

**TOWNSHIP OF EGG HARBOR  
PLANNING BOARD (SPECIAL)**

**September 22, 2014**

**Planning Board Professional(s):**

Solicitor: Christopher Brown, Esq.: (not in attendance)

Engineer: James A. Mott, P.E., of Mott Associates: (not in attendance)

Planner: Vincent Polistina, P.P., of Polistina and Associates: (not in attendance)

**Planning Board Deannexation Professional(s):**

Special Counsel: Dean R. Marcolongo, Esq. (present)

Special Planner: Stuart B. Wiser, P.P., A.I.C.P., Remington, Vernick & Walberg Engineers (present)

A regular meeting of the Planning Board of Egg Harbor Township was held on the above date, 5:00 p.m., prevailing time, Egg Harbor Township Hall, Egg Harbor Township, New Jersey. The Chairperson opened the meeting by reading the statement in compliance with the Open Public Meetings Act.

**Roll Call Taken as Follow(s):**

Manuel E. Aponte, V-Chairperson, present  
Committeeman John Carman, present  
Milas Cook, Alt. #I, III  
Charles Eykyn, present  
James Garth, Sr., Chairperson, on vacation  
Frank Kearns, present

Robert Levy, another engage.  
Mayor James J. McCullough, Jr., \* See Below  
Peter Miller, Township Administrator, recused  
Paul Rosenberg, 2<sup>nd</sup> V-Chairperson, present  
MD Shamsuddin, Alt. #II, has resigned

**\*May the record reflect:** Mayor James J. McCullough has recused himself from these hearings. He has sent Township Committeewoman, Laura Pfrommer in his place.

**PUBLIC HEARING(S):**

- Public Hearing:** Deannexation petition submitted by the Seaview Harbor section of Egg Harbor Township seeking annexation with Longport Borough.

Attorney Doyle introduced himself to the Board. He then introduced Tiffany CuvIELLO, P.P., 7 Equestrian Drive, Galloway, New Jersey, Planner Licensed in the State of New Jersey, duly sworn:

Planner CuvIELLO placed on the record her references and credentials, including her educational and employment background. Attorney Doyle asked if she has prepared ordinance(s) and plans for other municipalities. Planner CuvIELLO explained she has prepared a number of reports including but not limited to master plans, master plan re-examinations, housing plans, redevelopment studies etc..

Attorney Doyle advised this matter concerns a boundary realignment and he referred Ms. CuvIELLO to Exhibit S-4 stating this map was previously marked showing in yellow the contiguous portion of Egg Harbor Township, Seaview Harbor in blue, and Longport in green. He advised if this realignment were to be considered then Seaview Harbor would become the area in green and not be considered Egg Harbor Township, which is the area in yellow. Planner CuvIELLO stated this is correct.

Attorney Doyle asked Planner CuvIELLO if she reviewed the statutory standards for this matter as part of her preparation. Planner CuvIELLO stated yes. She explained the burden is to demonstrate that by not allowing the deannexation it would be detrimental to the economic and social wellbeing for the majority

of the residents within Seaview Harbor and if the annexation were allowed it would not cause a significant injury to the wellbeing of Egg Harbor Township.

Planner CuvIELlo then referred to Ryan vs. Mayor and Council of Demarest stating this matter is where the court set forth what is met by social detriment. Planner CuvIELlo then read into the record what the court stated in the Demarest matter concerning social detriment. She further noted what is being presented tonight will demonstrate that there will be social and economic injury if the Township does not allow Seaview Harbor to petition Longport and realign the boundary, as well as, showing there will not be significant injury to the Township of Egg Harbor.

Attorney Doyle stated the statute does not state significant injury. Planner CuvIELlo stated this is correct it does not use the word significant. It states "would be detrimental to the economic and social wellbeing" of a majority of the resident's. Attorney Doyle, however, when defining the burden as to the injury to be done to the municipality the legislature and the statute uses the word significant injury. Planner CuvIELlo stated this is correct.

Attorney Doyle asked Planner CuvIELlo if the petition was done in accordance with the statute. Planner CuvIELlo stated correct. Attorney Doyle advised more than 60% but actually 75% of the total registered voters signed the petition that had a map and the necessary assessment information. Planner CuvIELlo stated this is correct. Attorney Doyle asked Planner CuvIELlo what Seaview Harbor consist of. Planner CuvIELlo advised Seaview Harbor consist of 92 dwelling units, a utility parcel, two (2) newly created vacant lots created by the Planning Board in July, 2013 as part of the water tower realignment plans and Seaview Marina with boat slips, a fuel dock, and a restaurant.

Planner CuvIELlo advised Seaview Harbor is about 60 acres of area, not including the lagoon areas and portions of the channel that abut the property. Attorney Doyle asked Planner CuvIELlo if this is shown within a report prepared by her on. Planner CuvIELlo advised Attorney Doyle it is dated September 18, 2014. Attorney Doyle indicated this document was provided to the Planning Board Secretary. Special Solicitor Marcolongo marked into the record as Exhibit S-64 Planner's report prepared by Planner CuvIELlo on September 18, 2014.

Attorney Doyle asked Planner CuvIELlo the area in question is how many square miles. Planner CuvIELlo stated it is .09 square miles. She advised Egg Harbor Township is 66 square miles and Seaview Harbor represents 1% or 1/700<sup>th</sup> of the total land area of Egg Harbor Township. Special Solicitor Marcolongo asked if this includes the marsh area between the yellow and blue (as depicted on S-64) when calculating the total acreage of Egg Harbor Township. Planner CuvIELlo stated it includes all as calculated by Atlantic County. Planner CuvIELlo indicated she does not know if they calculated marsh area as "land" or "water" area. She indicated she would have to verify this.

Attorney Doyle asked Planner CuvIELlo the distance of the Seaview Harbor Community is from Egg Harbor. Planner CuvIELlo stated from the boarder of Egg Harbor Township it is 4.3 miles driving time. She indicated it really depends upon where you are going. She indicated if you are coming to the Municipal Building from Seaview Harbor it is thirteen minutes. Planner CuvIELlo stated if you are going to the boundary of Egg Harbor Township it is a little less than 13 minutes.

Planner CuvIELlo referred to an aerial. She indicated it is actually taking the S-4 exhibit and placing it on an aerial to showing the development in the area. Planner CuvIELlo referred to the far right of the map stating this is the Longport area, than just adjacent to the Longport area you see the Seaview Harbor

Community than the marshland area, which Mr. Marcolongo asked was included in the land area calculations. Planner CuvIELLO stated you will then see developed area which is Somers Point and then the Garden State Parkway, which is where Egg Harbor Township's boundary begins.

Board Member Eykyn stated there is also another part, Anchorage Poynte, which is also Egg Harbor Township. Planner CuvIELLO stated Anchorage Poynte is where the marshland is shown. Board Member Eykyn stated that is a developed area. Planner CuvIELLO stated yes. Special Solicitor Marcolongo marked Aerial Map as S-65. Attorney Doyle asked Planner CuvIELLO to reference Anchorage Poynte on S-65. Planner CuvIELLO stated Anchorage Poynte is not marked on S-65, but she pointed to its general location on Exhibit S-65. Attorney Doyle asked Planner CuvIELLO that this area is not part of the mapped area as submitted by the petition. Planner CuvIELLO stated this is correct.

Attorney Doyle asked Planner CuvIELLO to explain the land area in Seaview Harbor via Egg Harbor Township and its location. Planner CuvIELLO stated it is removed from the mainland of Egg Harbor Township as shown on the aerial map. She explained it is a developed area off Longport Boulevard next to the borough of Longport. Planner CuvIELLO stated it is amongst a marshland area is owned by the Department of Environmental Protection or other governmental agencies. She advised the next closest development short of Longport is Anchorage Poynte, which is in Egg Harbor Township and then you abut into Somers Point where you have a majority of development.

Attorney Doyle stated Seaview Harbor is part of an island and the only portion of that island that is inhabited or improved is Seaview Harbor. Planner CuvIELLO stated this is correct and its access is off a State Highway.

Attorney Doyle asked Planner CuvIELLO about the zoning of the area. Planner CuvIELLO stated the property is zoned two (2) different ways. She indicated the residential area is zoned R-6 under the Egg Harbor Township zoning ordinance and the balance of the property, where the marina sits is within the CRW (conservation recreation wetlands) district. Planner CuvIELLO stated the R-6 zone allows for 5,000 sq. ft. lots with a 50' ft. lot width. She indicated the setback requirements are 15' ft. depending upon how you construct your home with or without a garage, 10' ft. rear lot, and 5' ft. side lot with a combined 15' ft. between both sides.

Planner CuvIELLO stated the CRW zone allows for marinas as a conditional use. Attorney Doyle asked Planner CuvIELLO if she has been at this property. Planner CuvIELLO stated yes, more than once. Attorney Doyle asked Planner CuvIELLO in compiling her information for this report what had she used and what did she do. Planner CuvIELLO stated she reviewed Township planning documents, State and County planning documents, economic and census information and demographic data. She stated she reviewed Longport information including master plan, zoning information and planning documents.

Planner CuvIELLO advised she also spoke with the residents of Seaview Harbor community that are part of the realignment committee. She stated she researched the law on annexation, performed site visits of the property, performed site driving distances, commuting times and historical overview reviewing historical information from Egg Harbor Township, Atlantic County, and the State of New Jersey.

Attorney Doyle asked Planner CuvIELLO if she reviewed the survey that was done and entered into evidence and was it an appropriate thing to do. Planner CuvIELLO stated she has seen the survey and she believes it was appropriate. She indicated she viewed the survey as a guide as to what were the concerns and issues of the residents within Seaview Harbor and where they had issues what could be

corrected or couldn't be corrected and how it related back to the Statute as to whether there was any economic or social wellbeing or injury to the residents of Seaview Harbor. She stated she did not use the survey as the fact(s). She stated she had spoken to people to verify and substantiate what was provided for in the survey.

Planner Cuiello stated she used the survey as a guide to set the framework as to where the issues begin and where the concerns and disconnect are between Seaview and Egg Harbor Township. Board Solicitor Marcolongo asked Planner Cuiello if she participated in the creation of the survey. Planner Cuiello stated she did not.

Attorney Doyle asked if Planner Cuiello was satisfied with the methodology. Planner Cuiello stated in terms of providing and understanding the framework for the residents, yes. Attorney Doyle asked Planner Cuiello if she is familiar with Survey Monkey. Planner Cuiello stated yes. She advised has been used in other towns, where she has worked, as a planning document. She explained Galloway Township hired a consultant who utilized Survey Monkey to establish the feelings of the Township residents concerning the needs of the biking and pedestrian community. She advised the information from the survey was used as a guide not as the framework for the preparation of an actual bike/pedestrian master plan.

Attorney Doyle stated the survey is not intended to be the end all. Planner Cuiello stated this is correct. She advised the survey is used as part of a plan. She indicated it is used as a community outreach involvement. Attorney Doyle asked why planner involvement would be considered in a matter such as this. Planner Cuiello stated as a planner they try to make communities better. She advised they try to find solutions to zoning and land use. She indicated they strive to create plans that create a harmonious interaction of a community. Planner Cuiello stated as a planner they look at the needs of community and try to balance them against each other because the needs of a community are varying.

Attorney Doyle stated there are two (2) zones in Seaview Harbor one for the Marina and one for the residential. He stated given the mapped area does Planner Cuiello see any possibility of developing any portion of the island other than the area of where the boundary realignment is sought. Planner Cuiello stated she does not believe there is any additional potential for any substantial or significant development other than open space type uses.

Attorney Doyle asked within Seaview Harbor what is the opportunity for development. Planner Cuiello stated there is very little opportunity for development in Seaview Harbor. She indicated there are two (2) residential lots left that can contain homes. She stated outside of this there is no more expansion for development. Attorney Doyle asked Planner Cuiello to compare this to the possibility of growth based upon the zoning and land mass of Egg Harbor Township.

Planner Cuiello stated Egg Harbor Township is a Pinelands Regional Growth area. She indicated based on this there has been a lot of strain on the municipality. She indicated there has been significant growth over last 20 years and there will be continued growth based upon this designation. Planner Cuiello stated coupled with this there is also has also been significant growth in surrounding areas.

Planner Cuiello stated looking at different projections, which some are dated, but still show there is room for significant growth. Such as in 2004 the Pinelands Commission published a white paper on time growth options for the Pinelands. She stated this report included an analysis for the regional growth

area and estimated that there were eight (8) large vacant tracts ranging in size from 100 to 300 acres with some wetlands area in Egg Harbor Township that could accommodate considerable growth. Planner CuvIELLO stated she also looked at Atlantic County's build out analyses for smart growth from 1995 – 2000. She indicated the County found an increase of just over 900 acres of development within Egg Harbor Township and it found there were over 13,000 acres of land available for development in Egg Harbor Township, as of 2000.

Planner CuvIELLO stated rather than preparing a build-out analysis, which is a large undertaking, in order to find out what is available today. Planner CuvIELLO advised she looked at the tax assessments records and found based upon these records there are 685 acres of vacant land in the Township's Commercial zoning designation and over 2,000 acres of vacant land in the Township's residential zoning districts. Planner CuvIELLO stated in addition there is another 6,500 acres of vacant land in the Township where the zoning is not identified. She further noted the acreage discussed does not include land owned by public agencies.

Planner CuvIELLO stated the total acreage in the Township is over 40,000 acres and there is a total of 9,000 acres that are owned and vacant, which excludes any publically held land or non-profit land within the calculation. Planner CuvIELLO stated this verifies there is still available acreage for development and it accounts for 22.7% of the total land area in the Township. Planner CuvIELLO stated coupled with this is the Township's most recent reexamination report dated 2008 where it continues to stress there has been an unprecedented level of growth and it is expected to continue and the Township needs to prepare for this growth in forms of different planning methods.

Planner CuvIELLO read into the record a statement from the 2002 Egg Harbor Township Master Plan concerning the unprecedented level of growth experienced and that over the last 20 years the Township has experienced a 55% increase to the population since 1980. She further read into the record that the master plan describe in 2002 that there was no end to the growth in the foreseeable future and growth would occur at a consistent pace over the next two (2) decades requiring growth management and fiscal stability are becoming pressings concerns.

Planner CuvIELLO stated in 2002 the master plan was a little different than the one from the 2008 reexamination when the Township started to see the economic recession begin. She stated the 2008 master plan did reiterate the same statement, as the 2002 concerning the challenges continued to be growth management and fiscal stability. Planner CuvIELLO stated this was six (6) years ago and things are different than they were six (6) years ago and we have not seen significant growth in the past few years because of the economic recession, but it does not take away the potential for growth and you are still seeing some level of growth, but not at the same fast level that was previously experienced.

Attorney Doyle asked Planner CuvIELLO based upon the information see provided if the number of homes that could be built in Egg Harbor Township are in the 10's, 100's, or 1,000's. Planner CuvIELLO stated she does not know how to answer this question, however, it is significantly more than the two (2) residential units that can be built in Seaview Harbor. Planner CuvIELLO continued stating the growth in Seaview Harbor is at a standstill but there is considerable room for growth within Egg Harbor Township creating an expectation to population increase.

Planner CuvIELLO stated she is aware of various residential projects such as "Pond's Edge", which is multi-family residential development, as well as, additional development of projects that were approved, but because of the permits and approvals being extended are still being constructed at a slower growth rate.

Attorney Doyle asked about the potential of non-residential development in the Township. Planner CuvIELLO stated there is potential for non-residential growth as well. She indicated there is proposal for redevelopment of the Shore Mall and the development of the Wal-Mart Center off Fire Road, which she stated she believes is still under appeal. Planner CuvIELLO stated there is other commercial development opportunities in the regional and non-regional growth areas of the Township. Special Board Solicitor Marcolongo asked if Planner CuvIELLO anticipates more residential growth or commercial growth. Planner CuvIELLO stated she did not look at either exclusively. She stated she is not even sure how you equate residential to commercial unless you apply acreage.

Special Board Solicitor Marcolongo stated he is trying to determine if most of the growth will be residential or commercial. Planner CuvIELLO stated she cannot say it will be balanced. She further noted she cannot provide a definitive answer. Planner CuvIELLO stated she believes the Township will see both. Attorney Doyle asked if there is any opportunity for commercial growth in Seaview Harbor. Planner CuvIELLO stated no.

Attorney Doyle asked Planner CuvIELLO if the applicable zoning standards make sense in Seaview Harbor. Planner CuvIELLO stated in part. She advised there is a provision in the ordinance requiring a reduced front yard setback of 15' ft. She advised Seaview Harbor is a shore town and this is why they are here. She stated they are on the water, there is reduced front yard setbacks, and the rear yard is on the water. She advised the 15' ft. setback is only when you have a side entry garage but with a lot width of 50' ft. it makes it difficult to propose a side entry garage.

Planner CuvIELLO stated what this leads to is an ordinance that allows for a 15' ft. setback without a garage. She advised she understands the aesthetics of not having a garage at the street with a reduced setback but for Seaview Harbor you do have some homes that are a little wider that have side entry or older homes that pre-date the ordinance that have front entry garages so it makes it a practical difficulty.

Planner CuvIELLO advised if someone wants to rehabilitate, remodel or build a garage they have to apply for a variance in order to keep the 15' ft. setback. She stated the variance may be easy to justify considering the unique circumstances of the community but the cost and time involved is higher than what it would be to build by right. She then explained the cost associated with the variance by referencing the fees from the Township Web Site, as well as, advising the associated cost of the noticing provisions and provide a sample time period in which it will take after approval is granted. She further noted other cost to consider is those of an attorney, engineer and planner.

Attorney Doyle stated these fees come with the knowledge that the Board has the discretion of either conditioning the approval or denying the request. Planner CuvIELLO stated this is correct. Attorney Doyle stated this is different than as a matter of right when you obtain a zoning permit and then apply to the building department for permits due to conformance.

Special Solicitor Marcolongo advised it is his understanding the R6 zoning for this area was created in 2000. He asked if Planner CuvIELLO reviewed how many zoning board applications were made in Seaview Harbor since 2000. Planner CuvIELLO stated she did not review how many applications were made. She stated she spoke with the residents. She advised Mr. DeBeck who previous testified decided not to make an application so he has no garage at the reduced setback on his property.

Attorney Doyle explained historical, pre-independence day, Egg Harbor extended from the Delaware River into the Ocean. He stated then it was only half-way through New Jersey to the Ocean. He advised thereafter when Atlantic County was formed in 1837 there were four (4) towns created. Planner Cuiello stated since 1837 ten (10) municipalities were separated from Egg Harbor Township. She advised in 1853 Egg Harbor Township was one contiguous area.

Attorney Doyle asked Planner Cuiello if she has the opportunity to look back at a book written by John P. Snyder, from The View of Geology and Topography about New Jersey's civil boundaries. Planner Cuiello stated yes. Attorney Doyle asked if this book has historical maps showing New Jersey in the colonial and independence days showing the county and how it developed. Planner Cuiello stated this is correct. Attorney Doyle stated in this it list all the boundary changes of Egg Harbor Township from 1693 up to 1933. Planner Cuiello stated yes. Special Solicitor Marcolongo marked into the record S66: The Story of New Jersey Civil Boundaries (1606-1968).

Planner Cuiello stated since 1837 ten (10) municipalities separated from Egg Harbor Township and that is how Egg Harbor Township came to be today. She stated in 1853 Egg Harbor Township was one (1) contiguous area. She stated within her report there is an exhibit entitled 1853 and it shows were Seaview Harbor is in relationship to the entire Township.

Planner Cuiello stated during this time Egg Harbor Township incorporated all the varying municipalities such as Absecon, Pleasantville, Atlantic City, Ventnor, Margate, Longport, Somers Point, Linwood, and Northfield. She stated over time each of these municipalities separated from Egg Harbor Township. She stated the most significant is how Seaview Harbor became separate begins when Margate separates in 1885 and Somers Point in 1886 and then followed in 1889 by Linwood and in 1898 Longport and the last connection of the mainland or the contiguous Egg Harbor Township and Longport was Northfield in 1905. Planner Cuiello stated over time the areas became further from the contiguous Egg Harbor Township.

Planner Cuiello stated based on these separations you see West Atlantic City, Margate Boulevard when Hackney's is, Seaview Harbor and Anchorage Poynte which are non-contiguous with the mainland portion of Egg Harbor Township. Attorney Doyle asked Planner Cuiello based on comments previously made was there a Seaview Harbor in 1898. Planner Cuiello stated no there was not. Planner Cuiello stated many of the shore towns were created through the creation of Boroughs under the State Law. She advised this is when you have four (4) square miles and 5,000 residents you could create a borough and this is where the shore towns down the coast line were created.

Planner Cuiello stated Seaview Harbor did not exist until 1956 when the map was filed in Atlantic County and construction development in Seaview Harbor began. She indicated not long after the map was filed the Longport Bridge was replaced in 1963, which improved the access to the Seaview Harbor community and the earliest residential development in Seaview Harbor occurred in 1959. She stated the homes continued development since 1960 and the marina opened in 1987 development since 1960 and marina was in 1987. She stated Seaview Harbor was given a Longport zip code due to its proximity to Longport and the Seaview Harbor Board was created in 1960 to represent the community.

Attorney Doyle read into the record sections of an article entitled "Egg Harbor Township Borders Leaves Locals; Business Confused". Attorney Doyle asked based upon what he read if Planner Cuiello found the comments were consistent with her researched. Planner Cuiello stated this is correct. Attorney

Doyle again read more from the article concerning how the other towns did not want marshlands on the tax rolls, therefore, they only took upland areas and left the meadows and marshlands to the Township. Planner Cuiello stated this is correct understanding what it was at the time. She advised Egg Harbor Township did not have to make them take these lands so they were left with them. She advised had Seaview Harbor existed in 1898 it may have well became part of Longport, however, she stated they will not know. Special Board Solicitor Marcolongo marked this article as Exhibit S67: Three (3) page article from Atlantic City Press dated December 27, 2011.

Planner Cuiello advised she has reviewed the population growth in Seaview Harbor beginning in 1959. She then referred the Board to Table #4, within her report stating this reflects the total numbers of homes that existing in each year. Planner Cuiello stated in 1970 there were 25 units existing, in 1980 there were 51 existing, 68 in 1990, 72 in 2000, and 91 in 2010. She advised in 2012 another unit was constructed so there is a total of 92 existing homes in Seaview Harbor.

Attorney Doyle asked Planner Cuiello if she reviewed population and the number of housing units between Longport, Seaview Harbor and Egg Harbor Township. Planner Cuiello stated she did. She then referred the Board to Page 18 of her report Table #3. She advised they performed an analysis of census data for Seaview Harbor, Egg Harbor Township, and Longport. Then compared the information. Planner Cuiello stated as you can see the population of under 18 accounts for 26% of the total population, she advised in Seaview Harbor there is only 13 under 18, based upon 2010 census information and this accounts for 13% of the total population, and in the Borough of Longport they have 12% of the total population that is under 18, which is comparable to Seaview Harbor.

Planner Cuiello advised they reviewed those over the age of 65. She indicated in Egg Harbor Township 11% of the total population is over 65, Seaview Harbor has 26%, and Longport has 38%, which verifies the difference between Egg Harbor Township versus Seaview Harbor and Longport where the median age in Egg Harbor Township is 39, in Seaview Harbor it is age 55, and in Longport it is age 48. She advised Longport and Seaview Harbor have an older populations than Egg Harbor Township. She stated Egg Harbor Township is a much larger area and is not 92 homes and has many communities within it. However, she stated Seaview Harbor is a small community, as well as, Longport and they have similar demographics.

Planner Cuiello stated there are other similarities between Seaview Harbor and Longport from Egg Harbor Township concerning the housing units. She advised there is a seasonal population. She indicated there is an occasional use of Seaview Harbor because many people have second homes within the community, which is not as apparent in Egg Harbor Township. She advised within Egg Harbor Township year round housing units is 93%, Seaview Harbor it is there is a 93%. What is also similar between Longport and Sea view Harbor is the seasonal Similar to seaview and longport is a seasonal and is not apparent in EHT and is 93%, Seaview Harbor is 47% and Longport Borough is 28%. She stated when you look at the occasional use or the seasonal use it is 2% for Egg Harbor Township, 49% for Seaview Harbor and 68% for Longport. She indicated this is not a surprise, but again it shows the similarity between Seaview Harbor and Longport.

Planner Cuiello stated she also looked at the households not just the populations. She indicated the number of households with a population under 18 in Egg Harbor Township is 41%, in Seaview Harbor it is 16% and in Longport it is 12%. She indicated with households of people over 65 in Egg Harbor Township it is 23%, in Seaview Harbor it is 47% and Longport is 54%. Again, showing a correlation between the demographics of the population.

Attorney Doyle asked Planner Cuiello, why do the differences between Egg Harbor Township and Seaview Harbor matter and why do the similarities between Seaview Harbor and Longport matter. Planner Cuiello stated the differences between Egg Harbor Township and Longport is that Longport is a different type of community. She advised Egg Harbor Township is a growing community with numerous families they provide many opportunities than what you would provide for a shore town. She indicated shore town communities have occasional use of the property and seasonal population fluctuation. She provided as examples trash pick-up, how people utilize their homes, how they get to their homes. She stated Seaview Harbor is more like Longport based on their similarities.

Planner Cuiello stated Egg Harbor Township provides a variety of services for their residents, however, Longport provides services more consistent for Seaview Harbor because they are similar to one another. Attorney Doyle asked if these difference matter with respect to the statutory standards for the petition. Planner Cuiello stated they relate. She indicated the statutory provisions is to show there is a detriment to the economic and social wellbeing of the majority of residents in Seaview Harbor if the alignment is not allowed. Planner Cuiello then read into the record the definition for "Community".

Planner Cuiello stated when you look at the population statistics it is not that Egg Harbor Township is not appropriate it means Longport is more appropriate and that impacts the social wellbeing of the residents of Seaview Harbor. She further noted you place like people together and create a community. She advised the residents of Seaview Harbor already feel this and it is important. Attorney Doyle asked if Seaview Harbor is like Egg Harbor Township. Planner Cuiello stated no. Attorney Doyle asked if it is like Longport. Planner Cuiello advised they are similar.

Attorney Doyle asked as far as size he asked where each town stands within Atlantic County. Planner Cuiello stated Egg Harbor Township is the largest in population within Atlantic County. She advised as far as land mass Egg Harbor Township is the 3<sup>rd</sup> largest within Atlantic County under Hamilton Township, and Galloway. Longport is the smallest in Atlantic County and one of lesser populated. Attorney Doyle asked why the comparison of 18 or younger is important. Planner Cuiello stated it shows school aged children within Seaview Harbor and the demographics of what Seaview Harbor is versus Egg Harbor Township versus Longport. She stated it addresses school aged children and the structure of the community. She advised what was found that there are nine (9) children in five (5) different homes within Seaview Harbor. She indicated this is from the survey that was previously discussed.

Planner Cuiello advised within the census there were 13 children under the age of 18 years. She stated she is not sure if there are other children, since the question within the survey focused on the school district. She indicated this represents 5.4% of the homes in Seaview Harbor. She advised within Egg Harbor Township 40% of the households have school aged children so this would be 6,000 households with children under the age of 18 years. So this shows a definite difference between Egg Harbor Township and Seaview Harbor.

Attorney Doyle stated the survey provided to the residents, particularly question 16: asked where do you tell people your Seaview home is located and 95% stated Longport. He asked Planner Cuiello how does this fit into community as previously discussed and the numbers provided. Planner Cuiello stated the residents in Seaview Harbor feel they are part of Longport. She indicated when they are asked where they live they say Longport, which is part of the affiliation and connection with Longport.

Special Board Solicitor Marcolongo asked if Planner CuvIELLO she believe feelings are relevant on a Planning analysis level. Planner CuvIELLO stated as it relates to their social wellbeing and their sense of community and how they related to one another. She stated she thinks it is an important factor. She stated it is not the entirety it is a portion of what needs to be evaluated. Attorney Doyle stated Planner CuvIELLO mentioned a number of statistics. He asked a chart be entered as an exhibit. Exhibit S68 Spread Sheet relating Egg Harbor Township to Seaview Harbor as a whole, prepared by Planner CuvIELLO.

Attorney Doyle asked where Planner CuvIELLO obtained the numbers from. Planner CuvIELLO stated the information was obtained through tax assessment information and census data, advising she did the math to arrive at the information listed in the third column. Attorney Doyle referenced the third column on the chart stating when you see .00 then a number appears that means it is less than 1%. Planner CuvIELLO stated this is correct.

Attorney Doyle asked Planner CuvIELLO that the estimated population for Egg Harbor Township is. Planner CuvIELLO stated the population of Egg harbor Township based on the 2010 census is 43,323. She indicated Seaview Harbor is 102, which equates to .0024 meaning that it is slightly less than one quarter of one percent. Attorney Doyle asked about school children. Planner CuvIELLO stated public school children is -0- for Seaview Harbor. She stated this does not mean there are not school children within Seaview Harbor it just means there are no school children in the public school. Attorney Doyle asked how many school children in Egg Harbor Township. Planner CuvIELLO stated there are 7,010.

Attorney Doyle asked Planner CuvIELLO if she sees the population of Seaview Harbor changing. Planner CuvIELLO stated there are two (2) vacant residential building lots. She advised based on these two (2) lots the population will change in Seaview Harbor. Attorney Doyle asked what about Egg Harbor Township. Planner CuvIELLO stated it will change and it will grow. Attorney Doyle asked if School Children from Seaview Harbor coming to the public schools likely to change. Planner CuvIELLO stated this is difficult to answer. She stated if it did change it would be a substantial change from -0- but not a substantial change for Egg Harbor Township.

Attorney Doyle asked what about housing units. Planner CuvIELLO stated Seaview Harbor will increase by two (2) when those residential homes are constructed but there are 92 existing homes in Seaview Harbor. Attorney Doyle asked how many in Egg Harbor Township currently. Planner CuvIELLO stated there are currently 16,347 units within Egg Harbor Township. Attorney Doyle stated so Seaview Harbor has one half of one percent of the units within Egg Harbor Township. Planner CuvIELLO stated yes, this is correct. Attorney Doyle asked how many residential tax parcels are there. Planner CuvIELLO stated this chart references 92 parcels within Seaview Harbor, however, this report was prepared prior to the two (2) residential parcels being filed. She indicated there are now 94 residential parcels. Attorney Doyle asked how many are within Egg Harbor Township. Planner CuvIELLO stated there are 14,529. Attorney Doyle stated this is sixth tenths of one percent. Planner CuvIELLO stated this is correct.

Planner CuvIELLO stated she would like to correct what she previous stated. She advised there are three (3) tax parcels not just the two (2) lots from the subdivision. She advised this is significant because there is an ability for additional development. Attorney Doyle stated if there are only two (2) lots from the subdivision why is there three (3) lots. Planner CuvIELLO stated the parcel is undersized and is commonly owned with the residential. Attorney Doyle stated this means Seaview Harbor has one twelfth of one percent of the vacant parcels. Planner CuvIELLO advised this is correct. Attorney Doyle stated total tax parcels take into account residential, industrial, and commercial. Planner CuvIELLO stated this is correct. Attorney Doyle asked what is the comparison between Seaview Harbor and Egg Harbor Township.

Planner CuvIELlo stated 97 versus 19,362. Attorney Doyle stated this means Seaview Harbor is one half of one percent. Planner CuvIELlo stated this is correct.

Attorney Doyle asked Planner CuvIELlo taking all the statistics into consideration from -0- to at most sixth tenths of one percent what does this say to her. Planner CuvIELlo advised this says Seaview Harbor is a very small portion of Egg Harbor Township. She stated this includes land area, population and development. Attorney Doyle asked if Seaview Harbor were to leave would there be changes in school children, housing units, and population. Planner CuvIELlo stated it would not be noticeable.

Attorney Doyle asked Planner CuvIELlo based on the statistics presented is Seaview Harbor more like Longport. Planner CuvIELlo stated yes. Attorney Doyle asked with respect to the demographics does Planner CuvIELlo have anything more to offer. Planner CuvIELlo stated both Egg Harbor Township and Longport are part of Atlantic County. Therefore, she wanted to see if Seaview Harbor leaves what effects this would have on Egg Harbor Township with Atlantic County.

Planner CuvIELlo stated with Seaview Harbor gone the reduction is small. She explained with Seaview Harbor the population is 15.78% of the County. She advised without Seaview Harbor it will be 15.74% of the county and does not change the population and ranking on that level. Planner CuvIELlo stated with Seaview Harbor the land area it 11.98% and without it is 11.97%. She advised she also included the number of housing units. Planner CuvIELlo advised with the community it is 12.9% and without it is 12.8%. She advised she also looked at the total assessment, as it relates to the County and with the community it is 8.82% and 8.6% without. She indicated the assessment is based on the 2012 data.

Planner CuvIELlo advised with the information she has provided Egg Harbor Township would not be negatively impacted when viewed as a piece of Atlantic County if the Seaview Harbor Realignment were to go through. Attorney Doyle advised these statistics are important to show whether denial of the petition would cause social detriment or wellbeing of the majority of the residents within Seaview Harbor. He indicated Planner CuvIELlo mentions this in terms of the Ryan Case. He asked Planner CuvIELlo if the statistics, the survey, and her research tell her there will be social detriment if the petition is denied. Planner CuvIELlo stated there is social detriment in terms that there is connection from Seaview Harbor to Longport more than there is to Egg Harbor Township. She advised in terms of numbers there is a commonality there is more forging of relationships. She used as an example as children interacting with other children and the parents follow and interact with other parents. The shopping the attending of church. She stated this all becomes part of your community. She stated this goes to the social wellbeing of a community and within the Ryan Case this is discussed.

Planner CuvIELlo then read sections from the Ryan Case concerning social wellbeing. She stated Seaview does not participate in things within Egg Harbor Township. She stated it is not because they do not like you, but because of their proximity to Longport. She stated they are more related to Longport such as their population demographics, their housing is similar and lifestyle of being on the water is similar. She stated there is a geographic distance and a commonality of population that makes this realignment make sense.

Attorney Doyle if it were realigned based upon survey results is Egg Harbor Township denied their meaningful interaction with Seaview Harbor. Planner CuvIELlo stated no. It would not be denied because it does not exist today. She stated the interaction rest with Longport. She stated by not allowing the boundary realignment you would be depriving Seaview Harbor. Attorney Doyle referred to the survey previously submitted. He then referenced the question concerning "where do you tell people your Seaview home is located". He advised 1.3% answered Egg Harbor Township, 4% answered other,

and 95% stated Longport. Planner Cuiello stated this is correct. They see themselves as part of Longport.

Attorney Doyle then referenced other various questions with the survey such as, shopping, church, restaurants, social activities, etc... he asked if this also sustains Planner Cuiello's testimony. Planner Cuiello she stated yes and was supported through by various residents of the community as well. Attorney Doyle stated there was a question on the survey concerning confusion with explaining which town their Seaview Harbor home is located. He advised 5% answered no and 95% answered yes. He asked Planner Cuiello how this fits into her conclusions and testimony. Planner Cuiello stated Seaview Harbor has a Longport mailing address and zip code and they are part of Longport. She stated it causes problems with receiving mail and the issues with purchasing homes.

Planner Cuiello stated this may not seem consequently when you have a population of over 43,000, however, it is important for this community. She stated they struggle with defining to people where they live, with deliveries, and mail. She stated when you look at the aerial map, outside of Anchorage Poynte, Egg Harbor Township is over 4 miles before you reach the boundaries. She stated you have to travel through Somers Point to get to Egg Harbor Township mainland in order to interact with Egg Harbor Township when Longport is less than a ¼ mile over the bridge from them.

Attorney Doyle asked if there is any public property in Seaview Harbor. Planner Cuiello stated no. She advised there is no public access to the water in Seaview Harbor and the marina is a commercial facility and anyone can purchase or own a boat slip at the marina. Planner Cuiello stated there is a beach but it is for the Seaview Harbor residents not the public. She advised there is no public area being taken away from the residents within Egg Harbor Township if the realignment were to occur.

Attorney Doyle stated Planner Cuiello discussed the distances which is not something that can change, since it was created by nature. Planner Cuiello stated this is correct. She advised there is nothing anyone can do to change the distance or proximity to Egg Harbor Township. She advised it was something that was created in 1956 when the subdivision plat was filed.

Attorney Doyle stated they have not discussed emergency services. He asked if Planner Cuiello took a look at this and the time it takes to travel from the Egg Harbor Township Police Station to Seaview Harbor versus Longport. Planner Cuiello stated yes. She advised the distances are substantial different. Special Solicitor Marcolongo marked Exhibit S69 table regarding distances to community facilities for Attorney Doyle.

Planner Cuiello stated from Seaview Harbor it is about 7.2 miles to the municipal building/police station, it is 7.5 miles to the Fire Station and 7.6 miles to the elementary schools (advised Slaybaugh School complex as the model). Board Member Kearns asked what fire station was used. Planner Cuiello stated Scullville Fire District Station #1 was used as the model. She advised Scullville has a Fire District Station #2 but it is 10.2 miles away. Planner Cuiello advised the Library is 7.65 miles away and where you go to vote is 7.5, which is the Scullville Fire District Station #1). She stated these were compared to Longport and the municipal building in Longport is .95 miles, the fire station is also .95 miles. The School for Longport is the Roth Intermediate School in Margate is 2.5 miles. Planner Cuiello advised the Library is less than a mile and where you would go to vote is also less than a mile.

Planner Cuiello stated she included the travel time, within S69, via Map Quest. She stated map quest does not take into consideration traffic lights or traffic so the travel time referenced is not exact. She indicated it takes approximately 13 minutes to go to the places within Egg Harbor Township and 2

minutes to get to the municipal services in Longport, short of the school located in Margate, which is 7 minutes.

Attorney Doyle asked what does this mean to the wellbeing of people within Seaview Harbor. Planner CuvIELLO stated if you wanted to obtain a building permit, go to library or vote you are traveling over 7 miles to do so and traveling over 13 miles, which is not quantified via Map Quest versus going into the City of Longport which is two (2) minutes over the bridge. She stated in summertime it may be a little longer but not at the same level to reach the service in Egg Harbor Township.

Attorney Doyle asked Planner CuvIELLO to focus on fire, police and emergency services. He asked what Planner CuvIELLO what is the municipality's role on these services. Planner CuvIELLO stated it is a municipality's role to provide public safety, promote public health and look out for the general welfare of its residents and their wellbeing. She further noted these are the principals of the municipal land use law and the perspective of good planning. Planner CuvIELLO then read into the record various points of the municipal land use law and then cited from Article 1 (2A): Rights and Privileges under the New Jersey State Constitution onto the record.

Planner CuvIELLO stated it is the job of the municipality to protect the people and it goes to the heart of the statute previously referenced. She indicated the Township has the right to alter or reform when the public good may require it. Planner CuvIELLO stated location of development should be related to the Government's ability to provide the services. Planner CuvIELLO stated Seaview Harbor suffers because of its remote location. It creates difficulties and contributes to fractured services and impacts the public's health, safety, and welfare.

Planner CuvIELLO stated the one thing that strikes her is the police service. She advised as the Board has heard the Borough of Longport responds first in Seaview Harbor, which make sense. She further noted there is no formal agreement with the Borough of Longport and Egg Harbor Township but they do respond first. She indicated Longport police officer has to wait for the Egg Harbor Township police officer to arrive in order to perform the paperwork because the Longport office cannot. She stated now there is double effort for a burglary call or whatever the call would be. She stated she does not believe this is efficient. She stated this goes toward the impact of emergency services and the economic and social wellbeing of the residents and the economic funds of Egg Harbor Township to duplicate and effort.

Planner CuvIELLO stated the fire house is 7 ½ miles from Seaview Harbor marina not counting the travel time. She stated Egg Harbor Township is not the first to respond to a fire and this is understandable because you cannot fix the geographic distances, but there is a distance issue. She stated this again goes against social and economic wellbeing of Seaview Harbor and the impact on Egg Harbor Township residents as well. Attorney Doyle it was suggested, perhaps not seriously, of putting a fire house in Seaview Harbor. He asked Planner CuvIELLO if this was a practical expenditure of public or volunteer or non-profit funds. Even if there was room. Planner CuvIELLO stated not familiar with what it cost, but would be a lot for a small community.

Attorney Doyle stated as noted in Planner CuvIELLO's report the article of December 27, 2011, submitted into evidence before states "if there is 9-1-1 call they would be closer than we would". He asked if this sums it up. Planner CuvIELLO stated it does. Not something that anyone can change. Attorney Doyle advised this quote is found on page 24 of the Planner CuvIELLO's report and was made by Mayor McCullough.

Attorney Doyle asked if Planner CuvIELLO hearing from the residents that the times and distances happen in real life. Planner CuvIELLO stated she has heard the testimony of the 9-1-1 calls and not knowing where they are and the time wait for responses. She stated there is real impact realized to the residents of Seaview Harbor because of the geographical distance. Attorney Doyle asked if this fact was magnified during Irene and Sandy. Planner CuvIELLO stated the remoteness of Seaview Hharbor was magnified during Sandy because you could not get to Seaview Harbor through Longport Boulevard. She advised you had to go through Margate and Ventnor. She stated there was no access through Somers Point.

Planner CuvIELLO stated snow is another issue. She advised she grew up in Atlantic County and she had lived in Egg Harbor Township for several years. She stated she understands it is a lot to remove but there is a longer time for snow removal to occur and it has come that the residents have found a way to remove it themselves to better provide those services.

Attorney Doyle asked Planner CuvIELLO between Longport and Egg Harbor Township, just from a geographic stand point, who is better prepared to ensure the protection, security and benefit of the people that live in Seaview Harbor. Planner CuvIELLO stated it is evident that Longport is because they are providing those services now as first response. Attorney Doyle noted other social services are used in Longport other than Egg Harbor Township such as the library and recreational facilities. Planner CuvIELLO stated yes. She advised the library service is the one provided by Atlantic County, however, the library in Longport is closer than Egg Harbor Township's.

Planner CuvIELLO stated she had a map within her report showing the fire districts. She stated the map shows where Seaview Harbor is located and Scullville Fire District Station #1. She stood up showing this via the aerial map. Attorney Doyle asked the polling place is how far away. Planner CuvIELLO stated it is the same location as the fire house. She indicated it is 7 ½ miles away. Attorney Doyle asked versus Longport. Planner CuvIELLO advised it is under a mile.

Attorney Doyle stated Atlantic County Government is through the Executive and the Board of Freeholders. He indicated the Freeholders are elected and there are several "At Large" members, and several elected from five (5) districts. He asked if Egg Harbor Township all one district. Planner CuvIELLO stated not. She advised for the Freeholders there is district 2 and district 3. She advised the mainland portion of the Township is in district 3 and Seaview Harbor is in district 2. Planner CuvIELLO stated there is a part of district 2 that goes past Somers Point but the majority of Egg Harbor Township is in district 3. Planner CuvIELLO apologized. She advised West Atlantic City is within district 1.

Attorney Doyle stated schools should be discussed. He advised Seaview Harbor has historically not had school children within the district. Planner CuvIELLO stated this is correct. Attorney Doyle this is based upon the median age, family size, seasonal nature, and distances. He asked if these circumstances will continue. Planner CuvIELLO stated she would reason this would be the case based on the historical understanding of the school children. Attorney Doyle asked what if someone wanted to go to school within the Egg Harbor Township district and lived they lived within Seaview Harbor could Planner CuvIELLO explain the distances and problems.

Planner CuvIELLO stated the schools within Egg Harbor Township are further than those for Longport/Margate. She stated it is a difference of more than five (5) miles. She stated this may not be an issue for the older children schools but the commute time for the younger children is a concern. She stated this is also a concern of the parents. She advised you want your children to receive an education but you do not want an unreasonable commute time for them to receive it.

Planner CuvIELlo stated she reviewed the kindergarten program, which is 2 ½ hours, which is considered a half day. She used Slaybaugh as the model for Kindergarten not Davenport, since Davenport is 12 miles away. She advised Slaybaugh is Kindergarten through Third (3<sup>rd</sup>) grade and is 7.8 miles from Seaview Harbor. She indicated you would have a 2 ½ hour school day for kindergarten and it is a 13 minute commute but this does not take into consider picking up any further students, traffic or traffic lights. She stated the students are on the bus at minimum of 20 minutes and on the way back if they do have stops they will be the last for drop off, therefore, you have at least another 30 minutes. She indicated of a 2 ½ hour day for Kindergarten they are on the bus at 30% of the day.

Planner CuvIELlo stated also it is a practical difficulty if the Seaview Harbor and Anchorage Poynte children are not the only ones on the bus and you have Scullville children that were picked-up before the others then you are also impact those children as well to the commute time. She stated this is a long commute time for Kindergarten for a 2 ½ hour day of school. She advised this adds to the social wellbeing of both the residents of Egg Harbor Township, dealing with the children of the Seaview Harbor residents children, as well as, the children in Seaview Harbor.

Attorney Doyle asked Planner CuvIELlo to discuss the planning process and what the Township has done to plan. Planner CuvIELlo stated she is aware as a planner that not every single planning document will discuss Seaview Harbor, especially when having a community the size of Egg Harbor Township. She indicated she has reviewed the Township's planning documents from 1965 – 2008, as well as, the Livable Communities Plan that was done on behalf of the Township in 2007 by the Pinelands Commission.

Planner CuvIELlo stated the focus is primary on development pressures of growth and how you manage this in the community. She advised in 2002 there was planning that was done concerning regional drainage and flood control structures focusing some on West Atlantic City. She advised in 2000 the Township created the R6 zone to recognize the Anchorage Poynte and Seaview Harbor neighborhoods by having a minimum lot size of 5,000 sq. ft. She advised she does recognize the R6 zone was established, which could be corrected, but review up to the re-examination in 2008 there is no other recognition of Seaview Harbor. Planner CuvIELlo advised the main focus of these documents is based on growth management. She stated this does not mean the Township does not take into account the varying and different needs of the Township, but the planning documents are more focused on the growth management issues, which is rightful so because of the tremendous growth seen in Egg Harbor Township.

Attorney Doyle stated Seaview Harbor is not part of the growth, management of it, or the Pinelands plan that compels much of it. Planner CuvIELlo stated this is correct. She stated Seaview Harbor is mentioned in the pinelands plan, but the plan is on the growth and economic pressures of the town. She advised there was a river management plan that did not impact Seaview Harbor because they are not on the river. Planner CuvIELlo stated there was also a circulation plan and it did not focus on the highway access out to Seaview Harbor because they are not Township Road's they are State and County highways.

Planner CuvIELlo stated she would also like to discuss a portion of the Ryan case that discussed prestige and social standing, which she indicated by putting it into terms of today, is there an impact as to the prestige of Egg Harbor Township community. She advised this is something that is difficult to define and understand. She indicated what she did was look at the median household income. She advised

she could not just do this just for the block group of Seaview Harbor but you can for the zip code of 08403, which is Seaview Harbor and Longport. She advised the median household income based upon the American Communities Census Survey's from 2010 – 2012 for that zip code is \$73,214.00. She stated when you look at the census tracks in Egg Harbor Township, which are five (5) census tracks, and she is excluding the West Atlantic City area. The five (5) census tracks and census track 118.02, which is the bulk of the Township and the median household income (may the record reflect Planner CuvIELLO pointed to on the aerial the area she referenced as being the census track) is \$86,242.00.

Planner CuvIELLO stated Egg Harbor Township's main census track median household income is higher than the 08403 zip code. She stated she provides this documentation to show that it is not a higher median household income and it is not the highest income level when you look at the track areas of Egg Harbor Township.

Special Board Planner Wiser stated the census data provided by Planner CuvIELLO for Seaview Harbor includes Longport. Planner CuvIELLO stated this is correct. Planner Wiser asked if Planner CuvIELLO if Longport is predominately populated by full time or seasonal residents. Planner CuvIELLO she stated the occasional use or housing units in Longport is 68%. She advised occupied year round in Longport is 28% and in Seaview Harbor it is 47% and within Egg Harbor Township it is 93%. Attorney Doyle stated in Egg Harbor Township the occasional use is 2%, Seaview Harbor is 49% and Longport is 68%. Planner CuvIELLO stated this is correct and referred to Table III on page 18 of her report.

Special Board Planner Wiser asked within the Longport/Seaview Harbor census track or block group the statistics for the median income concerning the seasonal residents would not be included. This information would be included for where ever they live, their primary residence. Planner CuvIELLO stated this is correct. Special Board Planner Wiser asked the comparable relevance of the statistic cited by Planner CuvIELLO. Planner CuvIELLO stated it is related to the year round population of Egg Harbor Township. She stated apples to apples the year round population in Egg Harbor Township in census track 118.02 has a median household income of \$86,242.00 and year round population in 08403 zip code has a median household income of \$73,214.00.

Planner CuvIELLO stated Special Board Planner Wiser is saying it is different because when the people from elsewhere come here they have a different income level. She stated this is why it is difficult because Seaview Harbor is not similar to Egg Harbor Township because they are like a second home type community. She stated she could break it out for Egg Harbor Township, but only 2% of the housing units are seasonal. She stated you have to look at the year round because these are the people that live here year round. She stated these are their main homes. She stated Longport is a shore community and it has a different dynamic. Special Board Planner Wiser stated he would like to see the fairness of the relevance. Attorney Doyle indicated the relevance is rooted in the Ryan case.

Board Member Aponte asked Planner CuvIELLO why she excluded West Atlantic City. Planner CuvIELLO stated she looked at the larger census tracks to see what the different household incomes were and she looked at the mainland census tracks. She advised she did not look at the census tracks for the non-mainland areas because she was just focusing on the mainland.

Attorney Doyle stated there is standards and facts and he stated Planner CuvIELLO has some opinions. He asked her to provide. Planner CuvIELLO stated Seaview Harbor must demonstrate that the refusal of Egg Harbor Township not to allow the boundary adjustment would be detrimental to the social and

economic wellbeing of a majority of the residents of Seaview Harbor and that the annexation will not cause a significant injury to the wellbeing of Egg Harbor Township.

Planner CuvIELLO states she has been over the principals of the Ryan Case. She advised she would like to go over it one more time. She then read from excerpts of the Ryan Case onto the record applying Seaview Harbor's scenario. Planner CuvIELLO stated when she looks at the findings from the planning analysis the annexation of the community to Longport would not would not cause significant injury to the wellbeing of Egg Harbor Township. She stated this is because the area to be realigned is .14% of the total area of the Township or less than a quarter of one percent.

Planner CuvIELLO stated the population to be lost would be .23% and the total housing units to be lost would be .56% advising all of this is would be very little change to the fabric of Egg Harbor Township. She further noted that Egg Harbor Township has seen tremendous growth over the past 20 years and Seaview Harbor is not part of that growth. She indicated there are other opportunities for new development to off-set any loss from Seaview Harbor, which goes to the significant injury to the wellbeing of Egg Harbor Township.

Planner CuvIELLO stated the residents of Seaview Harbor attend religious, as well as, other activities outside of Egg Harbor Township. She advised the Township is not losing the participation of the residents in Township activities. She further noted the Township is not losing any recreational or areas that they cannot enjoy as part of the commercial enterprise. She stated the Borough of Longport will and currently does provide emergency services to the residents of Seaview Harbor at no cost to Egg Harbor Township and under no formal agreement.

Planner CuvIELLO stated by becoming part of Longport the services provided will become recoverable through their local tax payments and will end the need for secondary response from Egg Harbor Township. Planner CuvIELLO stated Egg Harbor Township will not be deprived of the resident's participation in religious, civic, cultural, charitable and intellectual activities. She stated Egg Harbor Township will not be deprived of the meaningful interaction with other members of the community. She stated this is not because the residents do not like you, but it is because where they are located.

Planner CuvIELLO stated the residents children do not play little league in Egg Harbor Township they do so in Longport and Margate. She stated they do not participate in community events they do so in Longport. Planner CuvIELLO stated because of this it would not cause a significant injury to the Township of Egg Harbor. She advised to refuse the deannexation, using the terms of the statute, would be detrimental to the majority of the residents within Seaview Harbor.

Planner CuvIELLO advised she bases this on the fact that the community currently sends their children to districts outside of Egg Harbor Township. She stated there will be no impact to the children resulting in a change to the districts. She advised additionally any new children will be located closer to the schools in Margate and Longport than Egg Harbor Township. Planner CuvIELLO stated the residents of Seaview Harbor do not utilize the recreational amenities or the local youth sports programs in Egg Harbor Township.

Planner CuvIELLO stated through testimony issues were discussed concerning utilization of the recreation facilities and the residents of Seaview View whose mailing address is Longport, again associating the residents more with Longport than Egg Harbor Township. Planner CuvIELLO stated the amenities and the

fields within Egg Harbor Township are over five (5) miles from Seaview Harbor compared to the one mile distance in Longport.

Planner CuvIELlo stated voting districts for Seaview Harbor require the residents to travel over seven (7) miles. She further noted the County Freeholder Election place Seaview Harbor in a different district than the mainland of Egg Harbor Township, by placing them with Longport. Planner CuvIELlo stated the residents in Seaview Harbor are part of Longport more than Egg Harbor Township. She advised they participate in religious and social activities in Longport. They use the businesses and services in Longport. Planner CuvIELlo stated the resident's driver licenses say Longport and their mail is delivered to a Longport zip code.

Planner CuvIELlo stated Egg Harbor Township is a large municipality and is significantly removed from Seaview Harbor or in the reverse Seaview Harbor from the core of Egg Harbor Township and Egg Harbor Township depends on Longport to provide emergency services to Seaview Harbor. Planner CuvIELlo stated boundary realignment is very hard to accept and it is very rare. The way the State was configured and the boundaries were drawn was rooted in so many Government, social and economic diversity. She indicated through her research she read a book by Alan Karcher - New Jersey Multiple Municipal Madness, she then read the quote into the record from this book, thereafter advising if it were 1898 and Seaview Harbor existed where it is today. She stated the fact that Seaview Harbor came after Longport in an area where development was not expected in 1898 creates this anomaly of boundaries.

Planner CuvIELlo stated when you look at the scenario as a whole in the planning concept, in a social concept and what makes sense even looking at a map Seaview Harbor is part of Longport. She indicated it is not just because they are next to Longport but it is part of the community they belong too. She stated they donate to the police and fire in Longport they participate in activities in Longport. She stated they do all the things you expect a resident to do in Egg Harbor Township, but they do so Longport because that is where they are located. She stated there is an impact to their social wellbeing by being part of Egg Harbor Township and not Longport.

Planner CuvIELlo stated there is injury to them if they are not given the boundary alignment. They have existed since 1959 when first home was constructed. She stated going back to 1898 would this have been the way we would have drawn the lines. She stated she does not think so. Attorney Doyle stated the one thing the residents of Seaview Harbor cannot do in Longport is vote. Planner CuvIELlo stated they cannot vote, run for office, they cannot sit on committee's as being a non-resident of Longport, she advised they cannot attend school unless a special payment is made, they cannot be part of the fabric of the Longport community. Attorney Doyle stated they cannot be involved civic sense to a town that provides their basic police and emergency service. Planner CuvIELlo stated this is correct. Attorney Doyle asked if this is a social detriment. Planner CuvIELlo stated yes it is. Attorney Doyle asked if there is any other way other than the process that we are doing to change this. Planner CuvIELlo stated no.

Attorney Doyle advised he made reference to an article from the Atlantic City Press dated February 15, 2014, headline reads "seaview wants to secede", Special Board Solicitor Marcolongo marked this article as S70.

Board Member Eykyn asked on the 102 residents did that come out of 43 households, not out of the 45 that are occasional uses they are not listed in the census. He stated it would not be 1.3 households it would be larger. Planner CuvIELlo asked if he was look at her population growth table. Board Member Eykyn advised he is looking at pages 18 and 19. Planner CuvIELlo stated for population estimates she

took 2010 census information that advised there were 102 residents and 91 housing units, there is season and year round so this average 1.12 being there year round per household. She extrapolated this out the 2000 census had 1.42 per household and in 1990 it 1.38 so she took the average to get to 1.3 person per household. She stated looking at year round population so there is not 1.3 in each house but there is 1.3 on average based on year round occupancy. She took the average across the total. Board Member Eykyn asked what the season population is. He indicated he went there on a Sunday a few weeks ago in August and there were a number of people. Planner CuvIELlo stated she is not sure what it when everyone is present. She advised they may be able to find this out.

Board Member Eykyn asked Planner CuvIELlo if she knows what the zoning is within Longport. Planner CuvIELlo stated Longport has three (3) different zoning districts. She stated the RSF – 1 zone is consistent with the R6 zoning. She advised Longport has 4,500 sq. ft., lot width of 50’ ft. and a depth of 90’ and there are two (2) other residential zoning districts that have larger lot size requirements. Special Board Planner Wiser asked what the designation is. Planner CuvIELlo stated it stands for “Residential Single Family”. Special Board Solicitor Marcolongo asked what the front yard setback is for the RSF – 1 zone. Planner CuvIELlo stated she believes it is 10’ but she cannot confirm will have to look through her information.

Special Board Planner Wiser asked what the typical lot depth is for Longport. Planner CuvIELlo stated in Longport no. Special Board Planner Wiser asked Planner CuvIELlo what is the average lot depth is within the RSF - 1. Planner CuvIELlo stated she does not know what the average is, however, in the RSF – 1 zone it is 90’ ft.

Board Member Kearns the comparison between Seaview Harbor and Longport that they are more alike than Egg Harbor Township. He asked how many homes in Longport have boat docks behind their homes like Seaview Harbor does. Planner CuvIELlo stated she does not know.

Special Board Planner Wiser stated on page 15 of Planner CuvIELlo report there is a copy of the Seaview Harbor’s original subdivision plat. He stated it is his understanding that at least a good portion of the land had been developed different than this map because the marina and restaurant exist. He asked if she did an analysis as to how close the current zoning is to the original plat.

Planner CuvIELlo she stated the R6 is residential and the marina is in CRW. Special Board Planner stated he would rephrase the question to be fair. He asked if from the residential perspective did she prepare an analysis to see from either current zoning or past zoning what the conditions are in Seaview Harbor. Planner CuvIELlo stated she looked at the R6 zone and the lots that are within Seaview Harbor and there is a consistency to the lots that are there. She advised the lot widths are 50’ ft or greater and the depths are 90’ to 100’ ft. Special Board Planner Wiser asked based on Planner CuvIELlo’s analysis is the only zoning issue the setback of the garages. Planner CuvIELlo stated it is a front yard setback issue. Special Board Planner Wiser asked if Planner CuvIELlo looked at the prior zoning before the R6 zoning to see what difference between them were. Planner CuvIELlo stated no, not in that context.

Special Board Solicitor Marcolongo stated the Ryan Case speaks of social detriment. He asked how does the Board deal with the fact the Mayor of Egg Harbor Township currently lives in Seaview Harbor and if this deannexation occurs the Township would lose his participation. Planner CuvIELlo stated the Board has to look at the analysis as a whole. She stated she does envy the weighing that level of participation, but the residents of Seaview Harbor or the majority of the residents have more in common with

Longport. She stated it is a balancing of Seaview Harbor residents and the residents of Egg Harbor Township.

Attorney Doyle advised you are not a Mayor for life. He indicated he does not believe it legally can be considered because Mayor McCullough, even though he has performed long term service, is not the majority of the resident's within Seaview Harbor. Special Board Solicitor Marcolongo stated Planner Cuiello advised Longport is more in line with Seaview Harbor. He asked if this does not take away from the social diversity of the Township. Planner Cuiello stated she understands the social diversity. She stated you cannot take it alone that is why you have to look at it as a whole. She indicated they are not really part of the fabric of Egg Harbor Township. They are not part of the PTA and contributing to the fire department currently. They are doing these things in Longport.

Special Board Solicitor Marcolongo stated the Township will be losing a portion of the population that is a little bit older than mean. Planner Cuiello you also have a balanced population with varying developments such as aged restricted, family developments. You have a variety and you are losing a portion that 65 and older and total population loss which is less than .0024% which is less than a quarter of a percent of the total population of Egg Harbor Township.

Special Board Planner Wisner when you traced out the census track. He asked if he can do this again. Attorney Doyle using S4 Planner Cuiello is tracing. Special Board Planner Wisner stated the track is 135 includes and goes up to Margate Bridge Road and includes undeveloped land and Seaview Harbor and Longport. It does not appear to include Margate. He stated then there are six (6) census tracks in the mainland of Egg Harbor Township. He advised track 117.02 is the top of the Township from the Expressway to the Black Horse Pike which resembles an arch that runs west to east and dips when it goes east. He advised it is the northern half the Township down to the Expressway.

Township Committeewoman Pfrommer stated her numbers did not include this area. Planner Cuiello stated she did not do median household income for the whole Township. She stated she looked at certain ones. She stated she can provide the whole Township. Township Committeewoman Pfrommer stated she would prefer this because when you start to cherry pick area's it is a concern. She stated there is a lot of diversity in Egg Harbor Township.

Township Committeewoman Pfrommer stated she would like the median household income for the Township. Planner Cuiello stated for the 08234 zip code the median household income is \$69,636.00. Township Committeewoman Pfrommer stated this does not include West Atlantic City or Seaview Harbor. Planner Cuiello stated this is correct. Special Board Planner Wisner stated the swath that was used as census track 18.02 is in the central area of Egg Harbor Township and goes from West Jersey Avenue and Southern boundary is Somers Point – Mays Landing Road along easterly edge of Township. He stated there was a considerable amount of the Township that was not included.

Township Committeewoman Pfrommer stated this appears to be the high growth zone. Planner Cuiello will get this information to the Board. She stated she used the census tracks individually. Township Committeewoman Pfrommer stated the balance is not correct. Planner Cuiello stated this information is not a perfect science and can be weighed as necessary. Township Committeewoman Pfrommer stated she needs all the Township.

Board Member Rosenberg said the survey monkey what is the %. Board Member Aponte stated 75 responses on the survey monkey represents 80%. Board Member Rosenberg stated the residents could

have provided the median income. Special Board Planner Wisner referenced Exhibit S71: Census Tract Map dated 9/22/14 sheet 1 of 1, excluding West Atlantic City and does not show Longport. Board Member Aponte asked if the \$86,420.00 would go low based on the areas that were not included. Planner Cuvillo stated it may.

Attorney Doyle stated the census tract is determined by how. Planner Cuvillo stated by the US Government. Attorney Doyle do they go by boundary lines. Planner Cuvillo stated she is not sure how but it is based upon responses that are received. Special Board Planner Wisner stated the census is based on population. He advised every ten (10) years there is a census based on that they adjust the census boundary such as municipalities do for voting so the boundaries can be equal in population. He indicated this is not an exact science in geography and counts.

Attorney Doyle submitted an OPRA for various documentation from the Police Department. He asked in an effort that both parties could have this information available he asked the Board for assistances in obtaining. Attorney Doyle also advised during the next meeting will have the Finance person available and he does not expect him to be long. He advised his fiscal expert is Steven Ryan. Special Board Solicitor Marcolongo stated he did not see the OPRA request. He knows much information was requested. The monies have to be paid and the request will be addressed from the police department. Attorney Doyle advised he will discuss with his clients accordingly.

**Motion Kearns/Aponte to carry public hearing to September 30, 2014, 5:00 p.m., prevailing time.**

**Vote 6 Yes:** Aponte, Carman, Eykyn, Kearns, Pfrommer, Rosenberg,

**MEMORIALIZATION OF RESOLUTION(S):**

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| <b>1.     <u>SP 19-13</u><br/>          Deeper Life Deliverance Ministry</b> | <b>Minor Site Plan<br/>1501/11<br/>6024 Black Horse Pike</b> |
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**Motion Eykyn/Kearns to memorialize resolution granting requested extension of time for the completion of improvements. Vote 5 Yes:** Aponte, Carman, Eykyn, Miller, Rosenberg.

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| <b>2.     <u>SD 01-14</u><br/>          Dustin Widas<br/>          Zone: RG-1, sewer/water,</b> | <b>Preliminary/Final Major Subdivision<br/>5953/6, 16-20<br/>Cottage Road &amp; Wilson Avenue</b> |
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**Motion Carman/Eykyn to memorialize resolution granting requested checklist waiver(s) and conditional preliminary/final major subdivision approval. Vote 5 Yes:** Aponte, Carman, Eykyn, Miller, Rosenberg

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| <b>3.     <u>SPPF 18-13</u><br/>          Primax Properties – “Advance Auto”<br/>          Zone: HB, 4.92 acres, sewer/water, applicant</b> | <b>Preliminary/Final Major Site Plan<br/>1611/16<br/>6011 Black Horse Pike</b> |
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**Motion Carman/ Eykyn to memorialize resolution granting requested checklist waiver(s), design waiver(s), variance relief and conditional preliminary and final major site plan approval. Vote 5 Yes:** Aponte, Carman, Eykyn, Levy, Rosenberg.

**May the record reflect:** Township Committeewoman Pfrommer abstained from voting on all three (3) resolution(s).

**SUMMARY MATTER(S):**

**SECTION I:**

**Discussions of matters pertaining to the Board:**

Board Secretary Wilbert advised she will provide the dates during the September 30<sup>th</sup>, meeting of what will be available for the next three months. She advised what was available in October and the Board and professional(s) agreed to October 29, 2014 to conduct a special meeting.

**Motion Kearns/Aponte Special October 29, 2014, 5:00 p.m. Vote 6 Yes:** Aponte, Carman, Eykyn, Kearns, Pfrommer, Rosenberg,

Township Administrator Miller advised he is on the record to discuss the preparation of a re-examination of the master plan. He asked the Board for a motion to ask the Planner to prepare an invoice for review for the preparation of a re-examination report.

**Motion Rosenberg/Miller motion for the amount of re-examination. Vote 7 Yes:** Aponte, Carman, Eykyn, Kearns, Pfrommer, Rosenberg, Miller

**SECTION II:**

a. **General public discussion:**

**Motion Kearns/Eykyn to open public portion**

**May the record reflect no one came forward.**

**Motion Carman/Kearns to close public portion**

**Motion Rosenberg/Kearns to adjourn at 8:30 P.M. Vote 7 yes:** Aponte, Carman, Eykyn, Kearns, Pfrommer, Rosenberg, Miller.

Respectfully submitted by,

Terry Wilbert, Secretary