

REPORT of FINDINGS

PETITION for DEANNEXATION

PORTION OF SOUTH SEASIDE PARK

BERKELEY TOWNSHIP, Ocean County, New Jersey



Prepared by:



For the:



Berkeley Township
Planning Board

May 2, 2019

PROCEDURAL HISTORY

**South Seaside Park Homeowners & Voters Association
("Petitioners")
submitted Petition for Deannexation
(9/22/14)**

**Township Clerk referred the Petition to the Planning
Board for a public hearing (findings of fact)
as to the impact of any deannexation.
(10/6/2014)**

**Hearing Began: 1/8/15 (40 meetings [incl. tonight]).
47 Witnesses & Professionals
3,683 pages of Transcripts**

STATUTORY LAW

Petitioners must establish, by a

PREPONDERANCE OF THE CREDIBLE EVIDENCE,

that refusal to consent to deannexation would be detrimental to the economic & social wellbeing of the majority of the residents of South Seaside Park

AND

that deannexation will not cause a significant injury to the wellbeing of Berkeley Twp.

BOTH CONDITIONS MUST BE PRESENT FOR DEANNEXATION TO BE GRANTED

CASE LAW

SOCIAL DETRIMENT:

A community's being deprived of Petitioner's participation in religious, civic, cultural, charitable & intellectual activities of the municipality;

Their meaningful interaction with other members of the community;

Their contribution to its prestige & social standing;

CASE LAW

SOCIAL DETRIMENT:

The part they play in general scheme of their municipality's social diversity; &

The wholesome effect their presence has on racial integration.

CASE LAW

ECONOMIC DETRIMENT:

Any long term or short term economic impacts,

Loss of ratables,

Impacts on local, school or other taxes of the municipality and the deannexing areas,

Cost or savings in providing municipal services, &

Types of municipal services provided to date.

CASE LAW

IMPACTS ON:

Emergency Services & Equipment,

including the cost of providing same & the need to provide same in the future.

Recreational & School Facilities

in both the municipality and deannexation area.

CASE LAW

An analysis of the **tax assessments** of the relevant land, including the total tax assessment of the **municipality** as it relates to the **affected lands** the total area of the municipality as it relates to the affected lands.

Zoning & planning implications for the municipality.

Population, demographics & geographic matters.

CASE LAW

The Courts have held that
the *Deannexation Statute* is intended to
give precedence to the policy of

**preservation of municipal boundaries &
the maintenance of their integrity**

against challenges prompted by
short term or even frivolous considerations such as
tax or zone shopping.

ISSUES

Impact of **Distance from Mainland Berkeley Township for South Seaside Park Residents**

Lack of Monetary & Non-Monetary Investment by the Township in South Seaside Park

Isolation / Social Injury for South Seaside Park Residents

Economic Injury to South Seaside Park Residents

ISSUES

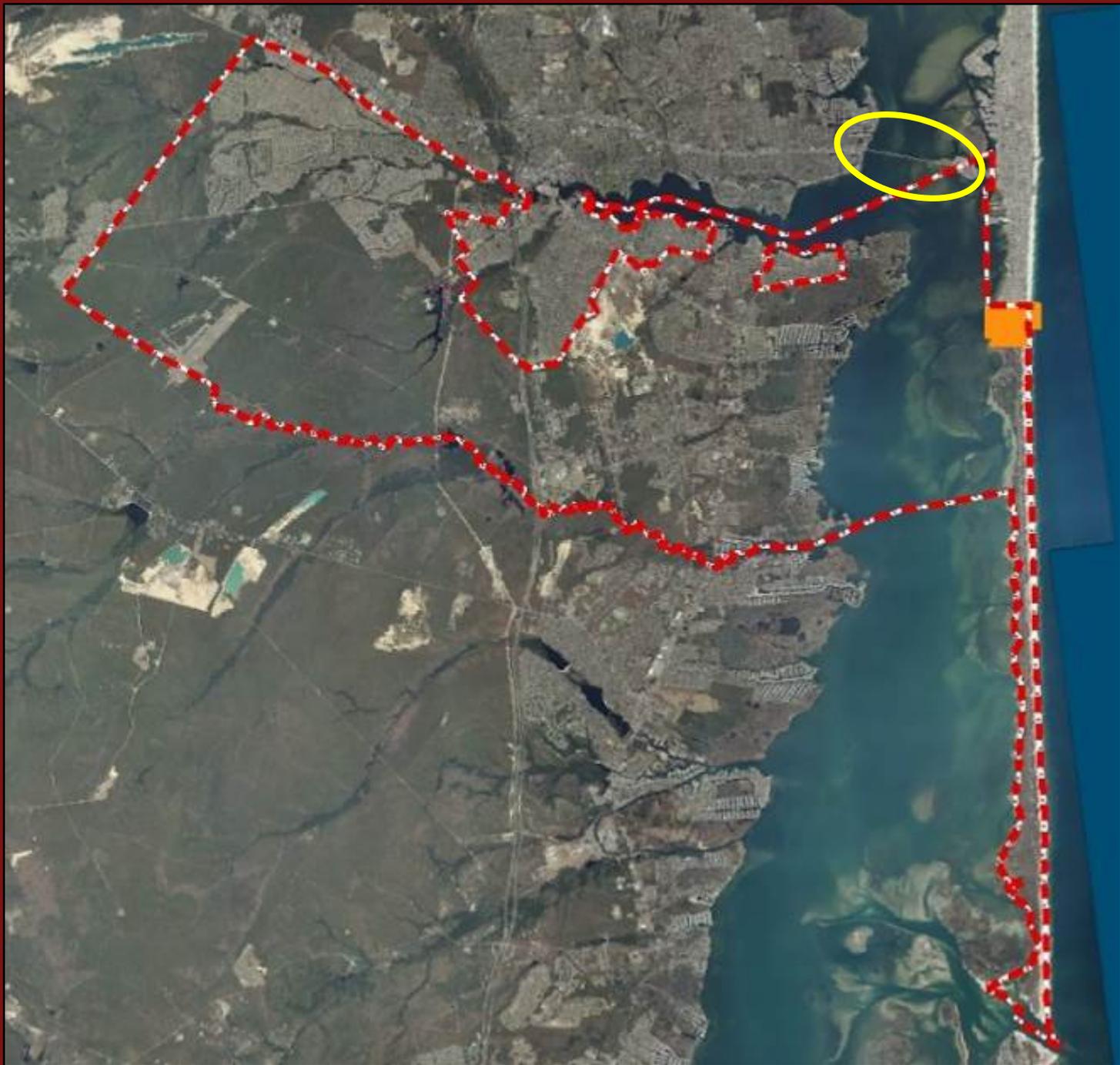
General Unresponsiveness by Berkeley Township /
Township Neglect of South Seaside Park

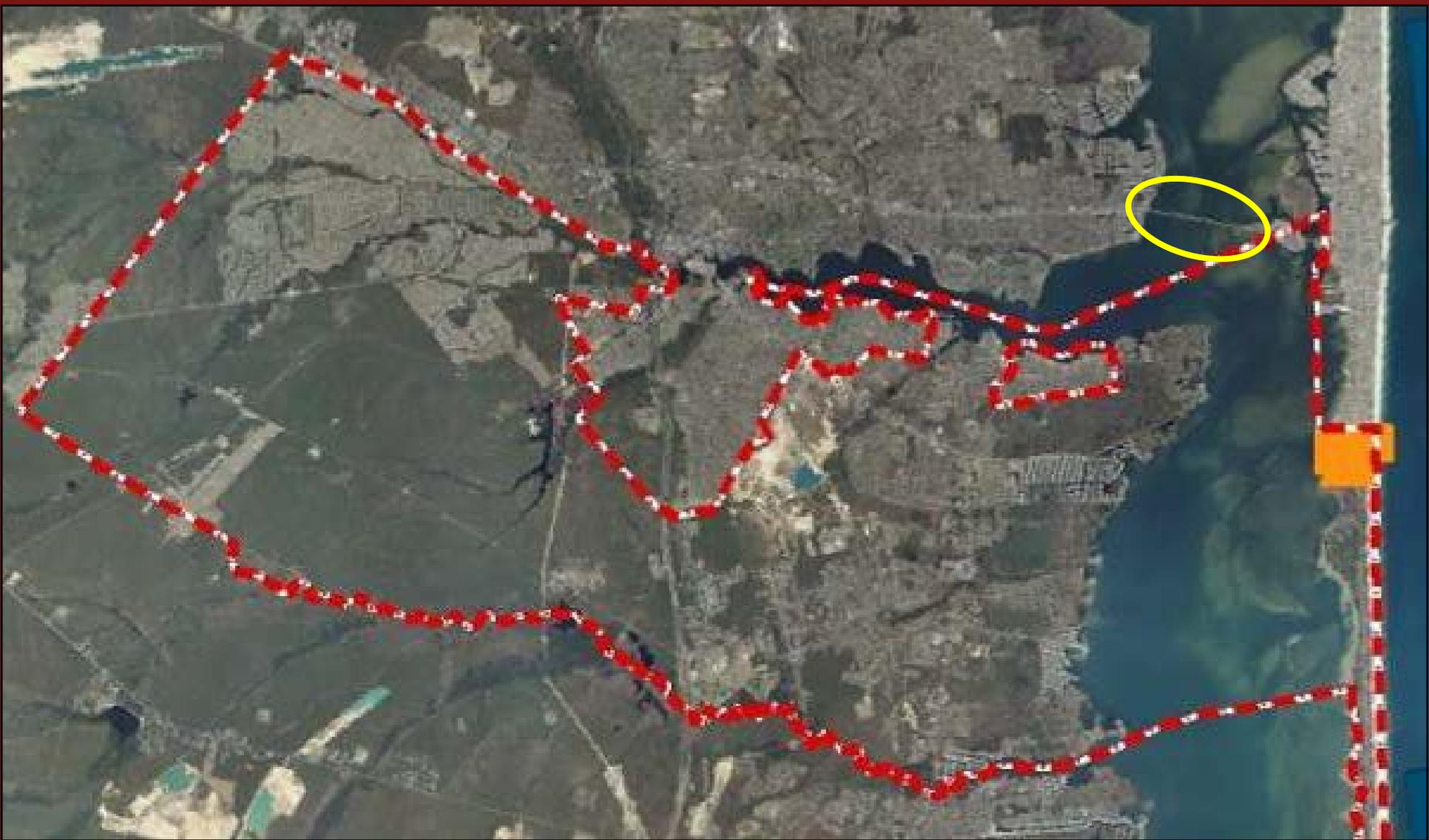
Public Works

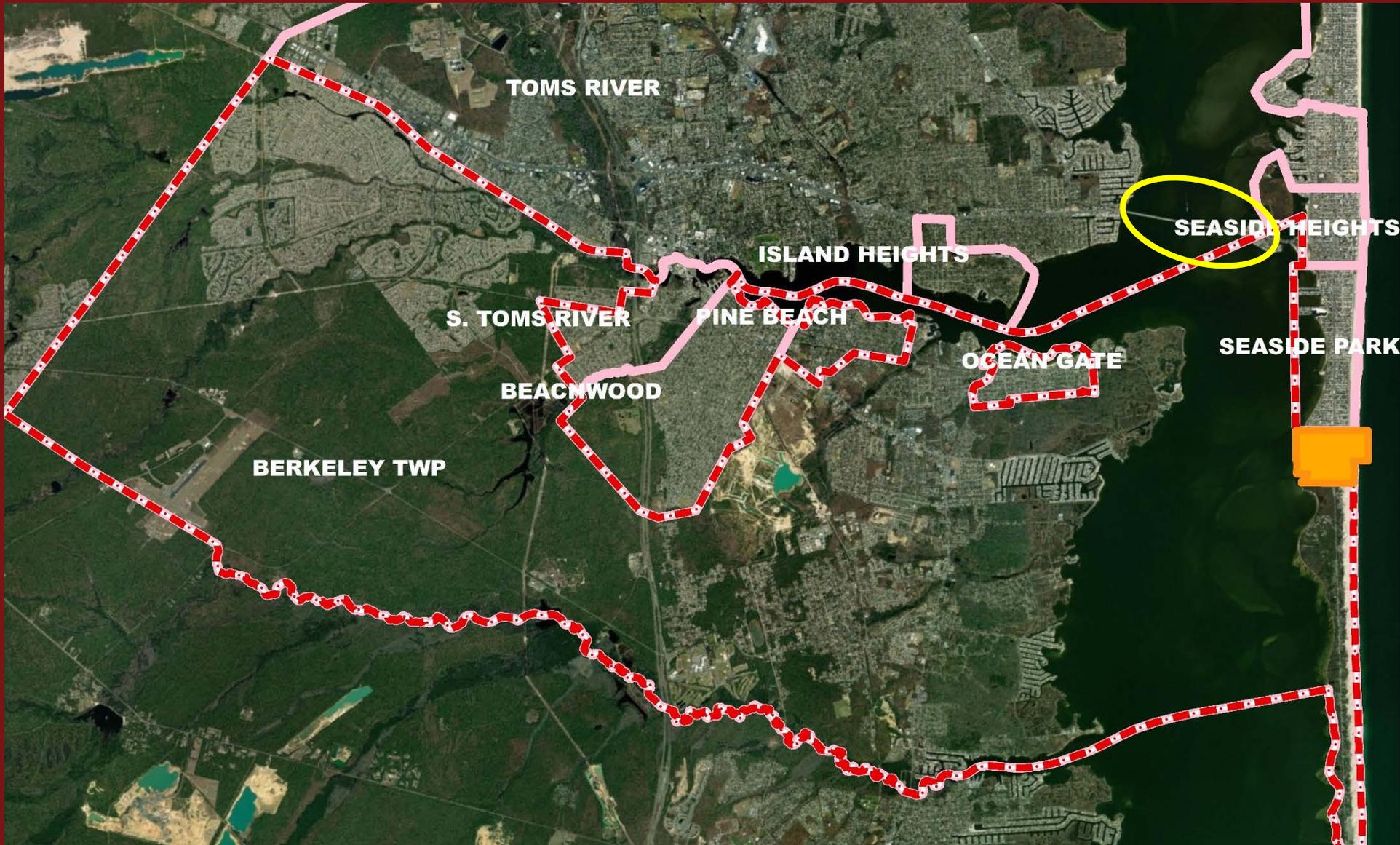
Police & Emergency Services

Township Planning

Financial Impact of Deannexation on South Seaside
Park & Berkeley Township







CASE LAW

*The Deannexation Law **was not intended** to encourage the adjustment of municipal boundaries "from time to time"*

*dependent upon **changing interests of the residents.***

*It was intended to give precedence to **a more significant policy,***

*that of **preserving municipality boundaries***

&

*maintaining their integrity against challenge prompted by **short-term or even frivolous considerations...***

CASE LAW

SOCIAL DETRIMENT:

A community's being deprived of Petitioner's participation in religious, civic, cultural, charitable & intellectual activities of the municipality;

Their meaningful interaction with other members of the community;

Their contribution to its prestige & social standing;

CASE LAW

SOCIAL DETRIMENT:

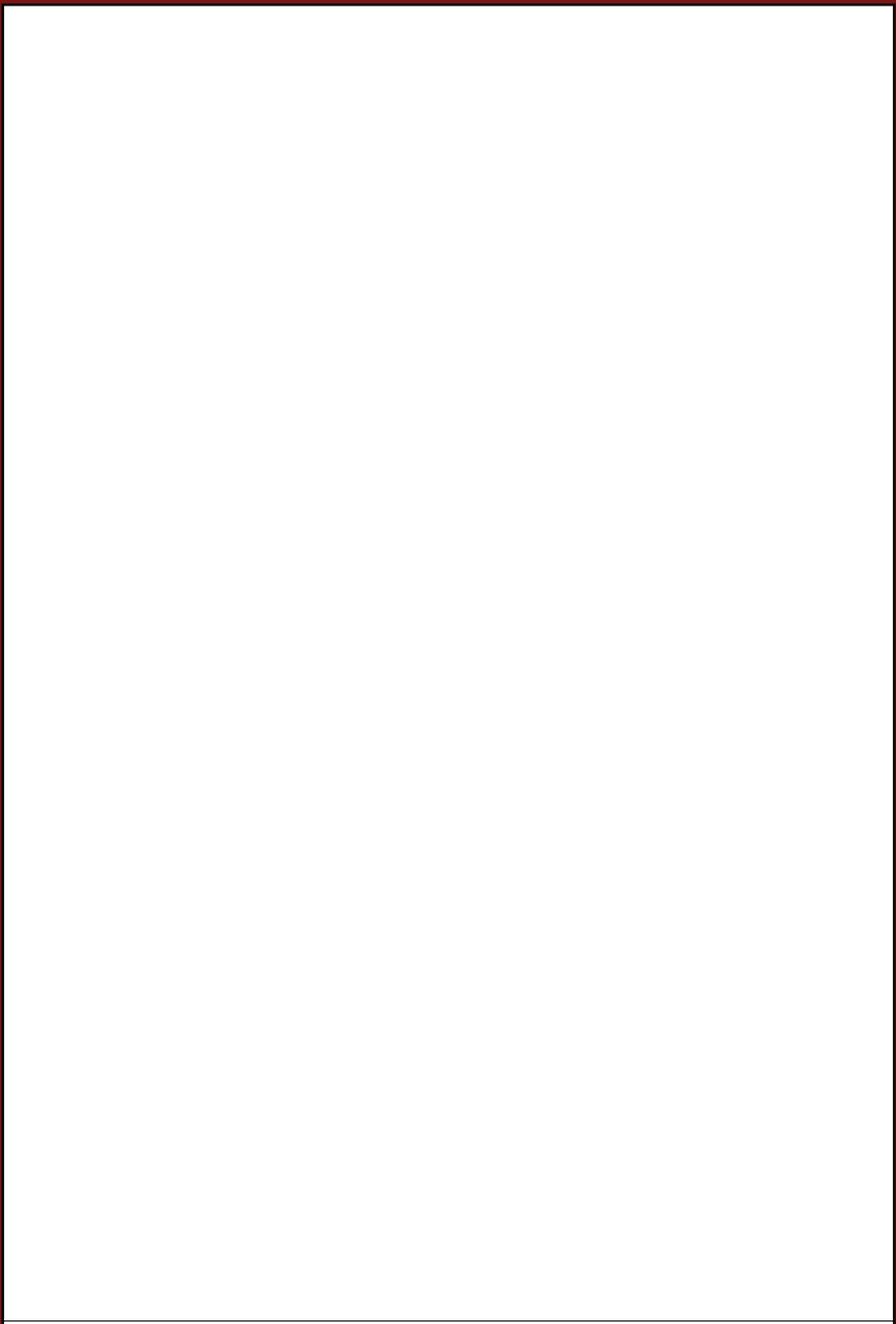
The part they play in general scheme of their municipality's social diversity; &

The wholesome effect their presence has on racial integration.

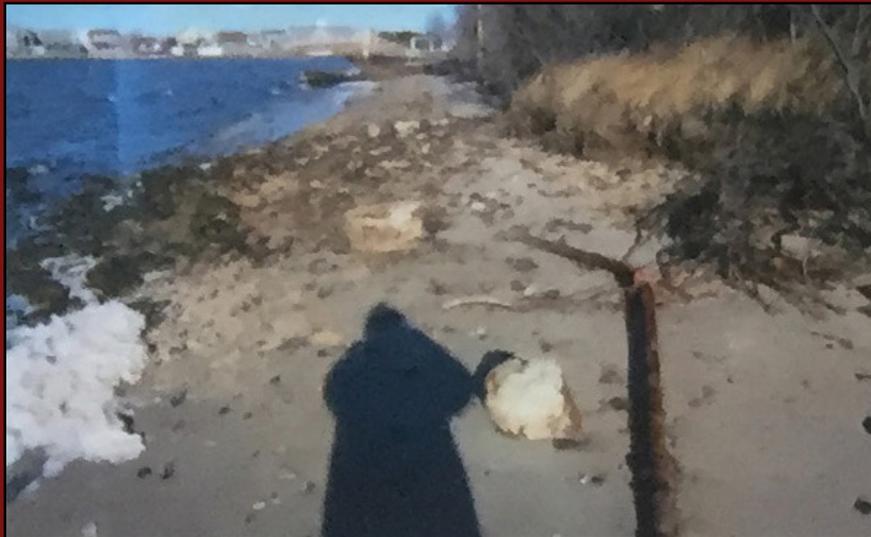


FAITH	PLACE OF WORSHIP
7th Day Adventist	Mainland Toms River
AME	Mainland Berkeley Twp.
Baptist	Mainland Toms River
Christian Scientist	Mainland Toms River
Coptic	Barnegat Twp.
Greek Orthodox	Mainland Toms River
Hindu	Mainland Toms River
Jehovah's Witness	Mainland Berkeley Twp., Mainland Toms River

FAITH	PLACE OF WORSHIP
Jewish	Mainland Toms River, Lakewood
Mormon	Mainland Toms River
Muslim	Mainland Toms River
Orthodox Christian	Mainland Toms River
Pentecostal	Lakehurst, Lakewood
Presbyterian	Mainland Toms River
Quaker	Barnegat Twp.
Russian Orthodox	Jackson Twp.



BAY BEACH: S. SEASIDE PARK



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BAY BEACH: SEASIDE PARK



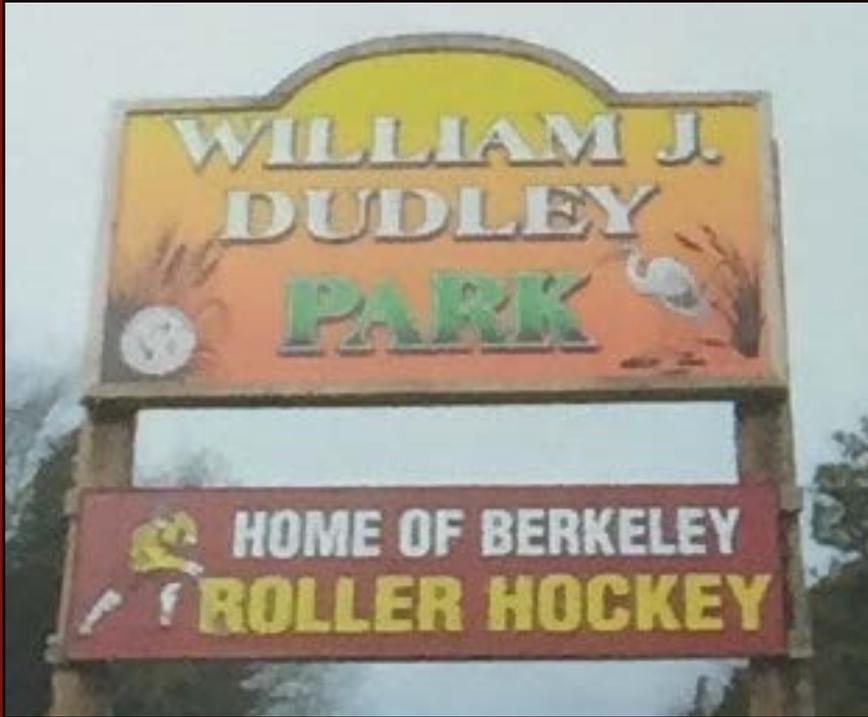
BAY BEACH: SEASIDE PARK



BUTLER BLVD. PARK



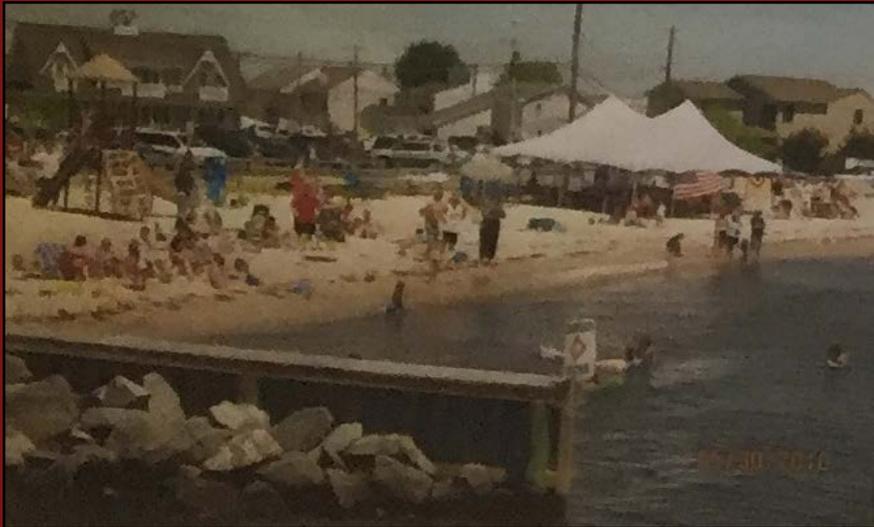
WILLIAM J. DUDLEY PARK



ALLEN ROAD PARK



AMHERST DRIVE BEACH



2012 / 2013 WINTER STORM

S. SEASIDE PARK



SEASIDE PARK

20th AVENUE



(2/2016)

20th AVENUE



(10/2018)

20th AVENUE



(10/2018)

PLANNING

Geography, Population, Income, Occupation, Housing

Berkeley Twp. 2020 Vision Statement

Berkeley Twp. 2008 Build-Out Summary

Berkeley Twp. Master Plan

Berkeley Twp. Fair Share Plan for Affordable Housing

Berkeley Twp. Land Use Ordinance, S. Seaside Park Zoning

Preserved Open Space

Park & Rec. Facilities / Rec. & Senior Citizen Programs

Environmental Resources

Historic & Cultural Resources

PLANNING

Public Safety

Public Transportation

Public & Private Schools

Public Libraries

S. Seaside Park Social Interaction & Commercial Activity

Quality of Life Issues

Public Utilities

Solid Waste & Recycling

&

Seaside Park Borough

PLANNING

Demographics

Unique Housing

Affordable Housing

Community Rating System (CRS)

&

Post Dandy Grants

TAX IMPACT

Eliminating the municipal revenue associated with S. Seaside Park would reduce Twp. revenues from \$31,067,136 to \$27,748,963 **(-\$3,318,173)**.

Eliminating the School District revenue associated with S. Seaside Park would reduce District revenues from \$28,252,361 to \$25,233,367. **(-\$3,018,994)**.

REVENUE IMPACT

**\$1,628,785 reduction w/ *no change in manpower*
*a loss of 5.2%.***

**\$865,541 reduction w/ the *elimination of 1 police car &*
attendant manpower
*a loss of 2.8%.***

**\$ 2,939 reduction w/ the *elimination of 2 police cars &*
attendant manpower
*a loss of 0.0%.***

REVENUE IMPACT

2014 Berkeley Twp.

Expenses **\$42,750,617.**

S. Seaside Park = **10.68%** of the Twp.'s Total Assessment.

\$4,645,207

should have been spent in S. Seaside Park

REVENUE IMPACT

2014 Berkeley Twp.

Expenses **\$42,750,617.**

S. Seaside Park = **10.68%** of the Twp.'s Total Assessment.

\$4,645,207

should have been spent in S. Seaside Park

EXPENDITURES ATTRIBUTABLE TO S. SEASIDE PARK

\$1,660,458

FINANCIAL IMPACT

2014 Berkeley Twp.

\$1,689,388 reduction *w/ no changes in manpower*
a saving of 3.82%.

\$2,452,632 reduction *w/ the elimination of 1 police car &*
attendant manpower
a savings of 5.55%.

\$3,321,112 reduction *w/ the elimination of 2 police cars &*
attendant manpower
a saving of 7.52%.

POST-D TAX INCREASE

Based on 2014 Berkeley Twp. tax rates
& *no changes in manpower:*

ASSESSED VALUE	BEFORE DEANNEXATION		UPON DEANNEXATION & COST SAVINGS		CHANGE			
	TOTAL TAX	LOCAL PURPOSE TAX	TOTAL TAX	LOCAL PURPOSE TAX	TOTAL TAX		LOCAL PURPOSE TAX	
\$100,000	\$1,955	\$610	\$2,057	\$646	\$102	5.21%	\$36	5.9%
\$183,600	\$3,589	\$1,120	\$3,776	\$1,185	\$187	5.21%	\$65	5.8%
\$200,000	\$3,910	\$1,220	\$4,114	\$1,291	\$204	5.21%	\$71	5.8%
\$250,000	\$4,888	\$1,525	\$5,142	\$1,614	\$254	5.21%	\$89	5.8%
\$350,000	\$6,843	\$2,135	\$7,199	\$2,260	\$356	5.21%	\$125	5.9%
\$479,900	\$9,382	\$2,927	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.
\$500,000	\$9,775	\$3,050	\$10,284	\$3,228	\$509	5.21%	\$178	5.8%
\$1,000,000	\$19,550	\$6,100	\$20,568	\$6,457	\$1,018	5.21%	\$357	5.9%

Median Assessed Value of Owner-Occupied Housing Units in Berkeley Twp.

Median Assessed Value of Owner-Occupied Housing Units in S. Seaside Park.

POST-D TAX INCREASE

Based on 2014 Berkeley Twp. tax rates & *the elimination of 1 Police Car & attendant manpower:*

ASSESSED VALUE	BEFORE DEANNEXATION		UPON DEANNEXATION & COST SAVINGS		CHANGE			
	TOTAL TAX	LOCAL PURPOSE TAX	TOTAL TAX	LOCAL PURPOSE TAX	TOTAL TAX		LOCAL PURPOSE TAX	
\$100,000	\$1,955	\$610	\$2,040	\$629	\$85	4.35%	\$19	3.1%
\$183,600	\$3,589	\$1,120	\$3,745	\$1,155	\$156	4.35%	\$35	3.1%
\$200,000	\$3,910	\$1,220	\$4,080	\$1,258	\$170	4.35%	\$38	3.1%
\$250,000	\$4,888	\$1,525	\$5,100	\$1,572	\$212	4.35%	\$47	3.1%
\$350,000	\$6,843	\$2,135	\$7,140	\$2,201	\$297	4.35%	\$66	3.1%
\$479,900	\$9,382	\$2,927	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.
\$500,000	\$9,775	\$3,050	\$10,200	\$3,144	\$425	4.35%	\$94	3.1%
\$1,000,000	\$19,550	\$6,100	\$20,400	\$6,289	\$850	4.35%	\$189	3.1%

Median Assessed Value of Owner-Occupied Housing Units in Berkeley Twp.

Median Assessed Value of Owner-Occupied Housing Units in S. Seaside Park.

POST-D TAX INCREASE

Based on 2014 Berkeley Twp. tax rates & *the elimination of 2 Police Cars & attendant manpower:*

ASSESSED VALUE	BEFORE DEANNEXATION		UPON DEANNEXATION & COST SAVINGS		CHANGE			
	TOTAL TAX	LOCAL PURPOSE TAX	TOTAL TAX	LOCAL PURPOSE TAX	TOTAL TAX		LOCAL PURPOSE TAX	
\$100,000	\$1,955	\$610	\$2,021	\$610	\$66	3.37%	\$0.00	0.0%
<i>\$183,600</i>	<i>\$3,589</i>	<i>\$1,120</i>	<i>\$3,710</i>	<i>\$1,120</i>	<i>\$121</i>	<i>3.37%</i>	<i>\$0.00</i>	<i>0.0%</i>
\$200,000	\$3,910	\$1,220	\$4,042	\$1,220	\$132	3.37%	\$0.00	0.0%
\$250,000	\$4,888	\$1,525	\$5,052	\$1,524	\$165	3.37%	-\$1.00	-0.07%
\$350,000	\$6,843	\$2,135	\$7,073	\$2,134	\$231	3.37%	-\$1.00	-0.05%
<i>\$479,900</i>	<i>\$9,382</i>	<i>\$2,927</i>	<i>n.a.</i>	<i>n.a.</i>	<i>n.a.</i>	<i>n.a.</i>	<i>n.a.</i>	<i>n.a.</i>
\$500,000	\$9,775	\$3,050	\$10,104	\$3,049	\$329	3.37%	-\$1.00	0.03%
\$1,000,000	\$19,550	\$6,100	\$20,209	\$6,098	\$659	3.37%	-\$2.00	0.03%

Median Assessed Value of Owner-Occupied Housing Units in Berkeley Twp.

Median Assessed Value of Owner-Occupied Housing Units in S. Seaside Park.

POST-D TAX INCREASE

Based on 2014 *Berkeley Twp. & Seaside Park* tax rates

BEFORE ANNEXATION			UPON ANNEXATION & COST SAVINGS		CHANGE			
ASSESSED VALUE	TOTAL TAX	LOCAL PURPOSE TAX	TOTAL TAX	LOCAL PURPOSE TAX	TOTAL TAX		LOCAL PURPOSE TAX	
\$100,000	\$1,308	\$449	\$1,165	\$329	-\$143	-10.93%	-\$120	-26.73%
\$183,600	\$2,401	\$824	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.
\$200,000	\$2,616	\$898	\$2,330	\$657	-\$286	-10.93%	-\$241	-26.84%
\$250,000	\$3,270	\$1,123	\$2,913	\$821	-\$357	-10.93%	-\$302	-26.89%
\$350,000	\$4,578	\$1,572	\$4,078	\$1,150	-\$500	-10.93%	-\$422	-26.84%
\$479,900	\$6,227	\$2,155	\$5,591	\$1,579	-\$636	-10.21%	-\$576	-26.73%
\$500,000	\$6,540	\$2,245	\$5,825	\$1,643	-\$715	-10.93%	-\$602	-26.82%
\$767,200	\$10,035	\$3,445	\$8,938	\$2,524	-\$1,097	-10.93%	-\$921	-26.73%
\$1,000,000	\$13,080	\$4,490	\$11,650	\$3,286	-\$1,430	-10.93%	-\$1,204	-26.82%

Median Assessed Value of Owner-Occupied Housing Units in Berkeley Twp.

Median Assessed Value of Owner-Occupied Housing Units in S. Seaside Park.

Median Assessed Value of Owner-Occupied Housing Units in Seaside Park.

POST-D TAX INCREASE

Based on 2014 Berkeley tax rates

ASSESSED VALUE	BEFORE DEANNEXATION		UPON DEANNEXATION & COST SAVINGS		CHANGE				
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& no changes in manpower									
\$183,600	\$3,589	\$1,120	\$3,776	\$1,185	\$187	5.21%	\$65	5.8%	
Elimination of 1 Police Car & attendant manpower									
\$183,600	\$3,589	\$1,120	\$3,745	\$1,155	\$156	4.35%	\$35	3.1%	
Elimination of 2 Police Cars & attendant manpower									
\$183,600	\$3,589	\$1,120	\$3,710	\$1,120	\$121	3.37%	\$0.00	0.0%	

Median Assessed Value of Owner-Occupied Housing Units in Berkeley Twp.

POST-D TAX INCREASE

Based on 2014 *Berkeley Twp. & Seaside Park* tax rates

BEFORE ANNEXATION			UPON ANNEXATION & COST SAVINGS		CHANGE			
ASSESSED VALUE	TOTAL TAX	LOCAL PURPOSE TAX	TOTAL TAX	LOCAL PURPOSE TAX	TOTAL TAX		LOCAL PURPOSE TAX	
\$479,900	\$6,227	\$2,155	\$5,591	\$1,579	-\$636	-10.21%	-\$576	-26.73%

Median Assessed Value of Owner-Occupied Housing Units in S. Seaside Park.

STATUTORY LAW

Refusal to consent to deannexation would be **detrimental** to the economic & social wellbeing of the majority of the residents of South Seaside Park

AND

Deannexation will **not cause a significant injury** to the wellbeing of Berkeley Twp.

BOTH CONDITIONS MUST BE PRESENT FOR DEANNEXATION TO BE GRANTED

POST-D TAX INCREASE

Based on 2014 Berkeley tax rates

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\$183,600	\$3,589	\$1,120	\$3,710	\$1,120	\$121	3.37%	\$0.00	0.0%	

Median Assessed Value of Owner-Occupied Housing Units in Berkeley Twp.

THANK YOU

QUESTIONS?