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4	IN THE MATTER OF:	4	BY MR. MICHE	LINI	6
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6		6			
7	Dinameld Vaguiak Dood	7			
8	Pinewald Keswick Road Bayville, New Jersey Thursday, November 2, 2017 6:15 p.m.	8			
9	6:15 p.m.	9			
10		10	I	EXHIBITS	
	BEFORE:	11	NUMBER D	DESCRIPTION	PAGE
12	Robert Winward, Chairman Brian Gingrich, Member Domenick Lorelli, Member Richard Callahan, Member John Hudak, Member	12	T-33 Re	esumé	4
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15	, and the second se		T-36 Me De	emorandum dated ecember 28, 2014	9
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23	LINDA SULLIVAN-HILL & ASSOCIATES CERTIFIED COURT REPORTERS	23			
24	LINDA SULLIVAN-HILL & ASSOCIATES CERTIFIED COURT REPORTERS 46 SOUTH LAKEVIEW DRIVE JACKSON, NEW JERSEY 08527 (732) 833-0001	24			
25	(732) 833-0001	25			
	APPEARANCES:  DASTI MIDDUY MCCIICKIN III.AKV	1		WINWARD: Okay. Up nex	4 t, no
2	DASTI MURPHY MCGUCKIN, ULAKY,	2	surprise to anyone,	the South Seaside Park	
3	DASTI, MURPHY, McGUCKIN, ULAKY, CHERKOS & COMMORS, ESQS. 620 W. Lacey Road Forked River, New Jersey 08731 BY: GREGORY McGUCKIN, ESQ.	3	Homeowners and Vote	ers Association De-annex	ation
4	BY: GREGORY McGUCKIN, ÉSQ. Attorneys for the Board			And it's being led by Jo	
5	O'MALLEY, SURMAN & MICHELINI, ESQS.			ore we get started, the	-
6	17 Beaverson Blvd. Brick, New Jersey 08723 BY: JOSEPH MICHELINI, ESQ. Attorneys for the Petitioners			eeds to make a couple con	
7 8	Attorneys for the Petitioners		that when you're	you'll be able to ask h	IIII about
9		9	-	MICHELINI: Okay. I thin	nk that!e
10		10		o which I would object.	
	ALSO PRESENT:		up to the board.		
12	<pre>Kelly_Hugg, Secretary</pre>	12	_	WINWARD: Okay. You may	proceed.
13	Nick Dickerson, Planner Styart B. Wiser, Planner	13	MR.	SLACHETKA: Thank you.	Actually,
14	Kelly Hugg, Secretary Nick Dickerson, Planner Stuart B. Wiser, Planner Rodney Haines, CPA Stanley C. Slachetka, Planner	14	a correction to the	e record, and also just	some
15		15	responses to a reque	est that Mr. Michelini ha	d at the
16		16	last meeting for do	cuments. First of which	n, I did
17		17	make copies of my r	resumé and CV. And I'll	give
18		18	that, a copy to the		
19		19		McGUCKIN: For the reco	
20			-	Michelini. Why don't we	
21				. If you give it back t	o Linda,
22			Stan, we'll mark it		22 f
23 24		23	(The identification.)	Resumé was marked as T	-33 IOT
25		25	•	SLACHETKA: The second	item
23		23	riiX .	omichining. The Second	

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1 Mr. Michelini had asked me with regards to meetings
                                                                1 look at the invoicing. And it is approximately
 2 that were held with regards to the Notre Dame pilot
                                                                2 100,000. So, that's consistent with my recollection
3 that Berkeley Township's participating in and who
                                                                3 and how I responded to Mr. Michelini. But, in doing
4 attended that meeting. I do have a -- there were
                                                                4 so, in reviewing that, I do want to put on record a
5 two meetings. One on May 18, and the other on
                                                                5 clarification with regards to a question that
6 June 1st of this year. I do have an agenda from the
                                                                6 Mr. Michelini had also asked me with regards to
7 May 18 meeting. And that also includes a list of
                                                                7 attendance at meetings as part of the de-annexation
8 the individuals and who participated in that
                                                                8 process. And I think I might have indicated that I
9 meeting. I think that my recollection is that, in
                                                                9 attended meetings. My initial meetings were in --
10 general, the people who participated on the May 18
                                                               10 at the end of 2015. And, actually, looking back on
11 meeting were the same individuals who participated
                                                               11 the invoices, I noted that there was a meeting on
                                                               12 December 29 of 2014 that I attended. And that was,
12 in the June 1st meeting, so.
                  MR. McGUCKIN: Let's mark it, Stan.
                                                               13 actually, rather than Mr. Camera being the
13
                  MR. WINWARD: Is that the T-33 or is
                                                               14 administrator or manager at that time, it was
14
15 that a different one?
                                                               15 Mr. Christopher Reed.
                  MR. McGUCKIN: T-33 was his resumé.
                                                                                  And so, Mr. Reed had requested our
16
17 This will be T-34.
                                                               17 attendance, T&M's attendance, at the meeting. And I
18
                  (The Agenda was marked as T-34 for
                                                               18 attended that meeting. I had -- had assumed or I
                                                               19 thought that there was a subsequent meeting, a
19 identification.)
                  (Off the record.)
                                                               20 second meeting. I didn't see it in any of my files
                  MR. SLACHETKA: I don't know if this
                                                               21 or records. That's not to say that it could be part
21
22 is the appropriate time to mark these in as well.
                                                               22 of, part of meetings that we had on a regular basis
23 They were in a response to questions that
                                                               23 with the township. But I -- specifically, looking
24 Mr. Michelini had, but I would -- I may want to kind
                                                               24 back at the information, it was at the end of
25 of add a little bit more information. But, for now,
                                                               25 December 2014. And I believe, at that point,
```

Mr. Michelini had a question to me 3 with regards to the nature of the American Community 4 Survey, how data is collected and information is 5 collected, how it's used. And we have a document 6 from the U.S. Census that I thought was a really 7 good, thorough overview of that. So, I think it 8 would be helpful for the board to understand the 9 data. And I'll provide that to Mr. Michelini. And, 10 obviously, you know, we can talk about that in more 11 detail, so. 12 And I have -- there's, I think, 13 copies for individual board members for that one.

1 I think I could just distribute it.

MR. McGUCKIN: That will be T-35.

(The U.S. Census document was marked 15

16 as T-35 for identification.)

MR. SLACHETKA: And then, finally,

18 Mr. Michelini had asked me, actually, a couple of

19 questions. They kind of relate to each other.

20 First question he was asking me with

21 regards to the, our order of magnitude of the

22 amounts invoiced for the de-annexation hearing. I

23 think we were talking about something on the order

24 of a little bit more than 100,000 or somewhere in

25 that range. And we did check our records. I took a

1 Mr. Wiser had just released a memorandum to the

2 township that basically outlined the de-annexation

3 process and some key issues relating to

4 de-annexation. And that was the -- that December 29

5 meeting, that was the subject of that December 29

6 meeting, similar to what I presented on the record.

7 So, I just wanted to make sure that that was

8 clarified.

MR. WINWARD: Do you have anything

10 else?

11 MR. SLACHETKA: Not at this time, no.

12 MR. WINWARD: Okay. Mr. Michelini.

13 You may proceed with your cross-examination.

MR. MICHELINI: Sure. Thank you.

15 Joseph Michelini appearing on behalf of the petition

16 signers for South Seaside Park.

17 EXAMINATION BY MR. MICHELINI cont'd:

Mr. Slachetka, with regard to what 0

19 you just mentioned, the memo to the township

20 prepared by Mr. Wiser, do you have a copy of that?

And I hope you don't mind, I'm going 21 Α

22 to stand.

23 0 No, that's fine.

Yes, I do. I have a copy of that. 24 Α

25 0 Do you have it with you?

Have you ever looked at any of his Yes, I do. 2 reports that he prepared in those other matters? 0 Can I see it, please? 2 MR. MICHELINI: Why don't we have No, I have not. 3 Α 4 this marked as a township exhibit. What are we up 4 And he never told you what his 0 5 opinion was in those matters? 5 to thirty --MR. WINWARD: Be T-36. Actually, no, we did not discuss it. 6 6 Α (The Memorandum dated December 28, So, you don't know whether he gave an 7 7 8 2014 was marked as T-36 for identification.) 8 opinion on behalf of individuals seeking to de-annex 9 (Off the record.) 9 or not? 10 Q Okay. Mr. Slachetka, I show you what 10 Α Yeah, actually, as I said, we did not 11 is Township 36. And just for the record, if you 11 discuss the substance or his recommendations. 12 would identify it, please. And this was for a meeting, the memo Q Α Yeah, absolutely. It's a memorandum 13 is dated December 28, 2014, correct? 14 to Christopher Reed, Esquire, Berkeley Township 14 Α That is correct. 15 Administrator, from Stuart P. Wiser, PP AICP. The Purporting to outlay the overview of 15 16 date is December 28, 2014. Subject is overview of 16 the de-annexation process? 17 municipal de-annexation process. Α That's correct. And what does the memo consist of? I 18 Q All right. Who was at that meeting? 19 As I said, I don't have minutes or 19 haven't had the opportunity to read it. Α As I indicated, there's subheadings. 20 meeting or attendance. I think I gave my general 21 So, if you can just give that back to me and I'll 21 recollection of the individuals. But I really can't 22 take a look. 22 recall who specifically was at the meeting. 23 Q Sure. Well, in terms of general An anticipated -- one heading is 24 recollection, do you know if anybody else from your Α 25 anticipated schedule of events. And just outlining 25 office was there? 12 1 the time frame and what would be expected in terms Yeah. And, actually, that's another Α 2 of testimony. The governing statute and case law. 2 clarification. I think at the last meeting I might 3 have, or last hearing, I might have indicated 3 Another subject at the hearings. In general, it's 4 kind of a, if I would categorize it, sort of a 4 Mr. Dickerson was at that meeting. He was not at 5 general overview of the de-annexation process and 5 that meeting. I believe Mr. Oris might have been at 6 orientation of familiarization of the reader to the 6 that meeting. So, it would have been myself and 7 process. 7 Mr. Oris. And I presume it was prepared because Why would you need two planners from 8 Q 9 Mr. Wiser has been involved in that process 9 T&M at that meeting?

10 previously?

I'm not sure why it was prepared. Α

12 Certainly, Mr. Wiser can respond to that.

Well, do you know whether or not he

14 had been involved in that process previously?

It is my understanding he has been.

16 But I'm not sure what the specific reason or

17 rationale for crafting that memo was.

Do you know if in any of the 18

19 de-annexation matters that Mr. Wiser was associated,

20 if he ever determined that it was in the best

21 interest of the part of the town seeking to de-annex

22 to go ahead and de-annex?

I'm not aware of Mr. Wiser's record

24 in terms of his participation to that level of

25 detail, no.

Α Well, Mr. Oris is actually the 10

11 department head of the planning department. And I,

12 essentially, work for T&M and I work for Mr. Oris.

Right. But in this particular 0

14 matter, you're in charge? That's what you testified

15 to last time?

I'm the one who is -- yes, I'm in Α

17 charge of the report, the preparation of the report.

Right. And do you know if the 0

19 township planning board attorney, Mr. McGuckin, was

20 there?

He might have been there. 21 Α

22 Q You don't know?

23 Α I can't recollect.

Do you know if anybody from the 24 Q

25 council was there?

```
15
                                                 13
                  Good question. I don't know.
                                                                1 that's not what it said in the record in there. But
 2
          Q
                  Do you know if the mayor was there?
                                                                2 you're implying that the board members were
 3
                  I think the mayor was at that
                                                                3 present --
          Α
 4 meeting. I believe so.
                                                                                 Well, the next it says, board members
                                                                4
                                                                         Q
                  Do you know if there were any other
                                                                5 are urged to fight the natural tendency to argue
 5
          0
6 attorneys there?
                                                                6 with witnesses. Do you see that?
7
          Α
                  That I don't recollect.
                                                                         Α
                                                                                 That's correct. It does say that.
8
          Q
                  Do you know how many people were at
                                                                          Q
                                                                                 Okay. So, this would appear to be
9 that meeting? Was it more than five?
                                                                9 prepared to be given to board members, right? It's
                                                               10 got direction to board members --
10
          Α
                  Possibly.
11
          Q
                  Do you know if anybody kept notes of
                                                                         Α
                                                                                  -- isn't that right?
12 that meeting?
                                                               12
          Α
                  That I don't know.
                                                                         Α
                                                                                 Yes. But I'm not sure if it was
13
                                                               13
                                                               14 given. Again, Mr. Wiser can better describe the
14
          0
                  Where was that meeting held?
                  I believe it was -- well, actually,
                                                               15 distribution of that memo than I can.
15
                                                                                 MR. WINWARD: Can you clarify which
16 it was held here at the municipal building. I'm not
17 sure what specific office, but it was here at the
                                                               17 board you're referring to? You're saying board
18 municipal building.
                                                               18 members.
                                                               19
          Q
                  Now, I want to point you to a couple
                                                                                 It's talking about the planning
20 of statements in the memo on page three. It says,
                                                               20 board, is it not? If you go to the hearings, it
21 in order to satisfy their burden of proof -- and
                                                               21 says, just as with -- just before this, within this
22 I'll read it just for sake of time.
                                                               22 paragraph heading, it says just as with any hearing
          Α
                  Yeah, not a problem.
                                                               23 before a planning board, the board can expect to
                  Petitioners will undoubtedly testify
                                                               24 hear from professional and lay witnesses. All
25 that being a part of Berkeley Township is causing
                                                               25 witnesses are sworn and board members may ask
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1 them social and economic harm that will be
2 alleviated if they are permitted to de-annex and
3 join Seaside -- with Seaside Park. It is likely
 4 that they will provide testimony as to hardships
5 they face as part of Berkeley Township. And some of
6 these hardships might be viewed by the township
7 and/or board members as being exaggerated or worse.
8
          Do you see that?
9
                  Is that an accurate statement?
10
11
                  That's, that's exactly what's
          Α
12 presented here.
13
                  So, it would appear that Mr. Wiser
14 was telling the board members that some of the
15 testimony to be provided might be exaggerated?
                  MR. McGUCKIN: Hold on.
16
                  Or worse?
17
          Q
                  MR. McGUCKIN: There's nothing about
18
19 board members being there.
                  MR. MICHELINI: No, it says board
21 members. Might be viewed by the township and/or
22 board members as being exaggerated or worse.
```

Did I say that correctly?

MR. McGUCKIN: I'm not arguing that

Yes, you did.

Q

Α

23

24

25

1 questions of any witness. 2 Α That's correct. 3 Q It's within that section where it's 4 talking about board members, correct? That is correct. 5 Α So, it would appear to be talking 6 Q 7 about planning board members, correct? I would assume so, yes. Α And then there are a number of 10 information, initial information request items which 11 are indicated as a baseline of information that is 12 requested. And it says, based on prior 13 de-annexation hearings, the following baseline 14 information is requested. Do you see that? Α 15 Yes, I do. Q And it talks about most recent master 16 17 plan, right? 18 Α Yes. 19 0 Tax rates and a number of things 20 going on and on. 21 Α Right. Right? And at the end of that list 23 of items that will -- that is being requested of 24 someone, I'm not sure of whom, quite frankly, it

25 says, additional information will be required as the

- 1 process unfolds, but this is what was useful in
- 2 Strathmere and Egg Harbor Township.
- 3 Do you see that?
- 4 A Yes, I do.
- 5 Q Does that refresh your recollection
- 6 that Mr. Wiser was, in fact, involved in Strathmere
- 7 and Egg Harbor Township?
- 8 A Well, you didn't ask me that. You
- 9 asked me if he was involved with other cases. And
- 10 as I said, I was aware that he was involved in other
- 11 cases
- 12 Q Well, do you know for a fact that he
- 13 was involved in Strathmere and Egg Harbor Township?
- 14 A I could only take, take him at his
- 15 word that, as he presented that in the memo.
- 16 Q Do you know the results in those two
- 17 cases?
- 18 A No, I do not.
- 19 Q You're not aware that Mr. Wiser in
- 20 both of those situations recommended that
- 21 de-annexation not occur?
- 22 A As I said before, we did not talk
- 23 about the substance. I have not had any
- 24 conversation about the substance of those specific
- 25 cases with Mr. Wiser.

- 1 meeting, that the American Community Survey data is
- 2 not based upon as much information as the Census is,
- 3 the U.S. Census, which occurs every ten years,
- 4 correct?
- 5 A That is correct. That's what I
- 6 testified to.
- 7 Q Right. Is that true?
- 9 further clarification.
- 10 Q Well, it's a real simple question.
- 11 Is that true or not true? Last time you testified
- 12 that it wasn't as reliable because it didn't contain
- 13 as much data. That was your testimony,
- 14 Mr. Slachetka.
- 15 A That is correct.
- 16 Q Okay. Was that testimony true or not
- 17 true?
- 18 A But --
- 19 Q It's a simple question. Is the
- 20 testimony true or not true?
- 21 A Yeah, if I'm -- if I recall
- 22 correctly, I had indicated that it's -- it was --
- 23 it's information that's collected on a survey basis.
- 24 Not the same extent as a U.S. Census. However, I
- 25 don't recollect whether I discussed anything with

- 1 Q As you stand here today, you are
- 2 standing, do you have any recollection --
- 3 A I appreciate your courtesy on that
- 4 one.
- 5 Q Do you have any recollection at all
- 6 as to whether or not board members were there or not
- 7 there at the time of this meeting?
- 8 A Yeah, I don't recollect that there
- 9 were any board members there at the time. But,
- 10 again, I don't have an attendance list.
- 11 Q Do you know if the board members were
- 12 given this memo?
- 13 A That I do not know.
- 14 Q Do you have any notes from that
- 15 meeting in December?
- 16 A No, I do not.
- 17 Q Of 2014?
- 18 A Yeah. No, I do not.
- 19 Q Last time we were here was September
- 20 of 2017, correct?
- 21 A Yes
- 22 Q And we were talking, among other
- 23 things, about the American Community Survey?
- 24 A That is correct.
- 25 Q And you indicated that, at that

1 regards to specifics with regards to accuracy. And
2 that's the reason why I did some further research

20

- 3 and provided the document on the ACS to the board
- 4 this evening.

- 5 Q Well, didn't you indicate that the
- 6 testimony given last time -- at the testimony given
- 7 last time, that the information in the Census was
- 8 more accurate because it contained -- it was based
- 9 on more data? Did you say that or --
- 10 A I didn't -- I don't think I suggested
- 11 it was more accurate. But I'm willing to listen to
- 12 what my responses were.
- 13 Q I'm going to read you from page 104
- 14 of the transcript from last time.
- 15 A Sure.
- 16 Q "Question: I didn't ask you if it
- 17 was relied on by planning professionals and other
- 18 professionals. I'm asking you whether or not the
- 19 Census data, as compared with the ACS data, is 20 generally more reliable because there's more
- 21 information gathered?
- 22 "Answer: Yeah. Of course.
- 23 Is that -- was that --
- 24 A And so --
- Q And then my response is: Of course.

And your answer is, yeah. 2 Is that accurate? Is that an accurate 3 reading of the transcript? It's an accurate reading of the 4 Α 5 transcript. Thank you. That's the end of the 6 Q 7 question. 8 Α Okay. 9 Next. The ACS information, does it 0 10 count the number of permits that are used or that 11 have been issued annually, say, from one year to 12 another to determine how many new buildings have 13 been erected during a period of time? When you ask, when you say permits, Α 15 what do you mean by permits? I mean permits. I mean permits 16 Q 17 obtained from the town for construction. No, the information that's collected 19 in the ACS is not building permit data that's 20 collected from the township. Right. And that would be very Q 22 accurate, would it not, building permit data in 23 terms of how many additional structures have been 24 added? A 25 Yes, it would be.

1 while the ACS data is not going to get into as fine 2 of a detail, when I say -- when I was talking about 3 reliable, looking at specific, you know, areas and 4 getting down to the, potentially, the block level, 5 it still is used and relied very, very much by 6 planning officials and demographers and federal and 7 state grant agencies as a determination of 8 population. So I'm very, very comfortable in 9 relying on that. So, even though it's less reliable 0 11 than Census data, it's still relied upon by 12 professionals; that's what you're telling us, 13 correct? 14 Α And, again, you're using --Is that true or not? 15 Q No, you're using --16 Α Q Excuse me. 18 Α Excuse me, but I --19 Q Please. It's a simple question. 20 Even though -- let's just listen to the question. 21 Even though it's less reliable than Census data, 22 it's still relied upon by professionals in the field 23 such as yourself? Is that true or not? Α Well, I think to answer the question, 25 we have to delve into --

24

Okay. And you didn't look at that, 1 0 2 correct? No, I did not. And you determined that there's been 5 an increase in population in South Seaside Park, I 6 believe, after 2012, such that it's approximately 7 two percent of the population of Berkeley Township 8 as opposed to one percent; is that accurate? That is correct. Okay. And that was determined based 10 11 on the ACS information, correct? Α Yes, it is. 13 Okay. But if one were to look at 14 permits issued from 2012, let's say, to 2015, that 15 would be a very accurate determination -- method of 16 determining households in, new households, in South 17 Seaside Park, correct? Α Well, you're kind of mixing 18 19 information. 20 0 Okay. Building permit data and household 22 formation is two separate things. Also, in terms of 23 population, identification of population --

-- and the amount of population,

Q

Α

24

25

1 Q It's a yes or no question. Α No, actually, it's not a yes or no 3 question, Mr. Michelini. I'll move on. I'll ask another Q 5 question. Α Okay. 6 Q If the numbers that you relied upon 8 in the ACS are inaccurate, then your conclusions 9 would be inaccurate, would they not? Α First of which is premised on an 10 11 incorrect assumption. The ACS data is not 12 inaccurate. 0 I didn't -- I didn't ask you to 14 analyze the assumption in my question. What you're doing is asking me to 15 16 spec --I'm asking you to assume -- we'll 18 make it easier. Assume for a minute that the ACS 19 information is inaccurate. If it is, then your 20 conclusions would be inaccurate because you relied 21 upon it, correct? Α Well, which conclusion? First which, 23 which conclusions are we talking about? Did you rely upon it in any way? 24 Q I relied on the ACS information, yes. 25 Α

- 1 Q Did you draw any conclusions from it?
- 2 A Yes, I did.
- 3 Q Okay. So, the conclusions that you
- 4 drew from the ACS data, to the extent that you
- 5 relied upon them, would be inaccurate if the ACS
- 5 refled upon them, would be inaccurate if the Act
- 6 data was inaccurate; isn't that correct? Very
  7 simple.
- 8 A Again, you're making -- you're making
- 9 an assumption. And that's an assumption that -- and
- 10 a speculation that that information is, in fact,
- 11 inaccurate. And it's my, my contention, it's not
- 12 inaccurate. And as -- and probably what's more
- 13 important is, as it was used and presented, it was
- 14 presented in the report in an appropriate manner.
- 15 Q You talk about a one percent loss of
- 16 population -- I'm sorry. You talk about South
- 17 Seaside Park being one percent of Berkeley. But
- 18 according to the ACS -- you disagree that it's one
- 19 percent of the Berkeley population. And you say,
- 20 based on the ACS information, it's two percent; is
- 21 that correct?
- 22 A No, actually, what the -- the point
- 23 of that passage and the point of the information was
- 24 providing two reference sources. The first was the
- 25 2010 Census to identify the order of magnitude of

- A And, again, as I -- and, again, as I
- 2 indicated to you, with regards to when using the
- 3 term reliable, it's from a, as a statistical basis,
- 4 but not necessarily as unreliable as a source of
- 5 data and information for providing policymakers and
- 6 decision makers information about populations in an
- 7 area.
- 8 Q With all due respect, I hope you
- 9 don't talk to your children this way. They'll never
- 10 understand you.
- 1 A Mr. Michelini, that was -- that
- 12 actually was kind of disrespectful. Mr. Michelini,
- 13 can you apologize?
- 14 Q I'm not going to apologize, because
- 15 you will not answer my question.
- 16 A No, that remark was -- bringing my 17 children in was inappropriate, Mr. Michelini.
- 18 Q I'm sorry that you feel that way.
- 19 What is the margin of error on a percentage
- 20 basis of the ACS data? Are you aware of it?
- 21 A Not off the top of my head, no.
- 22 Q Do you have information which shows
- 23 it or no?
- 24 A I'm not sure it's -- I don't know if
- 25 it's referenced in this reference document or not.

- 1 population. And then looking at the 2015 ACS data
- 2 to, A, identify if there's any transient; B, also
- 3 provide another source of information in terms of
- 4 the order of magnitude of the Berkeley -- the
- 5 portion of Berkeley Township that the South Seaside
- 6 Park population represented.
- 7 Q Regardless of what your point is, I
- 8 will ask a question, I'd like you to answer it. The
- 9 2010 Census information, which is based upon more
- 10 reliable information, shows that the population in
- 11 South Seaside Park is one percent of the overall
- 12 population, correct? Is that correct?
- 13 A The 2010 shows it as 41,000 in
- 14 Berkeley Township, approximately, and a population
- 15 in South Seaside Park at 490, which is about 1.2
- 16 percent of the township's population.
- 17 Q So, the answer is yes to my question,
- 18 about one percent?
- 19 A Just, just specifically with regards
- 20 to the Census data, correct.
- 21 Q Well, that's all I was asking about.
- 22 And the ACS data, which you have already
- 23 admitted is less reliable than Census data, shows
- 24 that it's two percent of the population, isn't that
- 25 correct, as of 2015?

- 28
- 1 Q All right. Well, I'm not going to
- $2\,$  ask you to waste time.
- 3 A Okay.
- 4 Q Are there unbiased estimates of
- 5 variance or margin of error for the ACS?
- 6 A I would assume so, yes.
- 7 Q But you don't know?
- 8 A Well, I mean, I would assume that
- 9 there would be some statistical foundation that
- 10 would be provided by the U.S. Census. I don't have
- 11 it off the top of my head, though.
- 12 Q So, you're making an assumption,
- 13 correct?
- 14 A Again, yes, I'm assuming that there
- 15 is, but I don't know specifically whether or not
- 16 there is a specific reference.
- 17 Q Do you know what the process is by
- 18 which variance and margin of error are determined in
- 19 the ACS?
- 20 A No, I do not.
- 21 Q So, you would not be able to then
- 22 know how that compares with the variance and margin
- 23 of error with the Census, correct?
- 24 A That is correct.
- 25 Q The last time we were here, you spoke

Sure.

29 1 at length about the GIS Notre Dame program. Do you 2 recall that? 2 me. 3 Α 3 Yes, I do. Α 0 Did you happen to bring any documents 4 4 5 with you relating to that program other than, I 6 think we have an agenda. T-34 is an agenda, 7 correct? Α Yes, I provided that. And I also 9 have a one sheet that basically outlines the general 10 rationale of why the two pilot programs were 11 selected. 12 Do you have that with you? Yes, I do. 13 Α 13 14 Ω Could I see that, please?

(The Pilot programs selection 15

16 criteria was marked as T-37 for identification.)

Let me show you what's been marked

18 T-37 in evidence. Can you tell us what that is?

Yes, it's a sheet from a presentation

20 that the Notre Dame representatives had provided to

21 us at that -- at the May 18 meeting that I had

22 represented. And it had indicated in a general

23 sense the selection criteria for the two pilot

24 programs. It says on the heading, it says, why

25 Keansburg. But as indicated to us at the meeting

I would ask that you provide that to

0 All right. Mr. Slachetka, you also 5 indicated that you had other notes and records from

6 the Notre Dame program. Did you bring those here

7 with you today?

Α That's what I was indicating before, 9 is, I had the slide presentation. I don't have any

10 specific notes or records, other than the

11 information that Notre Dame provided to us. And, as

12 I said, I can provide those things to you.

And this program is scheduled to be Q

14 completed in May of 2018?

15

Α That is correct.

And I will represent to you that it 16 Q 17 is extremely unlikely that the entire de-annexation

18 process will be done by then. So, whether or not

19 de-annexation occurs --

2.0 Α That's --

21 -- the program will be completed? 0

That's -- as far as when the 22 Α

23 completion of the de-annexation process, that's your

24 representation.

Q It is my representation. 25

1 with Notre Dame here at Berkeley Township, they said

30

2 the selection criteria was basically the same for

3 Berkeley Township and Keansburg. So, they decided

4 they weren't going to duplicate the slide.

Q Other than this sheet of paper, this

6 single sheet of paper marked T-37, which says, Why 7 Keansburg, do you have any other documentation --

8 and the agenda, which has been marked T-34, do you

9 have any other documentation from this pilot

10 program?

11 No, not with me tonight. Α

12 0 You don't have any?

13 Α I didn't say I don't have any. I

14 don't have any with me.

Well, what else exists? 15 0

There's a general slide presentation 16

17 that was provided, that Why Keansburg is part of the

18 analysis.

And who prepared that general slide 19

20 presentation about Keansburg?

That was prepared by the

22 representatives from Notre Dame.

23 Do you have a copy of that slide Q

24 presentation?

Α Yes, I can provide you with a copy.

Okay. Fine. 1 Α

So, assuming that representation to

32

3 be true, this program is scheduled to be completed,

4 most likely, prior to de-annexation, this process

5 completed, correct?

6 Α It's going to be anticipated to be 7 completed in June 2018 based upon what Notre Dame

8 had indicated to us. But assuming that -- assuming

9 that that schedule takes place and assuming that the

10 de-annexation process is still ongoing, then it

11 would be completed before de-annexation. Those are

12 two assumptions that we -- I'm not sure that we can

13 rely on, basically.

All right. And even if de-annexation

15 does occur, it will have no effect on the completion

16 of that program, correct, to the best of your

17 knowledge?

18 When you say no effect --Α

No effect on whether that program 19 0

20 goes forward and gets completed or not?

I'm not sure, but --21 Α

Well, let me ask you specifically.

23 Have you contacted Notre Dame and said there's a

24 de-annexation process going on, hold on, don't

25 finish?

```
33
                                                                                                                35
                  No. No. Of course not.
                                                                                They could be planners. They could
 2
          Q
                 Has anybody in your office done that?
                                                                2 be engineers.
 3
                                                                                Okay. And what does that certified
          Α
                 Has anybody on this board, the board
                                                                4 floodplain manager certificate -- what is that?
 4
          0
5 professionals done that, to the best of your
                                                                                Again, what do you mean, what is
6 knowledge?
                                                               6 that?
                  No, not to the best of my knowledge.
7
          Α
                                                               7
                                                                                What is it? Do you have to go to
          Q
                  So, that process is going to go
                                                               8 take a course for that?
9 forward and be completed in May of 2018 if it's on
                                                               9
                                                                         Α
                                                                                You know, I don't know all the
10 schedule, correct?
                                                              10 specifics of the accreditation on the certified
          Α
                  That is correct.
                                                               11 floodplain manager program. And I'll try not to say
                                                               12 that three times fast. But I would imagine that
                 So, it's -- apart from de-annexation,
13 de-annexation should have no effect on the
                                                              13 there's some educational requirements and some
14 completion of that program; isn't that right?
                                                              14 fundamental requirements that you have to meet. I
                 On the completion of that program,
                                                              15 don't have the specifics of that. I don't know the
16 that is correct.
                                                              16 specifics of what they would --
          Q
                And as a pilot program, if
                                                                         Q
                                                                                Is that a program that's designed or
18 successful, and as you point out, if funding is
                                                              18 put out by the DEP of the State of New Jersey?
19 available, it would be available statewide?
                                                                                I don't know if it's -- again, I
                                                              19
                                                                         Α
                And, again, if funding is available.
                                                              20 don't know if it's a DEP program. It may very well
21 And we don't know if funding will be available,
                                                              21 be but I --
22 that's speculation.
                                                                                Or it could be a federal government
                                                                         Q
          Q
                  That's always the case with
                                                              23 program, right?
24 government programs, correct? They're always
                                                                                Yeah, because you said FEMA. So,
                                                                         Α
                                                              25 it's possible. But, again, I don't want to
25 subject to funding?
```

```
34
                                                                                                                 36
                  That is true.
                                                                1 speculate. I don't have the specifics of the
1
          Α
          Q
                  Now, with regard to another acronym,
                                                                2 accreditation process or the agencies or entities
3 CRS, what's CRS?
                                                                3 that are -- that basically handle the certification.
                  Community Rating System.
          Α
                                                                         Q
                                                                                 So, I take it you are not a certified
                  And you talked about that
5
          Q
                                                                5 floodplain manager?
6 extensively?
                                                                6
                                                                         Α
                                                                                 One, one would make that assumption,
7
          Α
                  Yes.
                                                                7 based on the information I just gave you.
                  Do you recall that?
                                                                                 And that's accurate, correct?
8
          Q
                                                                8
                                                                         Q
9
                  Yes, I do.
                                                                9
                                                                         Α
                                                                                 That is accurate, yes.
                  And that's the -- Community Rating
                                                                                 And somebody who is a certified
10
                                                               10
11 System is the rating system that's used by the flood
                                                               11 floodplain manager, would they be in a better
12 insurance program operated by FEMA, correct?
                                                               12 position to provide testimony regarding how the CRS
13
          Α
                  That is correct.
                                                               13 system works?
                  And are there special certifications
                                                                                 Yes, a certified floodplain manager
                                                                         Α
15 that exist with regard to the Community Rating
                                                               15 could provide detailed information about how the CRS
16 System?
                                                               16 system works, how the rating systems work.
17
          Α
                  What do you mean by that?
                                                                                 And they would be better suited to
                  Well, is there a -- isn't there a
                                                               18 give an opinion, for example, for determining the
19 certified floodplain manager certification of some
                                                               19 rating for each municipality with regard to the
20 type?
                                                               20 flood insurance program, correct?
                 Yeah, there is. Those are
                                                                                 That would be correct, yes.
                                                               21
                                                                         Α
22 professionals that are involved with floodplain
                                                                                 Now, the CRS, the Community Rating
23 management. That's correct.
                                                               23 Standard, does that apply only to new flood policies
                 And who are those professionals? Are
                                                               24 or to renewals as well, if you know?
25 they planners? Engineers? Who are they?
                                                                                 Yeah. I don't know if it's -- if it
                                                                         Α
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1 applies to both. It may. But, again, I don't want
2 to speculate on that.
3
         Q
                 So, you don't know?
4
                 I don't know.
         Α
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- So, it's possible that somebody who
- 6 lives in South Seaside Park who's continuously
- 7 renewed their flood policy might get the benefit of
- 8 Berkeley's rating, even if de-annexation occurs?
- 9 Α Well, I don't know that.
- 10 0 Well, if you don't know whether or
- 11 not it applies to renewals or not, then it's
- 12 possible that those people who continue to pay their
- 13 premium, in the event of de-annexation, who've had a
- 14 flood policy, that they may continue to get the
- 15 benefit of the prior rating that Berkeley had?
- As I said, I can't attest to that.
- 17 But I'm not suggesting that that is, in fact, the
- 18 case.
- But you're not suggesting it isn't 19
- 20 the case either?
- Α I'm not suggesting --21
- You don't know? 22 Q
- 23 -- either way. Yes.
- Are you familiar with the concept of
- 25 grandfathering or keeping premiums the same, even

- 1 in your testimony, that it wouldn't help
- 2 Seaside Park --
- Α 3 No.
- 0 -- if de-annexation occurs? You 4
- 5 didn't say that?
- Α I don't believe I said that with 6 7 regard to Seaside Park.
- Q What about South Seaside Park, you
- 9 don't think it would help the members of South
- 10 Seaside Park if de-annexation occurs, because
- 11 Seaside Park has a different rating than Berkeley,
- 12 correct?
- 13 Α Yeah, that is correct.
- 14 Q But -- and the difference in the
- 15 premiums would be five percent, correct?
- Yes, I think it was 15 percent 16 Α
- 17 currently in Seaside Park and it's currently
- 18 20 percent in Berkeley Township. And I believe that
- 19 the township is proposing to increase -- or decrease
- 20 the CRS number, increase the CRS rating to get it up
- 21 to 25 percent in 2018.
- But you don't know if that's going to 22 Q
- 23 happen, correct?
- Α Well, I know that the reports had
- 25 been prepared that provides justification for the

38

- 1 though the flood map changes?
- Α That I'm not aware of.
- 3 So, you don't know whether that would
- 4 apply in the event of de-annexation either, do you?
- No, I do not. 5 Α
- Have you contacted any insurance
- 7 agents or insurance companies regarding the effect
- 8 of de-annexation upon the CRS rating and whether or
- 9 not it would change for those who live in Berkeley
- 10 in the event of de-annexation?
- 11 No, I have not contacted anyone.
- 12 Now, do you know exactly what the
- 13 standard is for the CRS rating?
- I know some of the general criteria
- 15 used for -- that gets evaluated in establishing the
- 16 CRS, but not the specific criteria as it relates to
- 17 specific point levels.
- 0 So, you only know generally? 18
- 19 Α
- 20 But you've given an opinion that it
- 21 would not help Seaside Park in their CRS rating if
- 22 de-annexation occurs? Haven't you given that
- 23 opinion?
- That it would not help Seaside Park? 24 Α
- 25 0 That's correct. Didn't you say that

1 increase. But that has not yet gone into effect.

- 2 Q But you don't make that decision,
- 3 correct?
- No, I do not make that decision.
- 5 Q Who makes that decision?
- I believe that -- well, again, let me Α
- 7 back up. I think that -- I think it's the DEP.
- 8 But, as I said before, I'm not sure which agency is
- 9 specifically the one that makes that determination.
- 10 Could be FEMA.
- 11 And so the CRS rating can change Q
- 12 annually; is that what you're telling us?
- Α Well, it could change if, one, if the
- 14 municipality doesn't sustain some of the activities
- 15 that go into the CRS rating. It could increase --
- 16 it could -- in other words, increase or be better,
- 17 assuming that the municipality implements certain
- 18 activities that would increase its CRS rating. So,
- 19 it's not something that -- it's something that would
- 20 take place, a change would take place, if, A, the
- 21 municipality was not doing what it had indicated it
- 22 was doing in the CRS process, or, B that it had
- 23 added on other features that it would allow it to
- 24 get a better CRS rating.
- 25 0 How -- I'll ask the question another

```
41
                                                                                                                  43
1 way -- how often can a CRS rating change for a
                                                                                  -- didn't know where you were going
 2 municipality? Is it annual?
                                                                 2 on that one.
3
                  I'm not sure whether it's annual or
                                                                          Yeah, that's -- if it's five percent,
                                                                 4 whatever five percent of a thousand, which would be
 4 not.
                  So, you don't know if your CRS rating
 5
6 is good for two years? One year? Three years?
                                                                                  So, if the flood premium was a
 7 Five years? You don't know?
                                                                 7 thousand dollars annually for a home in South
          Α
                  Not off the top of my head, no.
                                                                 8 Seaside Park and they became part of Seaside Park,
9
                  And you don't know what the CRS
                                                                9 according to your numbers as it is today, could
          Q
10 rating will be for Seaside Park next year, correct?
                                                                10 change, we've already indicated that, there would be
                  That's correct.
                                                                11 about a $50 difference in premium?
12
                  And that could get better; isn't that
                                                                                  Yeah. But you know that -- that it's
          Q
                                                                13 dependent upon what ultimately the -- if there's
13 correct?
                                                                14 going to be any change to the premiums. There's so
14
          Δ
                  It could, yes.
                  And even -- what's the average flood
                                                                15 many different factors. I'm not going to suggest
15
          0
16 insurance premium for somebody in South Seaside
                                                                16 that everybody is going to be saving just $50 on
17 Park? Do you have any idea?
                                                                17 their premiums.
18
                  I don't have that information, no.
                                                                18
                                                                          Q
                                                                                  Some might save more, some might save
                  Do you know if it's a thousand
19
                                                                19 less, correct?
                                                                                  That is correct. That is correct.
20 dollars?
                                                                          Α
                  I don't know.
                                                                                  So, assume it's a $50 savings. Just
21
          Α
                                                                          Q
                  You don't know if it's $500?
                                                                22 bear with me for a minute. So, that person who
22
          Q
                  No, I don't know.
                                                                23 saves $50, let's say they like to go to zoning board
23
                  So, let's assume it's a thousand
                                                                24 meetings and planning board meetings and council
```

25 meetings and board of education meetings. And they

1 about a savings, in your example, being in Berkeley, 2 of what, fifty bucks a year? Α We're talking about a five percent. Well, I'm asking you. In your 5 example, if the difference between being in Berkeley 6 and being in Seaside Park, South Seaside -- I'm 7 sorry -- Seaside Park, is five -- is \$50 difference, 8 is that what you're telling us, on a flood premium 9 of thousand? Α I don't want to guess. But I can 10 11 provide some information on that. I don't want to, 12 I don't want to just speculate on something off the 13 top of my head. Well, you told us that there was a 15 five percent difference in premium cost, correct? Twenty-five percent, yeah. 16 Α 17 Q Twenty-five percent versus 18 20 percent? 19 Α So, essentially, a five percent net 20 21 difference between the two municipalities? 22 Α Oh, okay. I understand. Q Is that correct? 23 Now I -- I apologize. I --24 Α

No problem.

25

0

25 dollars. If it's a thousand dollars, we're talking

1 like to drop off their own recycling. And they make 2 several trips to Berkeley from South Seaside Park. 3 Okay. And they come to this building, which we know 4 is 16 miles away. So, a 32-mile round trip. And 5 maybe they travel through five or six towns or maybe 6 they take the Parkway and spend more money by 7 putting 50 cents in the toll. As long it's not in 8 the summer and they don't want to run into that 9 summer traffic. They're going to spend gas getting 10 over here, right? Correct? 11 Oh, yes, of course. Α Okay. So, what are they going to --13 you know, average car gets 20 to 25 miles per 14 gallon. Hopefully they're going to spend somewhere 15 around three or four bucks in gas, right, for a 16 round trip? Maybe three dollars, four dollars, 17 something like that, right? 18 Α Maybe. The --19 0 Okay. They're going to spend 50 20 cents on the toll every time they come over, right? 21 Yes. 22 Α 0 If they take the Parkway? 23 If they take the Parkway. 24 Α They don't have to take the Parkway, 25 0

And that's one way. So, don't you 1 they can drive through all the six or seven towns, 2 correct? 2 think the people in South Seaside Park who have 3 Α Right. 3 testified that they would rather be part of And they can -- if they came over, 4 Seaside Park have taken that into account in terms 4 0 5 come over here four times a month, let's say, to go 5 of the flood insurance premium and the -- what I 6 to meetings, to drop off recycling, maybe to go to 6 would characterize as a meager savings? 7 an event that's over here. Because, there's no Α I can't account for what they would 8 senior events over on the -- on South Seaside Park, 8 have taken into account. All I can indicate was 9 that we've heard about. And they come over here 9 what we had specified in our report and the 10 four times a month. What is the cost for that 10 differences between the CRS ratings for the township 11 person to drive over here four times a month? Just 11 as versus South Seaside Park. 12 in gas. Wear and tear on their vehicle, tolls, Q Now, you talked about the CRS rating 13 those type of expenses. Four times a month. It's 13 being benefited by the fact that Berkeley had 14 going to cost them what? At least 20 bucks a month, 14 mainland property. Do you recall that? 15 right? Α That is correct, yes. I would love to do the math, but I'm Okay. So, is it your testimony that Α Q 17 not going to do the math off the top of my head. 17 the island or barrier island peninsula prejudices Q You can't tell, can't tell me? If 18 your ability to go get a lower CRS? No, not necessarily prejudices. The 19 they come over maybe eight times, it might even cost Α 20 them \$50 a month. But if they go through with 20 point being is that if you have open space areas 21 de-annexation and they only have to walk down to the 21 that can accept flood volume, that that provides you 22 municipal building for all the things that I've 22 with CRS points. 23 described, they're going to save all that money, Q Are you aware that there are several 24 correct, whatever the number is? 24 barrier island municipalities in New Jersey with a A Whatever, whatever the transportation 25 CRS rating of five, which is lower than Berkeley's

.6

2 would be -- definitely would be saving that, yes. Right. And do they think they'd 4 really be worried about \$50 more on their flood 5 insurance premium if they're saving \$50 a month in 6 other expenses by not having to come here? Well, you're -- I apologize for 8 chuckling. You're -- you are assuming that that's 9 all they're going to be saving on their flood 10 insurance. I am. In my example, I'm assuming 12 the five percent that you talked about. And there's 13 a value to people's time, is there not? Oh, yes. And there's a discussion that it 15 0 16 takes often anywhere up to --17 MR. GINGRICH: I'm sorry. 18 MR. MICHELINI: No problem. I'm 19 sorry. Do you need a break? 20 MR. GINGRICH: No. There's a value to people's time. 22 And we know it takes upwards of 45 minutes to get 23 here, depending upon the time of year and the

It's -- that is correct, yes.

24 traffic situation, correct?

1 cost that they would come here, it's possible they

1 CRS rating of six? 2 Α Yeah. And as I indicated, that 3 Berkeley is, with its new efforts, is looking to 4 lower their rating to a five. They're looking, but they don't have 5 6 a five. So, let's deal with what they have right 7 now. They have a six, correct? That is correct. 8 Α Q Are you aware that Surf City has a 10 five? Are you aware of that? Not aware of it, no. 11 Α 12 0 Beach Haven has a five? 13 Α I wasn't aware of that. Avalon has a five? 14 Q No, I wasn't aware --15 Α Q Sea Isle City has a five? Do you 16 17 doubt that I'm telling you the truth as to that? Α I would assume that you're telling 18 19 the truth. 20 I'll represent to you that that's 21 true. And that's all lower than Berkeley's, or 22 however you want to look at it, it's all lower than 23 Berkeley's CRS rating of six, currently --

That's right.

-- correct?

24

25

Α

0

```
And it depends on -- the CRS rating
                                                              1 side, correct?
                                                              2 A
2 will depend on other factors other than just the
                                                                               If for the -- for those who are
3 ability to store volumes of flood water. They may
                                                              3 veterans, yes.
                                                                               So, let me ask you a question. For
4 be doing a variety of different aggressive things to
                                                              4
                                                                        0
                                                              5 $10 more in Seaside Park, what do you get? What do
5 earn CRS points.
                 But, clearly, you would concede that
                                                              6 you get?
7 barrier island communities, which are not connected
                                                              7
                                                                       Α
                                                                                What do you mean? I don't
8 to a mainland community, can get a CRS rating even
                                                              8 understand.
9 better than what Berkeley's is right now?
                                                              9
                                                                        0
                                                                               What do you get for your $10? Do you
                Assuming that they do certain things.
                                                              10 get anything more? What do you get? Let me phrase
11 All my statement was in relation to the foundation
                                                              11 it another way. What do you get in Berkeley
                                                              12 Township for your seasonal beach pass?
12 for Berkeley Township's CRS rating and why that that
13 was a positive for the -- for South Seaside Park.
                                                                        Α
                                                                               You get access to the beach.
                                                             13
                 Let's talk about beaches for a
                                                                               To what beach? White Sands?
                                                              14
                                                                        Q
15 minute. You indicated that the Seaside Park beach
                                                                               White Sands, yeah.
                                                             15
                                                                        Α
16 pass is, I think, five dollars more for the season
                                                                               Between 20th and 23rd, correct?
                                                             16
                                                                        Q
17 than the Berkeley beach pass; is that correct?
                                                             17
                                                                        Α
                                                                               Yes.
          Α
                 Let me just review the report.
                                                             18
                                                                        Q
                                                                               So, if you spend an extra ten bucks,
19 You're referring to table three in the report?
                                                             19 how much more beach do you get access to in
```

- I'm referring to your testimony. Was
- 21 that your testimony?
- I believe so. Whatever -- my Α
- 23 testimony reflected what table three is indicating.
- Well, is it five dollars? Take a
- 25 look at table three and tell me, is a Seaside Park
  - 50 52

1 beach pass for the season five dollars more than a 2 Berkeley beach pass or badge?

- Α Actually, it's \$10 more.
- Okay. What's the difference? 4
- It's \$10. 5 Α
- What's the difference in price? What 6 Q
- 7 are the prices?
- Oh, \$50 versus \$60. That's a Α
- 9 season -- you're talking about seasonal standard
- 10 correct?
- 11 Okay. And what about seniors? 0
- Seniors, Berkeley Township has no
- 13 charge, and Seaside Park is \$20.
- Okay. All right. And what about Q
- 15 veterans?
- Veterans the -- in Seaside Park
- 17 veterans are exempted. They provide complimentary
- 18 access to the beach to military personnel and their
- 19 families with proof of identification. There's a
- 20 footnote in the table.
- And is that true in Berkeley, too? 21 Q
- 22 Α No, it's --
- 23 Q It's not true in Berkeley?
- Yeah, it's not true in Berkeley. 24 Α
- So, that's a detriment on Berkeley's 25

1 Α Yes.

20 Seaside Park?

25 ocean side?

Α

Q

21

22 that.

23

Q So, you get at least a mile and a

24 Seaside Park are a mile and a half longer on the

I don't know. I -- I didn't quantify

Are you aware that the beaches in

- 3 half of beach, correct?
- Α
- 5 Q As opposed to three blocks?
- 6 Yes. Α
- Q And are you aware that the beaches in
- 8 Seaside Park, as has been testified to, are cleaned
- 9 on a daily basis as opposed to weekly?
- Α I don't recall the testimony on that, 10
- 11 on the frequency of cleaning of the Seaside Park
- 12 beaches versus Berkeley Township.
- 0 Are you aware that they are more
- 14 frequently cleaned in Seaside Park?
- Yeah, I don't recall the testimony, Α
- 16 but I'll assume that you're accurately reflecting
- 17 prior testimony.
- 18 Q And you have no reason to doubt that
- 19 testimony, right?
- 20 Α No reason, no.
- And in Seaside Park, for that extra
- 22 ten bucks, you get access to two bay beaches,
- 23 correct?
- That I don't know. So, you're asking 24 A
- 25 me, do they get access to both the beachfront

53 55 1 beaches and the bay beaches in Seaside Park? 1 up on the boardwalk in Seaside Park? Q Yes. 2 No, I have not. Α I'm not aware of that. But I'll 3 Q How many playgrounds are there for Α 4 assume that you're conveying accurate information. 4 children in South Seaside Park that your beach pass And you get access to no bay, no 5 5 gets you into? 6 public bay beaches with sand and lifeguards and so Α I don't know that information either. 6 7 forth in South Seaside Park? 0 Are there any playgrounds in South Α That is correct. 8 Seaside Park? 9 Oh, you're talking about 0 And are you aware that for that extra Α 10 \$10, you get access to two fishing piers in Seaside 10 South Seaside Park. 11 Park? Q 12 Again, you know, I'm just going to 12 Α I thought you said Seaside Park. My 13 assume that you're accurately conveying that 13 apologies. 14 information. I don't have that information. 14 How many playgrounds in South Seaside How many fishing piers are there in 15 Park? Q 16 South Seaside Park? With the exception of the basketball 16 Α There -- I don't believe that there 17 court, there's no playgrounds. 18 are any. 18 Q There's no playgrounds? There's not even one, correct? 19 No playgrounds. 19 0 Α For children? 2.0 Α Yes. 2.0 Q Are you aware that for that extra ten Α Well, children can play basketball if 21 22 dollars, you can also get access to the tennis 22 they want to. 23 courts in Seaside Park? 23 Q Are you aware that there's two And, again, I don't have independent 24 playgrounds at the beach for children in Seaside Α

54

25 Park?

1

Α

56

But you don't doubt it? 1 Q I'm assuming that you're telling the Α 3 truth. Okay. And how many tennis courts are 5 there in South Seaside Park? 6 Α There aren't. 7 Q And are you aware that there's 8 significantly more street parking in Seaside Park 9 versus South Seaside Park? Α Well, I didn't evaluate parking. 10 0 So, you don't know? 11 12 Α Yeah, I don't know. 13 How many showers are there at the 14 beach in South Seaside Park? That I do not know. 15 Α 16 Q Are you aware there's only one 17 shower? One? That, like I said, I don't know. I 18 Α 19 don't know how many showers there are. Do you know that there's showers 21 every block or so in Seaside Park?

And, again, all I would do is go

So, you haven't looked at the showers

23 under the assumption that you're telling -- whatever

24 you're saying is accurate.

25 verification --

Again, I'm going by the accuracy of 2 your statements. Q So, you don't dispute it? You don't 4 have anything to dispute that, correct? Yeah, that's correct. 5 Α How many fountains are there in South 6 Q 7 Seaside Park? I don't believe there are any, but 8 Α 9 I'm not certain about that. Are you aware that in Seaside Park 10 Q 11 along the boardwalk, there are fountains every 12 couple blocks, along with the showers? Α And, again, you know, I'm going to 13 14 rely on your information that you're providing. 15 0 Well, I'm relying upon testimony, 16 too. There was testimony given. 17 Α Okay. You've read the transcripts, haven't 18 Q 19 you? 20 Yes, but I don't recall that Α 21 specific -- those specific passages. Q But you don't doubt that there's 23 fountains in Seaside Park and none in South Seaside 24 Park --25 Α No.

57 -- or limited? 0 Α There's no gazebos in South Seaside 2 Park along the beachfront. 2 No, I do not. Α 3 What about a public boat ramp? Are Q So, is it fair to say that for the 3 4 you aware that your \$10 gets you access to the 4 extra \$10 that you spend in Seaside Park that you 5 public boat ramp in Seaside Park, your additional 5 get a whole lot more amenities? Α There are a lot of amenities in South Again, just going by what you're 7 Seaside Park -- in Seaside Park, yes. 7 8 providing on the record here as being accurate. Q And there's no guarantee that the Q And how much -- how many boat ramps 9 beach prices are going to stay the same in 10 are there in South Seaside Park that the 10 Berkeley Township; isn't that correct? 11 municipality gives you access to with your beach Α Again, the information that we were 12 providing was specifically as it relates to the 13 I believe there's one sort of access 13 existing beach tag information. 14 point that -- it's -- but I wouldn't categorize it 14 0 Now, you made no comparison at all to 15 as a boat ramp to the --15 Island Beach State Park, which is also in What are you talking about? You're 16 Berkeley Township, correct? Q 17 talking about the state marina where you have to Α When you said we made no comparison, 18 pay? 18 I don't understand the question. Well, on your little chart, do you 19 Yeah. Yes, that's the one that I was 19 Q Α 20 have Island Beach State Park on your chart of --20 referencing. You're not -- you're not talking 21 what page is that on --22 about the municipality providing a boat ramp. Does Α 22 Let me just --23 Berkeley Township provide a boat ramp in 23 Q -- of your exhibit, your report? 24 South Seaside Park? MR. MICHELINI: Can we have a exhibit 24 A I don't believe so. 25 number for his report? 25

58

Take a look at your report. You did 2 a very long report. Tell us if it's in there. Yeah, I was referencing, when I said 4 that there was an access point to the Roberts Avenue 5 recreation area, but it's not -- but that 6 technically is not a boat ramp. 7 Q Can't put boats in there, can you? No, you can't put boats in there. 8 In the state marina, you have to have 10 a slip in order to use the ramp, correct? And 11 that's owned by the state. Α Yeah, that's correct. Yes. Are you aware that there are gazebos 14 or gazebos -- I don't know how you say it -- every 15 couple of blocks in Seaside Park up on the 16 boardwalk. Very nice. They have green roofs, you 17 know, beautiful square structures. Have you seen 18 those? 19 Α Okay. They're throughout the mile 21 and a half of the boardwalk in Seaside Park, 22 correct?

That is correct.

And how many are in South Seaside

Α

Q

23

24

25 Park?

60 1 MS. HUGG: It's T-32. 2 MR. SLACHETKA: It's on page 17 of 3 the report. Page 17 of T-32. Your report is 5 T-32, correct? That's correct. Α 6 All right. Find --7 Q Yeah, it's on page 17. 8 Α Beach badge pricing comparison. And 10 you make a pricing comparison between Berkeley 11 Township and Seaside Park Borough? 12 Α That is correct. 13 0 But you make no comparison with 14 Island Beach State Park, which is also part of 15 Berkeley Township. 16 Α Well, actually, if you read footnote 17 number 24, we do reference the pricing for the 18 gaining access to Island Beach State Park. 19 0 Okay. But you don't --20 Α Twenty-four. But you don't put it in as part of 21 Q 22 your chart --23 Α Yeah. Q -- correct? 24 Yeah. And the reason why we didn't 25 Α

61 1 is because they charge by the vehicle. It's a 2 slightly different framework for charging. In fact, 3 which we describe in detail in footnote number --In fact, it can be much cheaper to go 5 into Island Beach State Park if you have --And --6 Α 7 0 Excuse me. In fact, it can be much 8 cheaper to go into Island Beach State Park than to 9 go to the White Sands Beach, if you have a vehicle 10 that fits seven or eight people, correct? On a per person basis, yeah, that's 12 correct.

And, in fact, you can actually drive 14 in or walk into Island Beach State Park for free, 15 correct?

That's true. You can bike or walk. 16 Α 17 Not drive. Bike or walk.

And if de-annexation occurs, Berkeley 19 Township will still have approximately ten miles of

20 oceanfront beach, correct?

Α

21

Well, again --Isn't that correct? Within the Q

23 Township of Berkeley, there'll be about ten miles?

And, again, that's the Island Beach Α 25 State Park. And we did talk about the fact that the 2 references environmental resource --Okay. So, you do reference it. So, 3 Q 4 it was important enough --

Yeah, and we reference it as, as

Α When you said the environmental 6 report, I wasn't sure what you were referring to.

Okay. But it was important enough 8 for you actually to reference in your own report?

9 Α Yes.

Α

10 0 Okay. And in that Mazur report, it's 11 entitled, Environmental Resource Inventory --

That is correct. Α

Q -- of the Township of Berkeley. So, 13 14 that's a report that sets out all the great

15 environmental resources within Berkeley Township,

16 correct?

17 That is correct.

18 Q And I'm just going to direct your 19 attention to page eight of that report, which you 20 reference in your exhibit. And page eight, it says

21 specifically, Berkeley has a wealth of water

22 resources with 35 miles of shoreline, comprised of

23 roughly ten miles of oceanfront, eighteen miles of

24 bay frontage and seven miles of creek, stream and

25 river frontage. Is that true?

62

1 township doesn't control access.

Well, isn't that an amenity of the 3 town?

In what respect?

Well, I'm asking you. Is it an Q

6 amenity in the town that's part of Berkeley

7 Township?

Well, you know, it's a state park

9 within the township. I don't think -- it's not

10 really an amenity of the town.

Did you rely upon any reports of

12 other professionals, such as, the Mazur report from

13 2012? Are you familiar with that? It's an

14 environmental report for Berkeley Township.

I'm not -- I don't believe we did. 15

16 But I -- I'm not sure that we did. I don't think

17 we -- I don't think we reviewed. It's an

18 environmental report related specifically to what?

Q I'm going to show you and -- I'm just 20 going to show it to you. It's a report from January

21 of 2012. Okay. And it's -- I only have the first

22 eight pages of it, because I didn't want to copy 175

23 pages. But --

Α What's the date on that? 24

January of 2012. 25 0

That it's referencing a report by, I Α 2 quess, Maski, 2009.

64

Q Okay. It's referencing a report by

4 Maski of 2009 within the Mazur report --

5 Α Yeah.

6 -- that you, that you cite? Q

7 Α I don't have any reason to doubt that

8 statement.

9 Q You don't disagree with that.

10 Α No.

11 0 Okay. So, it's talking about the

12 location of Berkeley and the great water resources

13 that it has. Is it not saying that it has

14 tremendous water resources?

15 Α Yes, absolutely.

16 Q Okay. And included in those

17 tremendous water resource -- in fact, it says a

18 wealth of water resources that you've put in your --

19 you've noticed or cited in your report, is the

20 35 miles of shoreline. How much shoreline is going

21 to be lost in the event that de-annexation occurs?

22 How much?

About a couple of miles of shoreline. 23 Α

Q Couple of miles? 24

Yeah. 25 Α

65 You think it's a couple of miles? 1 reduced to about 17 and a half or 17.4, something Well, you're talking about either 2 like that, but it would still have seven miles of 2 Α 3 side of the -- you're talking about bay shore -- I'm 3 creek, stream and river frontage, correct? 4 talking about bay shore as well as the oceanfront. Α Yes. And, again, if we just focusing 4 And I can provide you, I can look and provide 5 on that, on the shorefronts and the linear distance, 6 you with the specifics in mileage. I don't know it 6 you're absolutely correct. 7 off the top of my head. 0 Well, focusing on this statement, it Q Well, take a look at your report. 8 wouldn't change that much? 9 You have maps attached to your report, don't you? 9 Α No. Correct? 10 Α Yes, I do. 10 0 11 Q Okay. Well, take a look. Α In that specific statement, no. Okay. And are you aware, and I 12 Α Sure. 12 MR. WINWARD: At this time, we're 13 forgot to ask you this, that Seaside Park actually 13 14 offers free Wi-Fi on its beaches? Are you aware of 14 going to take a quick ten-minute break. (Recess was taken.) 15 that? MR. WINWARD: You may proceed. 16 Α No, I was not. 16 17 BY MR. MICHELINI: 17 0 I actually just became aware of that. Mr. Slachetka, during the break, did 18 And I understand that South Seaside Park does not. 19 you have an opportunity to measure the amount of What's your source of information, Α 19 20 shoreline in South Seaside Park, approximately? 20 Mr. Michelini? Yeah, I did have -- I had an The source of information is my Α 21 Q 22 opportunity. It's about a half mile on the 22 client. 23 oceanfront side and little bit more than a half a 23 Okay. 24 mile on the bay beach side because of the fact of So -- but you're not aware that South Q 25 Seaside Park offers that? 25 the sinuous nature, which is curvy, curvy nature of

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1 the shoreline.

Q In fact, Roberts goes out and is --

 $\ensuremath{\mathtt{3}}$  forms a little rectangle out into the bay. That's

4 what you're talking about, going around the

5 bulkheads and so forth?

6 A That's correct.

7 Q So, approximately a mile overall,

8 maybe a little bit more --

9 A Yeah.

10 Q -- of waterfront?

11 A That is correct.

12 Q Okay. So, Berkeley would then,

13 according to this, should de-annexation occur,

14 instead of having a wealth of water resources with

15 35 miles of shoreline, it would be approximately 34

16 miles of shoreline?

17 A If we were just talking about

18 shoreline, that is correct.

19 Q And instead of roughly ten miles of

20 oceanfront, it would be roughly nine and a half

21 miles of oceanfront?

22 A And, again, just strictly focused on

23 the linear distance and the shorefront, that's

24 correct.

25 Q And 18 miles of bay frontage would be

1 A I'm not aware if they offer or not.

3 You talked about the Island Beach State Park being

4 closed as a result of the Governor's antics. Do you

5 remember talking about that? You made a point of

6 that.

7 A Yeah, it just so happened it was

8 about that same time that, where I guess my initial

9 testimony --

10 MR. CALLAHAN: Excuse me. Can you

11 talk into that microphone?

MR. SLACHETKA: Yeah, I'm sorry. And

13 I apologize.

4 A Yeah, I'm aware that the beach was

15 closed, Island Beach State Park was closed for a

16 period of time, around the Fourth of July holiday,

17 if I recall correctly.

18 Q And how many times has it been closed

19 in ten years?

20 A I don't know that.

Q Would it surprise you to learn that

22 in ten years, it's only been closed two days?

23 A It wouldn't surprise me.

Q And that's not very substantial,

25 correct?

- 1 A Well, for the -- for that moment that
- 2 it was closed, it was pretty substantial.
- 3 Q Sure. But, overall, looking at a
- 4 ten-year span, two days is not that substantial,
- 5 correct?
- 6 A Yeah. Yeah. Except that the issue
- 7 was one of funding and the budget. And so, just so
- 8 happens the budget year ends on the 30th, which is
- 9 just before the Fourth of July. So, even if it's
- 10 just a couple of times, that could be pretty
- 11 substantial.
- 12 Q And I'm excluding from that anytime
- 13 that it was closed during Super Storm Sandy, because
- 14 all the beaches were closed during that time. You
- 15 understand that when I asked that question?
- 16 A Yeah. No. No. I exactly understood
- 17 your question.
- 18 Q With regard to affordable housing, is
- 19 it true that there's, essentially, no ability to
- 20 provide additional affordable housing in South
- 21 Seaside Park, due to the fact that it is mostly
- 22 built out?
- 23 A Except that there could be some new
- 24 development or in-fill development where you -- if
- 25 you provided multifamily residential, that there

- 1 report says?
- 2 A Yeah, I think that's we said.
- 3 Q You can look it up.
- 4 A Yeah, I know. I will. I think it's
- 5 early on.
- I think it's about 1,700 units.
- 7 Q About 1,700 units, housing units,
- 8 would be no longer part of Berkeley, correct?
- 9 A That's correct.
- 10 Q And what would that translate to in
- 11 terms of reducing the overall burden to Berkeley for
- 12 affordable housing?
- 13 A There wouldn't be any relevancy in
- 14 terms of reducing -- you're talking about in terms  $\,$
- 15 of reducing the obligation that the township faces?
- 16 Q Yes. Would it reduce the
- 17 obligations?
- 18 A No. The township has entered into a
- 19 settlement agreement with the Fair Share Housing
- 20 Center, which fixes its affordable housing
- 21 obligation moving forward through 2025.
- 22 Q So, even if de-annexation occurs,
- 23 there would be no opportunity to amend that or
- 24 change it to reduce the obligation?
- 25 A Well, and, actually, you raise a good

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- 1 would be requirement for affordable housing. But,
- 2 essentially, that portion of the township is
- 3 essentially built out.
- 4 Q So, it's not likely that there's
- 5 going to be much in terms of affordable housing in
- 6 South Seaside Park?
- A I wouldn't anticipate that. And, in
- 8 particular, with the recommendations to reduce the
- 9 areas where multifamily residential development was
- 10 permitted, based on the recent plan that was
- 11 adopted, I would imagine it would be limited. There
- 12 would be limited opportunities for affordable
- 13 housing, but I wouldn't preclude that it couldn't
- 14 take -- it couldn't take place.
- 15 (Off the record.)
- 16 Q So, going forward, it's fair to say
- 17 that most, if not all, affordable housing in
- 18 Berkeley Township will occur on the mainland whether
- 19 or not de-annexation occurs?
- 20 A Yeah, it's likely that most of the
- 21 new provision of affordable housing will be on the
- 22 mainland.
- 23 Q But if de-annexation does occur, will
- 24 Berkeley lose housing units? They'll lose what,
- 25 about 1600, 1700 housing units? Is that what your

1 point. That if, in fact, South Seaside Park was no

- 2 longer part of Berkeley Township, there may be a
- 3 need to revisit the whole issue with regards to the
- 4 obligation and also Seaside Park's, you know,
- 5 obligation as well. So, I'm not saying that there
- 6 would be no change. In fact, there could be a
- 7 change one way or the other. There's a number of
- 8 different factors that could affect that.
- 9 Q But wouldn't you advocate to try to 10 make a change because of the loss of units as a
- 11 professional planner for the planning board and the
- 12 township? Wouldn't you advocate to try to reduce
- 13 the affordable housing obligation for the remainder
- 14 of Berkeley Township?
- 15 A Well, I mean, it's kind of an
- 16 interesting issue because as part of the settlement
- 17 agreement with Fair Share Housing Center, the
- 18 township's obligation moving forward, essentially,
- 19 was established at a zero, you know, so in the third
- 20 around. So that -- actually, you know what. Let me
- 21 just double check that. But, regardless, I think
- 22 that the effects of South Seaside Park leaving from
- 23 the standpoint of the township's affordable housing 24 obligation, there could be an impact. But -- and in
- 25 terms of the township's plan, there could be an

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1 impact. But I wouldn't know that right now.
                 You don't know?
         Q
3
                 Yeah.
         Α
                 Okay. What is cost to the township
4
         0
5 for each affordable housing unit, do you know?
                 What do you mean by --
6
```

- 0
- 7 Is there a cost to the township for 8 each affordable housing unit?
- 9 What do you mean by, a cost to the Α 10 township?
- 0 Is there any cost to the township as 12 a result of an affordable housing unit?
- Again, I'm not sure I understand what 14 you mean by the word cost in that context. You mean 15 in terms of what the township would have to pay for
- 16 an affordable housing unit or whether the -- what do 17 you mean by cost? I think you need to define.
- Well, is there a payment that the 19 township has to pay? Does it cost the town any 20 money for affordable housing?
- Well, yes, to a certain extent. And 22 there's a portion of the township's obligation which
- 23 is a rehabilitation obligation that the township has
- 24 to allocate monies out of its affordable housing
- 25 trust fund to pay for those units.

- 1 affordable housing.
- What was the ten to \$15,000 figure Q 3 that you mentioned a moment ago for rehabilitation 4 housing?
- Α Yeah, that's a component of the 6 township's affordable housing obligation is called a 7 rehabilitation obligation or the present need.
- I'm sorry, I keep on popping -- you're asking 9 me questions where I have to use P words, which is 10 not good. I keep on popping my Ps here for you and 11 I apologize. And I'm going to try to be also 12 cognizant of the fact that it's hard for some of the
- 13 board members to hear as well.
- The -- when you're saying a rehabilitation 15 obligation, that's the rehabilitation obligation 16 that's established. And there is an obligation for 17 the township to expend monies from its affordable 18 housing trust fund, what it collects in mandatory 19 development fees for that part of the program. And 20 it's just there. It's just, it's an ongoing
- 21 obligation that the township faces.
- The township also has a new construction 23 obligation. And components of the new construction 24 obligation include units that already in existence
- 25 that satisfy part of the obligation that,

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- How much is that per unit?
- It has -- it was a minimum average
- 3 of, I believe it's either ten or \$15,000.
- 4 Typically, it runs into, you know, 15, 20,000 per
- 5 unit for rehabilitation purposes.
- Q What about for a new unit, new 7 housing units, isn't there a cost of approximately
- 8 25,000 --

1

- 9 Well, that's --
- 10 Q -- allocated?
- Actually, that's where I wasn't sure 11
- 12 what you were trying to ask in terms of cost. I
- 13 mean, the township -- are you suggesting the
- 14 township's going to be constructing its own
- 15 affordable housing units?
- 16 Q  $\ensuremath{\text{I'm}}$  asking about those costs.
- 17 Again, I think you're kind of mixing
- 18 up issues here in terms of cost. I don't mean this
- 19 to be, you know, argumentative. I think you need to
- 20 understand better, so you can kind of clarify your
- 21 question.
- So, you're not able to answer my
- 23 questions as asked; is that what you're saying?
- No, no. I think you're asking me
- 25 what's the cost to the township to provide

1 essentially, the township's not paying for.

- There's also a mechanism in the zoning
- 3 ordinance that establishes the opportunity for a,

- 4 either construction on-site or payment in lieu of
- 5 construction where the developer is actually
- 6 providing the cost of affordable housing. The only
- 7 time that the township would provide monies for
- 8 affordable housing, if it was actually constructing
- 9 municipally operated site or, you know, doing public
- 10 housing, something along those lines.
- Is Berkeley doing any of that? 11 Q
- Well, Berkeley does have public
- 13 housing sites. But they're already in existence.
- 14 So, there's no new, you know, public housing that
- 15 the --
- And what about rehabilitation --16 Q
- Α -- township's applying. By the way,
- 18 I might have said borough, but I meant township.
  - 0 What about rehabilitation housing?
- Yes, they have an ongoing obligation. Α
- 21 I can look that up for you.
- So, if de-annexation occurs, it's
- 23 quite possible that there could be at least an
- 24 application to amend the current plan to reduce the
- 25 rehabilitation obligation, correct?

But that's not really likely to You know what. Let me just double check just 2 happen, because of the fact that the -- it -- the 2 so I can make sure that we --3 rehabilitation obligation is established by Census 3 Q Sure. -- get the right appendix number. 4 data. And, you know, to the extent that, say, the 4 Α It's identified in the report as Appendix 5 loss of the housing stock in South Seaside Park 6 might affect that, there could be the possibility 6 D.5, property ownership. And it's after page 349 in 7 that it might have an effect. Could be either way. 7 the report. 8 I mean, it could have an effect either positively or 8 Q So, A-78 is intended to show property 9 negatively in terms of the rehabilitation 9 ownership, correct? 10 obligation. That would have to be -- that would Α Yeah, there's actually -- there's --11 have to be evaluated. And, as I mentioned before, 11 it's actually two maps. There's one that's map 12 kind of have a, sort of fixed in that settlement 12 number 137. And then it's continued on map number 13 agreement. And the rehabilitation obligation is 13 138, which is both part of the same appendices. 14 kind of, is an ongoing obligation that the township MR. MICHELINI: All right. Well, 15 has to provide. So, there will be an obligation and 15 let's have the other one marked. I think I have it. (Off the record.) 16 it will be ongoing. And the township just continues 17 to have, to have the program. So that if an (The Map was marked as A-78A for 18 eligible low and moderate income household is 18 identification.) 19 occupying a housing unit, which is substandard, Okay. So, A-78 and A-78A are maps 19 Q 20 that are in your report --20 applies for funding through the township's program, 21 the township is obligated to fund the rehabilitation Α That's correct. 21 22 of that structure to bring it up to code. That's 22 Q -- correct? 23 just one aspect of the township's obligation. 23 Α Yes. Let's move on to something else, Q And they're intended to show 25 because we're getting bogged down. 25 ownership of different parts of the township,

8 80

Riparian areas, you talked about riparian 2 areas. And, in fact, we know that Seaside Park 3 doesn't have a -- Seaside Park has two public bay 4 beaches, and South Seaside Park has none, correct? Α That is correct. Q And you said in your report that 7 there might be a problem, essentially, in 8 establishing a bay beach that would have sand and be 9 quarded and so forth in South Seaside Park due to 10 riparian rights? Α Yes. And, essentially, ownership of 12 properties along the bay beach. MR. MICHELINI: Well, let me mark 14 this as an exhibit. (The Appendix D.5, Appendix Planning 16 Report in the Matter of the Petition De-annexation 17 of South Seaside Park was marked as A-78 for 18 identification.) Can you tell us what A-78 is? 19 0 Α Sure. Yeah. 20 It's a portion of your report? 21

23 the report. It's identified as Appendix Planning

24 Report in the Matter of the Petition De-annexation

25 of South Seaside Park.

Yeah, it's one of the appendices of

1 correct? Α Yes. And it's specifically 3 properties that are in South Seaside Park. All right. So, let's take a look at 5 A-78. Okay. Along Bayview Avenue, there is a --6 this area with red and white checks? Α Yeah, crosshatched. Crosshatched? 8 Q 9 Α 10 Q And what area is that? It says area 11 in question. Α Yeah, there was a question that had 13 arisen with regards to the maintenance and upkeep of 14 properties that were along the frontage of 15 24th Street. Okay. And it looks to me like 17 there's, between 24th and 23rd, there are no 18 riparian grants, correct? Between 23rd -- 24th --19 Α That's correct. 20 -- and 23rd, there are no riparian Q 21 grants? 22 Α As indicated in the map, that's 23 correct. And then there's only one riparian 25 grant between 22nd and 23rd, correct?

- 1 A That is correct.
- 2 Q So, you could theoretically, at
- 3 least, perhaps, explore the possibility of having a
  4 bay beach that's two blocks long, assuming you can
- 5 either acquire ownership to this riparian grant or
- 6 otherwise deal with it --
- 7 A Yeah.
- 8 Q -- correct? Is that correct?
- 9 A Well, no, actually, not exactly
- 10 correct. Because of the fact that there is state
- 11 owned properties and there is the, the actual access
- 12 along 24th is an easement for maintenance purposes
- 13 to maintain and support the structure of the road in
- 14 that location. I think we talk about that a bit in
- 15 the report.
- 16 Q Well, isn't it a fact that the
- 17 township basically maintains that area?
- 18 A Maintains it for the purposes of the
- 19 support of the road and not for -- it's not used --
- 20 it's not available or accessible for open space
- 21 purposes.
- Q Well, do they have signs up on it to
- 23 clean it and maintain and trash cans there?
- 24 A I'm not sure whether the, where the
- 25 trash cans are located at that location.

- 1 least on one of them. And it says South Seaside
- 2 bayside beach. It says that, correct?
- 3 A That's what -- that's what the
- 4 presentation board says.
- 5 Q When's the last time you were -- have
- 6 you ever been on the bayside beach in South Seaside
- 7 Park?
- 8 A Well, again, you're referencing as a
- 9 bayside beach. I mean, I've been out in that area,
- 10 actually, many times.
- 11 Q You have?
- 12 A Yeah.
- 13 Q So, you know where these pictures are
- 14 then?
- 15 A Yeah. All I'm suggesting that,
- 16 looking at these pictures, it's difficult to know
- 17 the orientation, specifically what location that
- 18 they're in. So, I mean, I'm not going to, going to
- 19 say -- I'm not going to answer the question yes,
- 20 it's exactly there.
- 21 Q So, generally, is it there? Do you
- 22 know generally, is it around 23rd and 24th Street on
- 23 the bayside?
- 24 A Are you talking about those
- 25 photographs?

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- Q Don't they have signs there?
- 2 A I'm not certain what signs you're
- 3 talking about.

- 4 Q Well, signs about, that were shown on
- 5 some of the prior exhibits. Let me see.
- 6 I'm going to show you what's been marked A-6
- 7 in evidence, okay, which shows an area of the bay
- 8 beach. Do you know if the pictures in -- on this
- 9 exhibit A-6, which show the six pictures on the left
- 10 of the exhibit and the two pictures in the center  $% \left( 1\right) =\left( 1\right) \left( 1\right)$
- 11 which show traffic signs that are obstructed by 12 weeds, if that's in the area that we're talking
- 13 about around 23rd and 24th Street?
- 14 A It's not clear from those
- 15 photographs.
- 16 Q So, you don't know?
- 17 A Yeah, I couldn't tell from those
- 18 photographs.
- 19 Q You're not familiar enough with
- 20 South Seaside Park to identify whether or not these
- 21 photographs are in the area of 23rd and 24th Street?
- 22 A Again, I'm just looking at these
- 23 photographs. They're not identified at all in terms
- 24 of their location. So, rather than --
- Q Well, they say Bayview Avenue at

- 1 Q The photographs, correct. You don't
- 2 know?
- 3 A Yeah. Again, from that -- from the
- 4 way those photographs are taken, you couldn't tell.
- 5 Q Were you here when those photographs
- 6 were testified to?
- 7 A I don't recall. I might have been.
- 8 Q You're not an expert when it comes to
- 9 title matters, correct?
- 10 A What do you mean by expert for --
- 11 Q Do you have a title license, title
- 12 insurance license in the State of New Jersey?
- 13 A Oh, title.
- 14 O Title?
- 15 A No, I don't.
- 16 Q Are you an expert when it comes to
- 17 riparian grants?
- 18 A No.
- 19 Q Are you an attorney?
- 20 A No, I'm not.
- 21 Q Do you know what the significance is
- 22 of the upland owner and the waterward owner? Do you
- 23 know whether or not there has to be a unity of title
- 24 for a grant to be valid?
- 25 A I'm not familiar with those --

- 1 Q You don't know that?
- 2 A Yeah, I don't know that.
- 3 Q Do you know whether or not there was
- 4 a unity of title for the one grant that's between
- 5 24th and 22nd Street on the Bayview beach area shown
- 6 on A-78? You don't know if there was a unity of
- 7 title between the upland owner --
- 8 A No, I don't.
- 10 grant was established?
- 11 A No, I do not.
- 12 Q So, you don't have an opinion as to
- 13 whether that grant is even valid, correct?
- 14 A No. All -- it's on record as being a
- 15 riparian grant.
- 16 Q What record is it on? Tax map?
- 17 A Tax assessment.
- 18 Q Are you aware that the tax map is not
- 19 definitive for determining ownership? Are you aware
- 20 of that?
- 21 A With riparian grants?
- 22 Q With anything. If you look at deeds
- 23 to determine ownership.
- 24 A Yeah. And, well, we also look at MOD
- 25 IV ownership as based on, based on geographic

- 1 Berkeley Township?
- 2 A No. Oh, you're talking about this
- 3 area over here?
- 4 Q Is the area on A-78 shown west of Bay
- 5 Avenue, the bay, the land under the water in the  $\,$
- 6 bay, west of Bayview Avenue, next to -- in South
- 7 Seaside Park, is that within Berkeley Township?
- 8 A The land is within Berkeley Township
- $\ensuremath{\text{9}}$  and the water is within Berkeley Township, correct.
- 10 Q And the township, in fact, says that
- 11 they -- we've had people testify here. Have you
- 12 read the testimony about how they've tried to
- 13 maintain that beach?
- 14 A And, again, it's -- my understanding
- 15 is that the maintenance is specifically for the
- 16 shoring up and for the protection of the roadway.
- 17 Q You would agree, would you not, that
- 18 it makes sense to explore the possibility of putting
- 19 a public beach there? I think you say so in your
- 20 report, correct?
- 21 A Yeah. And I believe that there was
- 22 an exploration of a natural shoreline that would --
- 23 grant or to get, to obtain a natural shoreline in
- 24 that, in that area. I don't believe it was
- 25 successful. But I don't know that for certain.

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- 1 information.
- 2 Q Under the law, are you aware of the
- 3 fact that the tax map cannot be relied upon?
- 4 MR. McGUCKIN: Well, he's not a
- 5 lawyer, Mr. Michelini. He's not a lawyer. How can
- 6 he answer that question?
- 7 Q So, therefore, you're not qualified
- 8 to give an opinion as to whether or not the riparian
- 9 grant would even be in the way of establishing a
- 10 beach there, correct?
- 11 A However, if -- let's just -- for
- 12 example, if the riparian grant wasn't there, that,
- 13 essentially, that those are tidal waters in the
- 14 Barnegat Bay. And they would be under the state
- 15 jurisdiction. So, the only way that you have --
- 16 they're not under state jurisdiction, is that if it
- 17 has a riparian grant.
- 18 Q So, how did Seaside Park establish
- 19 their beaches on the bay?
- 20 A I don't know.
- 21 Q You don't know?
- 22 A No.
- 23 Q Do you know if this water that is
- 24 just to the west of Bayview Avenue, if the land
- 25 under that water is within the municipality of

- 88
- 1  $\,$  Q  $\,$  But you would encourage looking to
- $2\,$  try to put in a public bay beach there --
- 3 A Yeah.
- 4 Q -- correct?
- 5 A And I think what we did, we also said
- 6 in the South Seaside Park Neighborhood Plan, looking
- 7 at opportunities to provide for natural shorelines,
- 8 so. And to expand recreational opportunities. But
- 9 right now, that's not something that's -- it's not
- 10 on the ROSI. It's not open space. It's not
- 11 recreation. It's not maintained as -- or the intent
- 12 is not to maintain that as recreation. Again, it's
- 13 a structural issue with regards to the adjoining
- 14 roadway.
- 15 Q Okay. And that type of issue exists
- 16 all the way up through Seaside Park, does it not?
- 17 A What do you mean by, all the way up
- 18 through Seaside Park?
- 19 Q Right up through Seaside Park. The
- 20 area is almost identical along the roadway that's
- 21 adjacent to the bay. Talking about roadway adjacent
- 22 to the bay. You have the same conditions in Seaside
- A No, but as you go -- as you go

23 Park as you do between 22nd and 24th.

25 further to the north, you do have a municipally

1 owned property and the county property which -- of Q Is it still the least visually 2 which is on the -- the municipally owned property 2 attractive area of the township? 3 being on the ROSI. So, that's --No, we didn't -- we didn't test -- we Α I'm talking about comparing --4 didn't test that and we didn't analyze that. We're 4 0 But you said going all the way up to 5 just citing what was referenced in the 1997 master 5 6 Seaside Park. 6 plan, that's all. -- in Seaside Park. In Seaside Park, 0 0 By -- who adopted the master plan? 8 the roadway is right next to the bay, is it not? 8 This planning board or, not these people, but the 9 Not -- you're not talking about 9 planning board adopted it, right? Α Yes, of course, the township 10 South --10 Α Q In Seaside Park? 11 planning --In Seaside Park. And they found this area in South 12 Α Q You don't know? 13 Seaside Park to be the least visually attractive? 13 Q 14 There -- I think there are portions Back in 1997, absolutely. Δ 14 Α 15 that are --And it hasn't changed substantially 15 Q 16 Q Sure. 16 since then, correct? 17 Α Of course there are. Α Yeah. Now, whether --18 And they've been able to put beaches 18 Q Is that correct? But whether the board found it --19 there, have they not? 19 Α Simple question. 2.0 Α There are beaches there, yes. 20 0 You mentioned in one of your planning No. The question that you're asking 21 21 Α 22 reports from 1997, your report says that Seaside --22 me is, did the planning board find that it was the 23 South Seaside Park was found to be the least 23 least visually attractive. 24 visually attractive area of the township. Do you They adopted that plan, correct? 24 Q 25 recall that? That incorporated or included a 25 Α

> 90 92

Yes, that was referenced in the 2 visual survey, in the 1997 master plan. Q And is that because of the number of 4 mobile homes and small cottages? That I don't -- I don't know the Α 6 specific reasons. Just the fact that it was 7 identified as being such. Has it visually changed significantly 8 Q 9 since 1997? Α How would you determine --10 Q Has it changed significantly --11 12 Α When you say --13 0 -- since 1997?

Are there still mobile homes there? 15 0 Yes, and there's cottages. 16 17 Q There's still cottages, right?

What kind of --

Α And there's single family. 18

Still single family? 19 0

20

21 It's pretty much the same as it was

22 in 1997?

14

Yeah. There have been improvements

24 to individual properties and general improvements

25 within South Seaside Park.

1 visual survey that identified the fact that pursuant

2 to the survey. So, it's a factual information.

3 It's not whether the board found that it's the most

4 visually unpleasing.

5 Q The board adopted the plan with that 6 information in it and you thought it was important

7 enough to put in your report, correct?

Yeah. Yeah. Because I -- as I was Α

9 referencing in the report that the township has been

10 engaged in an ongoing and continuous planning effort

11 to address, you know, planning issues in South

12 Seaside Park.

So, if de-annexation occurs, isn't it

14 a fact that Berkeley would be shedding itself of the

15 least visually aesthetic area of the township?

16 Α Did you talk to your client about

17 that statement?

I'm just going by what's in the 0

19 planning report that was adopted by the planning

20 board.

No, that's not the -- that's not the 21 Α

22 case.

23 Q So, you don't agree with that?

No. No, I don't. 24 Α

25 0 Now, you criticized the people who

- 1 live in South Seaside Park as having made a
- 2 decisional location choice. In other words, it's
- 3 their fault that they have to drive 16 miles to the
- 4 mainland in order to go to a municipal building
- 5 meeting, such as, a council meeting, a planning
- 6 board meeting, zoning meeting, education meeting?
- 7 A No, actually you miscategorize it.
- 8 Nobody's criticizing the residents of South
- 9 Seaside --
- 10 Q I sat here and listened to your
- 11 testimony. And it certainly sounded like you were
- 12 criticizing them for having made a decisional
- 13 choice.
- 14 A No. My representation was that
- 15 decisional choices are made all the time. People
- 16 decide where to live based upon amenities, based
- 17 upon convenience and the like. I wasn't singling
- 18 out South Seaside Park residents and saying they
- 19 made bad choices.
- 20 Q Did you talk to any of my clients
- 21 before you prepared your report?
- 22 A No.
- 23 Q No. And, in fact, do you realize
- 24 from the testimony that many of them thought that
- 25 they were actually buying in Seaside Park when they

- 1 probably have written letters to the council.
- Q Because it seemed to me that you
- 3 criticized them in your report and your testimony
- 4 for failure to initiate ways to change planning in
- ${\tt 5}$  South Seaside Park, saying that de-annexation is not
- 6 the way to do it.
  - A No.
- 8 Q That was the essence of what you
- 9 said.
- 10 A No, no, no. I think, again, you're
- 11 totally miscategorizing or mischaracterizing the
- 12 statement.
- 13 Q With all due respect --
- 14 A No. I was talking about it from --
- 15 with due respect, I was talking about it from a
- 16 planning policy perspective, a general planning
- 17 policy perspective. That was my opinion that the
- 18 preferable approach is to, if you need to address
- 19 zoning and land use issues, that it's more
- 20 appropriate to do it within the context of the
- 21 planning process. And just as the borough -- the
- 22 residents of South Seaside Park have done, engaged
- 23 in the planning process and engaged effectively in
- 24 the planning process.
- 25 Q Sure. They've gone to all kinds of

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1 bought?

- 2 A I don't know what -- what
- 3 considerations that the --
- 4 Q You don't know that?
- 5 A No, I do not.
- 6 Q And isn't it a fact that you have
- 7 zero personal knowledge of the efforts that my
- 8 clients have made individually to change the
- 9 planning in South Seaside Park over the last ten
- 10 years?
- 11 A Oh, actually, I don't know about
- 12 individually, but, I mean, collectively they've
- 13 certainly been active and involved --
- 14 Q Sure.
- 15 A -- in the planning process.
- 16 Q They've been very active?
- 17 A Yes, of course.
- 18 Q Right. And they've written letters
- 19 to the mayor, correct? To your knowledge, have they
- 20 written letters to the mayor?
- 21 A On planning issues, I would imagine
- 22 so, yes.
- Q How about to the council, do you
- 24 know?
- 25 A I would imagine they would, they

- 1 meetings, correct?
- A Absolutely. So I wasn't --

- 4 A So, just to complete my answer. So,
- 5 I wasn't criticizing them for a lack of
- 6 participation or criticizing them for saying that
- 7 they did not want to participate in the process in
- 8 terms of a policy issue. It was my opinion and
- 9 continues to be my opinion, that rather than
- 10 de-annexation, that the way to address those
- 11 specific land use policies and issues, would be
- 12 better served or better addressed in the context of
  13 the comprehensive planning process. And the facts
- 14 show that it has been effective.
- 15 Q So, they've done that? They've
- 16 actually participated in that process?
- 17 A Yes. Yes.
- 18 Q And before participating in the
- 19 process recently, isn't it a fact, to your
- 20 knowledge, that they've written dozens of letters?
- 21 And they've showed up at council meetings? And
- 22 they've showed at planning board meetings? They've
- 23 done a lot of things over the last ten years or
- 24 more.
- 25 A I would -- obviously, I have not, I

- 1 have not been here for or participated in over --
- 2 over ten years. But to the extent that I've been
- 3 involved in the land use planning process here in
- 4 Berkeley Township, and attended council meetings,
- 5 attended planning board meetings, the residents of
- 6 South Seaside Park are, in fact, fully engaged. I
- 7 don't -- I don't claim otherwise.
- 8 Q To your knowledge, they have been for
- 9 years, correct?
- 10 A Yes
- 11 Q Now, you indicated in your report
- 12 that municipal facilities are located far for most
- 13 residents on the mainland. I think it's page 20 of
- 14 your report. Is that true?
- 15 A And I was specifically referencing
- 16 those municipal facilities like the municipal
- 17 building and the like?
- 18 Q Right. Right. So, the municipal
- 19 building?
- 20 A Yes.
- 21 Q So, from the furthest point on the
- 22 mainland to the municipal building, isn't it
- 23 approximately eight miles?
- 24 A I'd have to -- I'd have to double
- 25 check.

- 1 through the Pineland areas of the township to get
  2 here.
- 3 Q Right. And those roadways don't have
- 4 a lot of traffic lights on them, correct?
- 5 A Well, there are a few. I mean, there
- 6 are a few --
- 7 Q But they're generally not congested,
- 8 correct?
- 9 A Well, I mean, there are times when
- 10 they can be, particularly near Holiday City.
- 11 Q Once you get out of Holiday City and
- 12 you're on your way here, is it very congested?
- A At least I heard from -- somebody
- 14 from the planning board suggested it might be.
- 15 Q Okay. But it's unlike South Seaside
- 16 Park where one has to go on Route 35, Route 37,
- 17 Route Nine or the Parkway to get here, correct?
- 18 A Yeah, I think we've pretty well
- 19 established the route that South Seaside Park
- 20 residents have to take.
- 21 Q I'm going to tell you that, what
- 22 Map Quest says, and you can tell me if you agree or
- 23 disagree. The municipal building to the high school
- 24 right down the road, where thousands of people live
- 25 in Pinewald. Did you know that thousands of people

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- 1 Q So, you don't know?
- 2 A Not off the top of my head, but I can
- 3 find out.
- 4 Q But it's certainly 16 miles to South
- 5 Seaside Park?
- 6 A Yes, I think that's pretty well
- 7 established.
- 8 Q Isn't it a fact that many of the
- 9 roads that people would travel to get here on the
- 10 mainland are back roads? So, if you're coming from
- 11 Holiday City, you can take back roads, or Silver
- 12 Ridge Park, you take back roads, correct?
- 13 A Yeah, when you categorize back roads,
- 14 you're talking about --
- 15 Q I'm talking about --
- 16 A -- local roads and county roads? I
- 17 mean, how do you --
- 18 Q Local roads and county roads. Are
- 19 you familiar with the roads in this area?
- 20 A Yes.
- 21 Q Okay. So, how would you go from
- 22 Holiday City to here?
- 23 A I don't know the names of roads.
- 24 But, essentially, there's a roadway -- there's
- 25 actually a couple roadways where you'd kind of cross

- 1 live in Pinewald?
- 2 A Yes.
- 3 Q Okay. It's 2.2 miles from here to

- 4 the high school, which is in Pinewald, correct?
- 5 A Well, again --
- 6 Q Do you dispute that?
- 7 A No, but you're citing things off of
- 8 Map Quest.
- 9 Q I am. I'll be honest. I'm citing it
- 10 off of Map Quest. And you can agree or disagree.
- 11 Assuming Map Quest is accurate, is 2.2 miles?
- 12 A Two things. Assuming Map Quest is
- 13 accurate and assuming that you're conveying the
- 14 information to me accurately, yes.
- 15 Q Well, I'm just telling you what
- 16 Map Quest says. Okay.
- 17 From 631 Jamaica Boulevard, do you know where
- 18 Jamaica Boulevard is?
- 19 A It's not in the Pinewald section, but
- 20 generally I have --
- 21 Q It's not in Pinewald?
- 22 A It's not in Pinewald.
- Q Did you know it was in Holiday City?
- 24 A Oh, yeah.
- Q 6.5 miles, according to Map Quest.

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                                                                                  Isn't it a fact that it wasn't until
                  Again, there's -- just standing here,
 2 there's no way for me to dispute those. But I'm not
                                                                 2 after de-annexation efforts were started that
 3 suggesting otherwise.
                                                                 3 significant rezoning efforts occurred in South
                  Do you know where Glen Cove is?
                                                                 4 Seaside Park?
 4
          Q
                                                                                  Actually, that's not true. As
5
          Α
                                                                          Α
 6
                  It's over on the bay, right?
                                                                 6 indicated in my report, that this has been kind of
          Q
                                                                 7 an ongoing, continuous planning process. It's sort
7
                  Yes, right, exactly.
8
                  So, it's in the other direction. So,
                                                                8 of a step by step by step to the current planning
9 that's 200 Maple Drive, nine minutes, 5.6 miles, you
                                                                9 efforts.
10 wouldn't dispute that, right?
                                                                                  Well, if that's the case, how long
                                                               10
                                                                          0
                  No, I wouldn't dispute that.
                                                                11 has it taken to remove mining operations and
                  How about Sylvan Lake Boulevard, 122
                                                                12 hospitals from the zoning ordinance in South Seaside
          Q
13 Sylvan Lake Boulevard, 7.2 miles.
                                                               13 Park?
                  Again --
14
          Α
                                                               14
                                                                          Α
                                                                                  Well, it's part of --
                  No reason to dispute that, right?
                                                                                  How long?
15
          Q
                                                               15
                                                                          Q
                  No reason to dispute.
                                                                                  When you say how long, how long --
16
          Α
                                                               16
                                                                          Α
17
          Q
                  Berkeley Shores, seven miles, no
                                                               17
                                                                          Q
                                                                                  Well, in 1997, was that in the
18 reason to dispute that?
                                                               18 ordinance?
                                                               19
          Α
                                                                          Α
                                                                                  I don't know if it was in the
19
                  No.
                  Okay. Holiday City South, 102
2.0
          Q
                                                               20 ordinance.
21 Paradise Boulevard, 5.8 miles?
                                                                                  I'll represent to you that it was
                                                               21
                                                                          Q
                                                               22 there in 1997.
          Α
23
          Q
                  Holiday City West, 67 Winterdon,
                                                               23
                                                                                  MR. McGUCKIN: Hold on one second. I
24 eight miles. Okay. I think this is the -- let's
                                                               24 want some clarification. Does Seaside Park have
                                                               25 more than one zone?
25 see. The Bayville Elementary School, 6.4 miles.
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1 Does that sound about right?
                                                                                  MR. SLACHETKA: Yes, it does.
                                                                1
          Α
                  Yeah.
                                                                                  MR. McGUCKIN: And are some of those
                  H&M Potter School, 6.7 miles, right?
                                                                3 zones in the prior ordinances related to zones also
4 All of those distances that I just read you, were
                                                                4 on the mainland? They have the same --
5 much closer than anywhere in South Seaside Park,
                                                                                 MR. SLACHETKA: Yeah.
                                                                5
6 correct?
                                                                                 MR. McGUCKIN: -- the same
                                                                6
7
          Α
                  Absolutely, yes.
                                                                7 characteristics?
                                                                                 MR. SLACHETKA: And that was the
                  In your report, you note in a
9 footnote, and also, I believe in your testimony, you
                                                                9 reason it was sort of a vestige of what was in
10 talked about how people from South Seaside Park --
                                                               10 other -- by the way, you said Seaside Park. I'm
11 or Seaside Park, I'm sorry -- were required to go to
                                                               11 assuming you meant South Seaside Park.
12 downtown Toms River to go to municipal meetings. Do
                                                                                 MR. McGUCKIN: South Seaside Park,
13 you recall that?
                                                               13 yeah.
                  Yes, I recall that.
                                                                                  MR. SLACHETKA: Yeah, that's -- when
                                                               15 we began to do our planning analysis and looked at
15
          Q
                  And I guess the inference would be or
16 the thought would be that if de-annexation occurs
                                                               16 the zoning districts, we said, this is a vestige
17 and we have another Super Storm Sandy, that the
                                                               17 that really should be corrected, so.
18 people that were in South Seaside Park would have to
                                                                                 MR. McGUCKIN: I just want to clarify
                                                               18
19 go to Toms River for municipal meetings, correct?
                                                               19 that there's more than one zone in South Seaside
20
          Α
                  That is correct.
                                                               20 Park, and there was more than one zone previously
                  But that's still a lot closer than
                                                               21 and that some of those zones have the same
21
                                                               22 standards, conditions, as areas also on the
22 coming here?
                                                               23 mainland.
          Α
                  Yes, it is closer, yes.
23
          Q
                  It's closer by miles, correct?
                                                                                 MR. MICHELINI: So, let me --
24
                                                               24
                  That is correct.
25
          Α
                                                               25
                                                                                  MR. SLACHETKA: And just to respond
```

- 1 to that specifically, the reason that -- if you
  2 looked at the planning documents that I prepared for
  3 South Seaside Park, we specifically -- and,
  4 actually, even before we did our analysis, the prior
  5 analysis talked about needing to have zoning that
  6 was specific to the characteristics of South Seaside
  7 Park. So, clearly it was identified as an issue and
  8 corrected.
  9 BY MR. MICHELINI:
  10 Q At any time between 1997 and 2017,
  11 when it was removed, did you or any prior planner
- 11 when it was removed, did you or any prior planner
  12 make a recommendation in a plan document, to remove
  13 mining operations and hospitals from the zoning
  14 ordinance?
- 15 A No, not specifically.

  16 Q So -
  17 A But -
  18 Q -- not specifically is the answer?

  19 A -- not specifically, but it was in
- the context of an overall comprehensive review of the zoning, indicating that we needed to have zoning that was specific for South Seaside Park. So, once you get into the details, then you find out there are uses that might need to be replaced or changed

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1

1 appropriate. Nobody, no place --

25 or there may be things that might not be

2 Q So, for 20 years, nobody looked at 3 the details of what the zoning was in South Seaside 4 Park to know that mining operations and hospitals 5 should be removed?

6 A Yeah. And I think your focus on this 7 one use, mining operations and, you know --

Yeah. So, you're focusing on those

8 Q And hospitals, that's two.

10 specific uses. The context here is evaluating all 11 the districts. And it was called for in a variety 12 of different planning documents. So, I think it's, 13 it's not accurate to suggest that, somehow, the 14 township was ignoring South Seaside Park because

15 mining operations was still, you know, in one of the

16 zone districts that was also a zone district that

17 was on the mainland.

Q When the master plan was looked at in 2008, the recommendation for South Seaside Park was further study, was it not?

21 A Yeah. 22 Q It was?

23 A Yes, it is. And that's --

Q It wasn't until after the

25 de-annexation efforts were started that significant

A Yeah. But if you look at the 2008

3 plan, it talked about the fact that there needed to

4 be a more specific evaluation of the zoning in

5 South Seaside Park. And when we looked at the -
6 when we look at the post Sandy planning assistance

7 efforts, which, in fact, those post Sandy planning

1 rezoning started, and that began in 2012, correct?

8 assistance efforts, which included a variety of
9 different plans, including the reexamination report,

10 predated the filing of the petition.

11 Q Well, you understand that the effort 12 predated -- the effort to de-annex predated the 13 filing of the petition because signatures had to be 14 obtained? You understood that, correct?

15 A I don't know what the -- I don't know
16 what the status of your process was before it became
17 official. All I know is that in terms of engagement
18 on the planning side, we were doing a wide variety
19 of things, including looking at the zoning for South
20 Seaside Park. I think it's pretty clearly laid out,
21 and I think anything else that you're suggesting is
22 a mischaracterization of the facts.

Q So that the zoning changes that were determined to need further study back in 2008 didn't happen until 2017, correct? Is that correct?

A Yes. And if you look at --

Q Okay. No. There's no and. Let's just get through this. Okay?

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4 A Mr. Michelini, there's no --

5 Q It's a matter of whether it's correct 6 or not. You don't have to go explaining every time.

7 A I don't have to explain for the 8 edification of the board?

9 Q No, because you've told them over and

10 over again all about your report. This is cross 11 examination, where I'm allowed to bring out points

12 that I want to bring out. It's not for you to  $% \left\{ 1\right\} =\left\{ 1\right\} =\left$ 

13 re-present your case.

14 A What I'm trying to do, though, 15 Mr. Michelini, is really answer the questions in a 16 manner that is complete and forthgoing.

17 Q What you're trying to do is 18 supplement so that you can restate what you've

19 already stated three or four times. And I'm trying

20 to shorten it so we can get through it.

21 A The point --

Q Okay. Let me go on, please.

With regard to meetings that occurred, you and indicated, you made reference to meetings being held

25 in December of 2016, in January of 2017, in April of

- 1 2017, in order to invite residents of South Seaside
- 2 Park to participate in the zoning process. Do you
- 3 recall that?
- Α 4 Yes, I do.
- And they did participate to a great 5
- 6 extent, as you indicated, correct?
- Yes, exactly. Α
- 8 Q Okay. But those meetings were
- 9 actually held over at Tri-Boro First Aid Squad which
- 10 is in Seaside Park, correct?
- That is correct.
- They weren't held here? 12 Q
- No, they weren't. 13 Α
- 14 Q Why is that?
- Because the idea was to be proximate, 15
- 16 hold all these meetings proximate to the
- 17 neighborhood in South Seaside Park.
- Q Sure. Because it would be more
- 19 convenient for them. They wouldn't have to travel
- 20 16 miles; isn't that correct?
- Α That is correct, yes. 21
- Why were the meetings held Q
- 23 principally in the winter? December, January and
- 24 then in April, late spring or early spring?
- It really was just a question of A

- 1 imagine it's probably going to take a few years
- 2 before the project's fully implemented.
- Q Do you have any idea how many
- 4 ratables will be obtained? Is there any projection
- 5 of that?
- No, I don't have a projection of 6
- 7 that.
- 8 On page 38 of your report, you talk
- 9 about the largest concentration of commercial areas
- 10 in the township being Route Nine in Bayville and
- 11 South Seaside Park.
- 12 Α
- 0 Okay. How many commercial businesses 13
- 14 are in South Seaside Park?
- Right off the top of my head, I A
- 16 wouldn't be able to tell you.
  - Q How many on Route Nine?
- 18 Α Again, off the top of my head, I
- 19 wouldn't be able to tell you.
- Less than 20 in South Seaside Park, Q
- 21 that would be accurate, right?
- Probably, I would think. 22 Α
- Probably ten to 15, right? 23 Q
- Yeah, exactly. 24 Α
- How about the Holiday Mall in Holiday 25 Q

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- 1 timing as based on the timing of when the township
- 2 got the grant monies and that we were able to begin
- 3 working on the projects.
- Had nothing to do with the fact that
- 5 the high seasonal population is less those months of
- 6 the year?
- No, no, no. It was -- it had to do
- 8 with the timing of the grant and when we needed to
- 9 get the -- when we got authorization and when we
- 10 needed to complete the work. It was -- that's
- 11 really very simply the reason why the timing was as
- 12 it was.
- On page 44 of your report, you talk
- 14 about a new town center that will provide ratables.
- 15 Do you recall that?
- 16 Α Yes, I do.
- Is that a justifying -- justifiable 17
- 18 planning rationale, providing ratables?
- It can be one. 19 Α
- 20 Q Okay.
- It doesn't have to be dispositive. 21
- Okay. And when do you foresee that 22
- 23 happening, the new town center?
- It's going to be dependent upon a
- 25 number of different factors. But, you know, I would

- 1 City, how many commercial uses in that place?
- Α Right off the top of my head, I
- 3 wouldn't be able to tell you.
- More than South Seaside Park, right? Q

- I would think so, yes. 5 Α
- Yeah. So, South Seaside Park is not 0
- 7 the largest concentration of commercial areas along
- 8 with Route Nine?
- Well, I mean, we're talking about
- 10 along -- all right. I'll generally agree with you,
- 11 but I think we were focusing on major routes, 35 and
- 12 Route Nine.
- 13 MR. WINWARD: Excuse me, Joe.
- MR. MICHELINI: Yeah.
- MR. WINWARD: How much more 15
- 16 questioning do you have for the planner?
- MR. MICHELINI: Just give me one
- 18 moment. We'll wrap it up here.
- MR. WINWARD: If it's several hours,
- 20 because I was going to say we are really close,
- 21 probably a little over the two hour mark.
- MR. MICHELINI: Even though I
- 23 certainly could continue this cross-examination for
- 24 many hours, I think I will heed the --
- MR. WINWARD: I mean, do you have

	113		113
1	more for next month for the planner?	1	
2	MR. MICHELINI: I think we'll let it	2	CERTIFICATE
3	go here and move on with other witnesses next month.	3	
4	MR. WISER: Mr. Chairman	4	I, LINDA SULLIVAN-HILL, a Notary
5	MR. WINWARD: Yes.	5	Public and Certified Court Reporter of the State of
6	MR. WISER: I think I do have some	6	New Jersey, do hereby certify that the foregoing is
7	questions for the planner. I'm not prepared	7	a true and accurate transcript of the proceedings as
8	tonight. Frankly, I didn't think they would	8	taken stenographically by and before me at the time,
9	conclude tonight. But I do have some questions for	9	place and on the date hereinbefore set forth.
10	Mr. Slachetka that I'd like to ask.	10	
11	MR. MICHELINI: If we're going to	11	
12	continue, then I might as well ask more questions	12	
13	next time when	13	Notary Public of the State of New Jersey
14	MR. WINWARD: Well, no, I was going	14	My Commission expires January 26, 2021
15	to say, I'm assuming you're going to be here next	15	
16	month anyway.	16	Dated: November 30, 2017
17	MR. SLACHETKA: Actually, yeah, let	17	Dated. Movember 30, 2017
18	me qualify that. Unfortunately, I do have a	18	
19	conflict. The meeting's December 7, I believe.	19	
20	MR. WINWARD: First Thursday is	20	
21	usually what it is.	21	
22	MR. SLACHETKA: Unfortunately, I have	22	
23	a conflict that meeting, that night. But I can be	23	
24	here in January. So, assuming that we're here in	24	
25	January.	25	
	114		
1	MR. WINWARD: Will your questions		
2	wait, Mr. Wiser?		
3	MR. WISER: Oh, my questions, yes,		

4 absolutely. MR. MICHELINI: I'll just reserve at 6 this point. We'll stop now and I'll reserve. Thank 7 you. MR. WINWARD: Okay. We thank you. 9 Thank our planner. And at this point, unless 10 anybody has anything else, we need a motion for 11 adjournment. DR. HUDAK: Motion. 13 MR. GINGRICH: Second. MR. WINWARD: All in favor. 14 ALL: Aye. 15 16 (Meeting adjourned.) 17 18 19 20 21 22 23 24

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