8 57/8 58/2 58/7 58/8  
 58/13 58/17 59/17 60/2  
 60/4 60/16 63/5 66/9 66/19  
 71/18 72/23 73/8 74/17  
 75/2 75/11 75/22 81/5 83/1  
 83/11 84/3 87/22 88/19  
 89/21 89/22 94/3  
 testified [1] 7/5  
 testifying [1] 7/21  
 testimony [33] 6/1 7/12  
 8/9 8/10 8/20 8/23 8/25  
 9/20 9/22 12/12 14/24  
 14/25 15/1 15/18 16/8 25/8  
 26/20 52/16 52/16 56/7  
 57/21 58/10 59/12 66/11  
 68/15 68/15 71/1 71/2 71/2  
 78/10 88/16 94/1 95/17  
 than [15] 39/21 42/3 45/7  
 45/14 46/12 46/13 46/18  
 48/17 48/22 56/22 62/12  
 63/3 65/12 91/17 93/16  
 thank [9] 5/23 5/24 6/12  
 6/25 7/1 7/6 7/18 14/10  
 95/16  
 that [566]  
 that's [70] 5/24 6/11 7/11  
 8/5 9/25 11/17 13/5 14/11  
 14/24 15/6 16/23 18/5 20/5  
 24/24 25/22 26/18 29/11  
 29/12 30/19 31/10 31/24  
 32/15 36/8 38/18 38/20  
 38/21 41/8 42/13 43/1  
 43/14 44/5 44/24 45/4 45/4  
 45/12 48/1 51/3 52/5 52/20  
 52/21 53/17 54/5 55/3  
 56/24 57/3 57/14 57/18  
 58/18 59/20 60/8 61/14  
 61/22 64/3 64/6 67/11  
 69/25 70/12 72/8 73/11  
 75/25 76/1 76/11 76/18  
 82/21 87/13 90/21 93/1  
 93/15 94/25 94/25  
 their [21] 10/3 23/11 25/8  
 32/21 33/1 35/19 37/9  
 37/10 37/13 40/6 40/6  
 40/23 42/19 45/5 55/3  
 65/17 74/14 89/3 89/6  
 89/16 94/8  
 them [13] 13/24 21/3 31/4  
 32/2 37/8 37/9 42/22 47/9  
 52/19 52/20 64/7 64/21  
 79/8  
 theme [1] 83/10  
 themselves [5] 23/20 37/10  
 37/13 51/17 55/10  
 then [45] 14/23 18/7 19/4  
 22/3 26/7 28/2 30/11 31/3  
 36/13 36/13 37/24 41/21  
 42/15 43/9 44/11 48/16  
 57/3 59/3 59/4 60/2 61/9  
 61/11 63/4 63/13 63/18  
 64/1 65/1 69/22 76/6 76/7  
 76/10 79/21 80/21 84/10  
 85/21 86/6 86/8 86/21 87/6  
 87/16 87/18 88/10 91/2  
 91/14 95/6  
 there [84] 5/10 5/18 5/19  
 13/25 21/16 23/15 27/2  
 27/8 28/8 29/19 30/18  
 30/22 30/22 33/2 34/1 40/4  
 41/2 44/10 44/13 45/18  
 47/12 47/13 47/15 48/23

50/22 51/22 53/6 53/6  
 53/14 53/15 54/8 54/23  
 54/25 55/4 56/7 56/13  
 56/17 57/11 58/3 58/4  
 58/16 58/16 59/14 61/24  
 62/13 63/10 63/12 63/14  
 63/17 64/16 65/3 66/10  
 66/25 67/2 67/7 67/10  
 67/21 67/22 68/3 68/14  
 68/17 68/20 69/11 70/11  
 70/11 70/25 72/2 74/11  
 76/6 77/7 77/13 78/8 80/25  
 84/16 84/20 85/23 86/16  
 86/23 89/6 92/12 92/21  
 93/5 93/23 95/2  
 there'll [1] 16/7  
 there's [73] 9/7 9/8 9/19  
 9/20 9/21 14/13 14/16  
 15/15 15/25 17/7 22/7  
 22/10 23/15 26/9 30/11  
 30/15 30/17 30/21 32/12  
 33/5 33/5 33/6 35/12 35/21  
 35/23 36/19 36/20 38/1  
 38/5 42/9 46/1 46/20 50/10  
 55/7 56/13 56/24 57/19  
 58/12 59/19 59/19 60/8  
 60/19 61/6 61/7 61/8 61/9  
 61/10 61/10 61/11 61/17  
 61/20 62/6 62/18 62/19  
 63/4 63/16 63/24 64/5 64/8  
 64/9 64/16 69/12 69/21  
 69/22 70/7 73/11 76/9  
 77/19 87/21 92/15 92/17  
 94/23 95/10  
 thereafter [1] 87/18  
 therefore [5] 45/13 46/6  
 67/4 89/17 92/12  
 thereof [1] 68/22  
 these [32] 19/2 22/16  
 22/18 22/22 23/6 23/17  
 25/6 31/19 31/20 36/17  
 36/21 39/12 39/15 39/15  
 41/8 41/20 41/25 47/8 48/2  
 51/5 51/7 52/22 52/25  
 54/11 58/2 59/9 70/22  
 74/21 76/17 78/16 84/5  
 85/17  
 they [38] 13/22 14/5 14/7  
 15/23 22/16 23/18 23/18  
 25/20 31/21 31/21 32/16  
 32/21 33/1 33/3 38/25  
 38/25 42/4 52/19 52/19  
 54/3 55/4 62/4 62/7 62/10  
 62/11 64/6 64/23 65/15  
 66/3 81/4 86/17 87/20  
 89/14 89/17 92/7 93/8 94/5  
 94/23  
 they'd [1] 92/8  
 they'll [1] 65/16  
 they're [15] 29/2 29/23  
 31/19 31/20 36/19 45/7  
 45/22 47/2 47/5 47/24  
 66/16 72/5 72/6 72/20  
 87/23  
 they've [2] 10/2 13/23  
 thing [9] 39/13 47/15  
 56/20 62/5 65/19 66/6  
 66/19 68/11 88/10  
 things [26] 15/4 15/10  
 15/15 18/10 20/2 27/9  
 34/20 39/8 47/21 48/2 51/6  
 51/7 52/9 52/12 54/11 56/9

**T**  
things... [10] 57/1 57/12  
61/12 70/23 70/24 79/12  
81/16 82/21 83/9 86/20  
think [58] 7/16 8/8 8/16  
8/19 9/17 10/14 11/6 11/9  
11/18 11/21 17/3 18/6 19/1  
25/23 26/4 26/18 26/22  
27/1 27/3 29/23 29/24 30/5  
30/7 34/3 35/9 35/17 36/15  
37/24 39/13 41/15 42/9  
43/1 43/17 43/20 45/22  
47/20 48/21 50/16 52/19  
56/7 57/18 60/14 65/8  
67/11 67/12 67/21 68/3  
68/6 73/14 75/22 76/8  
76/11 80/11 80/12 86/2  
88/21 95/5 95/12  
thinking [3] 43/21 48/23  
67/23  
third [1] 91/7  
this [88] 7/12 7/22 7/22  
8/9 8/17 8/17 9/15 9/19  
10/7 11/6 11/24 12/7 12/12  
14/17 15/23 17/19 18/2  
18/5 19/8 21/19 26/5 26/11  
26/16 29/25 30/9 31/12  
33/20 33/22 36/14 36/14  
40/17 40/21 40/21 43/12  
43/20 44/7 45/22 48/8  
48/16 48/17 49/17 49/20  
50/4 50/24 51/15 53/20  
53/22 57/16 57/22 57/24  
58/1 58/10 59/16 60/11  
60/21 66/7 68/11 68/12  
70/22 70/22 71/24 73/7  
73/12 73/19 74/9 76/11  
76/21 77/9 78/18 80/3  
80/14 80/14 82/23 84/5  
85/14 85/16 85/21 85/22  
87/2 87/12 87/13 89/16  
89/21 93/25 93/25 94/1  
95/12 95/18  
thoroughly [1] 19/12  
those [54] 9/12 10/22  
12/14 14/8 15/20 16/3  
21/12 21/17 21/23 21/25  
22/10 22/21 23/3 25/18  
26/23 26/23 27/9 27/23  
28/11 28/24 30/17 30/23  
32/19 33/23 35/25 36/5  
37/4 37/5 37/16 37/18 42/2  
43/3 47/1 52/18 55/14  
55/20 55/20 56/9 58/7  
59/17 59/18 60/6 60/14  
65/2 72/18 72/21 73/1  
76/16 83/9 84/2 89/10 92/3  
94/20 95/2  
though [4] 27/18 50/20  
65/20 67/13  
thought [1] 47/20  
thousand [1] 36/7  
three [8] 11/21 11/22  
12/14 27/11 60/21 72/21  
73/18 77/7  
threw [1] 89/17  
through [19] 9/9 12/12  
13/15 13/24 21/7 23/23  
33/23 48/23 49/1 55/23  
76/2 78/19 78/20 80/20  
83/6 87/1 93/7 93/18 94/19

throughout [2] 20/22 60/6  
throws [1] 65/11  
Thursday [1] 1/8  
tideland [1] 69/21  
tie [2] 18/5 75/4  
tied [1] 5/19  
time [32] 9/10 11/13 11/13  
14/3 22/16 28/13 32/21  
36/15 36/25 43/25 44/7  
44/10 46/4 50/12 53/2  
53/22 67/1 73/19 75/3  
75/22 81/20 82/5 85/22  
86/3 87/4 88/13 88/23 89/7  
94/21 95/7 95/18 96/8  
times [3] 15/13 32/5 52/2  
today [2] 78/11 79/2  
together [4] 8/19 42/4  
79/8 88/13  
Toms [9] 29/15 73/21 73/22  
73/23 73/25 74/1 74/2 74/3  
74/5  
Toms River [8] 29/15 73/21  
73/22 73/23 73/25 74/2  
74/3 74/5  
tonight [1] 89/25  
too [9] 22/15 41/3 41/4  
56/6 59/16 62/1 62/20  
78/14 95/13  
took [5] 32/3 70/7 74/9  
77/14 90/17  
tools [1] 29/1  
top [2] 34/9 34/14  
topography [1] 39/7  
tourists [1] 49/12  
towards [3] 41/3 47/23  
85/4  
town [8] 24/19 24/20 33/4  
56/12 74/6 77/8 82/1 85/5  
townhomes [1] 5/10  
township [213]  
township's [25] 6/8 8/21  
15/16 43/24 44/3 44/9  
44/12 45/19 46/5 46/23  
49/4 56/23 58/11 67/16  
67/17 68/21 71/17 74/15  
77/3 82/22 88/14 88/17  
89/11 90/15 91/7  
townships [1] 30/10  
tracking [1] 75/2  
tracts [1] 35/8  
transcript [1] 96/7  
transcripts [1] 15/21  
transects [2] 54/4 54/6  
transfer [7] 20/14 24/13  
77/14 77/17 78/21 83/7  
88/7  
transfers [1] 24/14  
transit [2] 15/12 54/11  
translates [1] 86/8  
transpire [1] 65/5  
transportation [4] 15/10  
15/12 24/8 93/4  
travel [8] 50/12 50/16  
50/24 52/2 52/8 53/2 54/10  
57/11  
treated [1] 95/1  
trend [1] 41/3  
true [1] 96/7  
try [2] 9/9 26/12  
trying [9] 18/23 20/13  
26/6 57/22 66/18 71/19  
81/9 88/20 89/9

turn [1] 37/24  
Turnpike [1] 40/2  
two [16] 16/23 21/8 24/20  
27/12 27/22 40/3 42/10  
43/3 44/12 44/19 49/2  
61/18 69/12 76/20 77/8  
90/16  
two percent [1] 49/2  
two-dollar [1] 61/18  
type [3] 23/2 49/13 72/17  
types [10] 21/6 22/17  
34/20 37/7 39/4 41/12 47/3  
56/22 61/6 75/2  
typically [1] 70/12

**U**  
ULAKY [1] 2/3  
ultimate [3] 89/20 90/12  
91/13  
ultimately [5] 22/21 84/8  
89/1 89/5 89/13  
under [13] 11/22 15/16  
19/9 48/9 61/12 62/22  
62/23 67/16 67/17 69/21  
70/12 70/13 94/17  
undermines [1] 56/2  
underpins [1] 50/1  
underscores [2] 22/15 68/4  
understand [16] 6/14 8/17  
9/18 14/4 19/8 19/12 29/25  
39/14 51/6 52/3 54/5 67/13  
68/24 73/15 78/15 80/12  
understanding [7] 9/12  
11/1 19/2 31/14 49/25  
54/13 55/5  
undertaken [1] 82/9  
undertook [1] 70/5  
unemployed [3] 46/1 46/6  
46/9  
unemployment [2] 46/1  
46/16  
unincorporated [2] 31/15  
31/19  
unique [7] 29/13 29/14  
30/4 31/8 47/3 49/5 55/12  
unit [1] 47/6  
units [18] 46/20 46/21  
47/1 47/3 47/13 47/16  
47/17 47/18 48/8 48/12  
48/13 48/14 48/19 92/3  
92/4 92/5 92/5 92/8  
University [1] 74/24  
unlike [1] 20/25  
unparalleled [1] 51/12  
unquote [2] 73/20 74/7  
unreasonable [1] 12/3  
unusual [1] 57/13  
up [18] 4/4 14/14 26/12  
32/14 32/17 32/17 32/20  
33/7 36/4 36/5 36/7 36/16  
39/18 39/19 49/17 61/1  
63/15 70/23  
updating [1] 77/22  
upfront [2] 15/5 18/25  
upland [1] 20/13  
upon [10] 7/5 7/11 35/23  
35/23 41/13 51/21 56/14  
80/7 93/2 93/16  
upper [1] 30/10  
urban [3] 51/24 54/6 54/7  
us [5] 27/5 28/15 37/2  
40/18 43/15

**U**  
use [17] 5/12 5/14 36/2  
39/17 50/2 61/7 65/16 71/9  
81/11 81/20 82/7 86/9  
86/18 86/23 88/1 92/19  
94/12  
used [3] 29/1 29/2 31/16  
uses [2] 85/4 87/8  
using [3] 34/4 49/24 83/15  
utilities [1] 81/19  
utility [2] 77/22 88/8

**V**  
valid [8] 13/10 13/13  
13/20 13/21 14/2 14/4  
26/24 42/6  
variety [20] 15/15 15/21  
21/2 21/10 21/24 22/19  
24/10 30/21 42/22 51/5  
52/25 54/8 55/14 56/14  
76/24 78/25 86/20 89/4  
90/6 91/6  
various [5] 17/20 19/20  
24/6 43/8 82/17  
vehicle [1] 95/4  
vehicular [1] 57/11  
venue [2] 11/7 89/14  
verified [2] 13/10 14/2  
verses [1] 62/22  
version [1] 78/11  
versus [6] 35/3 39/24  
47/25 51/24 66/17 93/17  
very [44] 6/23 9/7 16/5  
18/6 18/6 21/25 21/25  
33/13 33/16 34/4 34/4 35/4  
35/4 35/17 40/4 42/20  
42/20 45/22 45/23 47/2  
47/3 49/4 49/9 49/13 49/13  
53/19 54/6 55/1 55/7 55/11  
55/12 55/24 63/5 63/5  
66/23 80/9 80/18 82/3  
84/17 88/16 88/18 93/14  
94/4 94/6  
Victorian [2] 5/17 5/18  
view [2] 37/15 81/6  
viewed [1] 15/22  
village [1] 31/20  
vision [11] 37/13 79/22  
82/9 82/15 84/18 84/25  
85/3 86/7 86/8 86/9 87/1  
visual [3] 80/25 81/5 81/6  
voice [1] 26/12  
voters [5] 1/5 4/5 6/5  
10/1 13/12  
voting [1] 35/21  
vulnerable [2] 73/1 75/10

**W**  
walking [2] 53/11 53/12  
want [31] 4/7 4/10 6/13  
9/21 15/4 15/5 33/21 36/10  
38/2 38/3 49/20 50/3 52/11  
52/24 54/2 54/3 54/10 55/1  
56/11 56/25 57/8 59/17  
59/18 60/7 62/20 65/15  
65/19 66/6 68/11 75/18  
94/15  
wanted [10] 5/24 8/22  
53/10 56/6 62/8 62/9 63/11  
64/4 88/11 94/5  
wants [1] 14/13

was [112]  
wasn't [1] 90/19  
water [9] 11/13 21/21 29/9  
30/18 39/7 69/20 81/21  
84/4 85/11  
way [16] 19/8 19/16 20/7  
29/2 29/19 35/21 36/22  
36/25 37/16 57/15 69/24  
70/20 76/15 80/6 94/16  
95/1  
ways [4] 27/8 37/6 50/24  
94/15  
we [112]  
we'd [2] 4/3 65/4  
we'll [24] 9/9 13/4 16/24  
17/11 17/17 17/22 17/23  
25/7 25/10 25/21 28/8  
28/18 37/17 50/16 60/13  
66/8 71/23 74/22 75/13  
77/25 79/25 80/9 80/21  
80/22  
we're [15] 5/25 6/8 7/16  
31/9 36/16 43/4 49/20  
49/21 49/22 49/23 49/24  
55/19 81/14 86/19 92/3  
we've [14] 8/24 11/14  
20/24 27/11 36/25 37/1  
38/6 47/21 52/15 52/15  
66/23 72/13 76/2 93/5  
website [2] 73/13 73/15  
weekend [4] 61/8 62/15  
62/16 66/8  
weeklies [1] 63/7  
weekly [3] 61/10 63/11  
63/15  
weigh [1] 10/23  
welcome [1] 9/23  
welfare [2] 11/2 12/21  
well [36] 5/6 7/16 10/7  
10/21 11/5 12/5 12/9 12/21  
13/21 17/16 17/20 19/22  
20/21 22/18 23/11 24/21  
32/17 38/19 40/9 49/6 49/6  
58/7 59/5 60/17 66/11 70/3  
70/10 71/5 77/23 79/4  
80/13 81/24 87/5 89/23  
95/14 95/16  
well-being [3] 12/5 12/9  
12/21  
well-compensated [1] 49/6  
wells [1] 81/21  
went [2] 33/3 71/20  
were [39] 6/15 13/10 13/25  
14/2 14/3 14/5 14/7 14/8  
15/22 17/13 21/14 22/3  
22/14 39/17 41/23 44/10  
45/24 46/1 58/16 68/3  
70/15 73/17 73/22 73/25  
74/5 74/14 77/8 78/8 79/14  
79/18 81/16 81/16 87/2  
87/25 88/9 89/3 89/6 90/1  
92/7  
weren't [2] 14/4 81/3  
west [10] 27/23 27/24 28/5  
39/24 40/5 50/21 59/1 59/3  
68/20 71/22  
Westerly [1] 59/3  
western [2] 19/14 19/15  
what [41] 5/12 5/17 8/22  
10/22 13/19 14/4 14/23  
19/4 19/4 22/22 35/19  
37/13 39/10 39/12 42/10

42/12 42/16 43/9 43/10  
44/7 48/22 51/2 51/3 51/25  
52/7 52/9 56/3 57/8 57/21  
60/21 65/4 67/17 75/20  
79/7 80/7 82/22 88/19 89/9  
89/21 90/22 91/9  
what's [19] 5/7 8/8 8/16  
42/8 43/5 52/7 52/8 52/8  
56/7 61/25 68/23 68/25  
69/18 72/14 78/14 79/17  
89/19 91/10 93/7  
whatever [8] 5/18 25/16  
37/7 53/13 54/8 67/1 69/16  
92/19  
when [10] 12/11 17/1 21/15  
35/17 40/2 49/20 71/24  
76/7 80/1 80/22  
where [38] 4/21 5/13 16/23  
18/5 21/16 26/4 28/11  
28/20 30/17 32/17 33/2  
33/3 38/9 39/18 40/18  
40/19 48/18 51/21 52/6  
53/7 54/5 54/24 54/25 55/5  
56/10 57/4 57/11 58/3  
59/18 72/5 72/19 75/15  
77/19 77/20 82/1 87/4  
94/11 94/12  
whereas [2] 48/12 65/10  
whether [23] 15/11 17/7  
20/8 20/8 20/10 20/10  
31/20 32/23 32/23 36/3  
37/6 37/7 41/10 41/11 52/4  
62/3 64/9 65/3 66/20 74/18  
83/4 83/5 83/7  
which [72] 6/15 11/2 12/10  
13/10 15/6 16/20 18/17  
22/6 22/24 23/5 23/8 23/14  
24/11 24/14 24/20 24/20  
25/5 25/10 26/15 27/8  
27/23 28/6 29/16 30/1  
33/13 37/17 38/7 39/13  
40/8 41/23 42/10 43/23  
44/4 44/11 45/24 45/25  
46/23 47/19 55/17 57/23  
58/9 59/7 61/8 62/5 68/23  
69/1 69/1 69/3 69/24 71/9  
72/6 72/14 74/25 75/10  
76/3 77/9 77/10 79/23  
79/23 84/11 85/19 86/6  
88/9 88/25 90/4 90/9 90/14  
91/23 92/9 92/13 92/14  
93/8  
while [2] 25/1 84/6  
white [12] 59/25 61/23  
64/8 64/10 64/17 65/1  
65/16 65/23 66/2 66/13  
67/20 68/2  
white sands [9] 61/23 64/8  
64/10 64/17 65/16 65/23  
66/2 66/13 67/20  
who [2] 14/1 61/3  
whole [33] 4/17 4/20 14/16  
21/1 26/2 26/5 31/25 42/19  
45/2 45/3 45/7 45/8 45/11  
45/14 46/12 46/14 47/5  
47/7 48/18 55/19 60/12  
72/3 75/8 76/2 76/23 78/25  
80/14 83/21 84/9 85/16  
89/7 89/17 90/6  
why [6] 14/7 20/2 29/23  
41/8 81/3 89/19  
wide [7] 61/22 76/23 84/9

**W**  
 wide... [4] 84/9 85/17  
 87/14 92/22  
 Wiegartner [1] 1/15  
 will [14] 6/18 11/8 11/18  
 12/23 13/3 18/7 23/18  
 24/11 25/15 43/15 73/9  
 78/11 95/9 95/14  
 wind [3] 36/5 36/7 75/1  
 Winward [1] 1/12  
 Wiser [1] 2/13  
 within [65] 15/7 15/8 16/9  
 16/22 22/1 22/2 22/18  
 24/19 27/10 30/2 31/15  
 31/19 32/10 32/15 33/25  
 34/1 34/19 34/24 35/5  
 35/14 35/15 40/23 43/9  
 44/22 46/2 46/10 46/16  
 46/21 47/4 50/25 53/11  
 53/12 53/25 55/12 55/16  
 56/18 56/18 56/22 57/6  
 57/6 57/15 57/16 57/16  
 58/6 58/19 58/19 58/22  
 58/22 60/17 79/21 79/22  
 81/10 82/4 82/25 83/3 83/4  
 83/4 83/5 83/12 83/15  
 86/10 90/18 93/21 94/7  
 94/9  
 without [8] 15/24 26/13  
 27/4 27/4 29/21 34/9 37/14  
 90/22  
 WITNESS [1] 3/2  
 witnesses [5] 8/25 14/17  
 14/17 14/18 14/25  
 won't [1] 87/21  
 Woodbridge [11] 32/6 32/8  
 32/8 32/10 32/10 32/11  
 32/16 32/18 32/20 33/1  
 40/8  
 work [15] 11/4 20/4 20/18  
 20/19 37/4 38/7 38/23 46/8  
 52/1 54/12 55/18 57/15  
 70/19 74/23 81/7  
 worked [2] 5/3 37/1  
 workers [1] 22/14  
 working [3] 22/14 45/25  
 57/23  
 would [43] 5/10 5/14 5/14  
 12/8 12/16 12/24 13/13  
 19/10 22/8 36/5 36/6 37/22  
 42/25 43/1 45/18 46/8  
 46/24 47/1 49/1 49/15  
 51/21 61/14 62/10 64/22  
 64/23 65/2 65/3 65/13  
 65/24 66/1 66/1 66/4 66/21  
 69/15 70/14 70/14 70/16  
 72/11 72/19 76/11 81/17  
 82/5 92/1  
 wouldn't [2] 33/21 62/12  
 wrapping [1] 49/17  
 wrestle [1] 42/9  
 writing [1] 88/23  
 wrong [1] 54/19

**Y**  
 Yeah [1] 38/12  
 year [2] 44/4 62/23  
 years [9] 17/2 17/4 17/5  
 20/18 28/10 44/6 45/25  
 63/1 82/14  
 Yersonson [1] 59/13

yes [9] 4/10 5/7 5/7 5/8  
 5/16 6/9 6/10 6/20 60/24  
 York [4] 51/9 51/11 52/1  
 52/3  
 you [240]  
 you'd [1] 92/6  
 you'll [2] 9/15 19/2  
 you're [18] 8/19 11/9  
 20/13 31/8 36/21 37/20  
 51/16 52/1 52/2 52/6 52/10  
 53/20 57/23 62/23 62/25  
 66/20 67/23 87/12  
 you've [25] 19/20 19/22  
 21/1 25/14 26/19 26/20  
 28/23 30/12 31/17 34/14  
 34/15 34/17 34/19 34/19  
 36/17 37/13 55/24 56/4  
 58/10 58/24 59/23 80/4  
 80/5 80/7 83/21  
 your [47] 7/17 10/9 10/17  
 10/23 10/24 10/25 18/3  
 19/8 19/12 20/1 20/14  
 20/15 21/22 24/1 24/4  
 24/25 25/16 25/19 26/20  
 29/3 37/3 37/14 37/14  
 37/15 37/23 42/3 48/9  
 51/21 51/23 53/24 53/25  
 55/23 56/4 57/8 78/5 78/6  
 78/9 79/1 79/7 79/11 79/14  
 79/18 79/22 80/6 80/19  
 80/24 82/13  
 yourself [1] 56/3  
 youth [1] 60/5  
 ysubmitted [1] 89/1

**Z**  
 zero [3] 45/24 91/11 91/21  
 zip [5] 34/21 35/10 35/11  
 35/11 35/14  
 zone [3] 4/18 4/20 94/13  
 zoned [1] 92/16  
 zones [1] 83/25  
 zoning [11] 10/20 37/7  
 74/4 78/6 81/13 82/4 82/6  
 86/10 87/1 87/8 92/15