

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 special meeting of the Planning Board of Egg Harbor Township was held on the above date, 7:00 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	Robert Levy, another engage.
Committeeman John Carman, present	Mayor James J. McCullough, Jr., * See Below
Charles Eykyn, present	Peter Miller, Township Administrator, recused
James Garth, Sr., Chairperson, present	Paul Rosenberg, 2 nd V-Chairperson, present
Frank Kearns, present	John Welsh, Alt. II, excused

***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.

Board Member Aponte stated last month Attorney Doyle discussed with him the importance of facts and figures. Board Member Aponte advised when he provides percentage and figures it is important that he provide the information he presents. Therefore, he advised he is presenting a total of fifteen (15) pages. He stated Article #1 Casino Closing/Rethink Budgets with an editorial from the Press of Atlantic City dated August 21st and an article written by Laura Stetser entitled EHT School Officials take financial concerns to Governor Christie's Office. He indicated they will be disseminated to everyone.

Special Board Solicitor Marcolongo advised he will mark this information as B1: EHT School Officials take financial concerns etc... and B2: Casino Closings

Special Board Solicitor Marcolongo stated during the proceedings there have been issues raised by the citizens of Seaview Harbor and during the meetings board members have expressed their desire to hear testimony from some public officials. He indicated he has spoken with several Township officials and he intends to call Director of Public Works, the Fire Department Chief, the Chief of Police, the Township Auditor, and there should be a representative from the Board of Education.

Special Board Solicitor Marcolongo advised he anticipated these individuals to make a presentation and the board to ask any questions they may have. He indicated tonight he has asked the Township Business Administrator, Peter Miller to appear and to make a presentation.

Attorney Doyle stated he appreciated that they will hear from other Township officials and Mr. Miller. He stated with respect to this he noted they have provided reports from their Planner, Ms. Cuvillo and from their Financial Expert, Mr. Ryan based upon request made that if they were testifying from the documents they must be provided in advance of the meeting. Attorney Doyle stated he has made the same request within correspondence to Special Board Solicitor Marcolongo. Doyle: appreciate we will hear from other members and miller. With respect to my witness that provide information in advance of meeting.

Attorney Doyle stated Special Board Solicitor Marcolongo has advised that Mr. Miller is a fact witness and there will be no advance report. He indicated to the degree that any of the other people who will be called have advance reports he would like to have them. He stated also when the citizens were reading from a statement that statement was placed into evidence. He stated Mr. Miller has a very thick notebook and if they are statements from him or any other witness it should be marked.

Attorney Doyle stated also at the end of the last meeting he spoke with Special Board Solicitor Marcolongo and he has a picture to mark into evidence and he did not get into it. Attorney Doyle stated it is an aerial depicting Seaview Harbor and its relationship with Longport. Special Board Solicitor Marcolongo marked this aerial as S75.

Special Board Solicitor Marcolongo stated the only reports he anticipates will be those the Auditor, Mr. Costello and Special Board Planner Wisner will have report prior to the completion of matter and his presentation would be the next to the last meeting. Attorney Doyle stated he would like to go over the December, 2014 meetings. Special Board Solicitor Marcolongo stated there will be a meeting this Friday and there will be another meeting on November 17, 2014.

Peter Miller, 27 Diamond Drive, Egg Harbor Township, was duly sworn. Special Board Solicitor Marcolongo advised he asked Mr. Miller to come before the Board to make a presentation to issues that have been raised to date and any other issues that may be relevant.

Attorney Doyle advised there were three (3) exhibits he had placed up for reference. He indicated they have been taken down by Mr. Miller to make room for four (4) banker boxes of documents, as well as, one large cardboard display.

Mr. Miller advised he does not have a prepared statement because he has a number of subjects to cover. He only has notes so he did not forget what he wanted to say. Mr. Miller then provided his background. He advised he has been the Township Administrator of Egg Harbor Township since June, 1989. He has a Bachelor's Degree from Marshall University and a Master's Degree in Public Administration from Fairleigh Dickinson University. Mr. Miller advised he has done advance graduate work at Rutgers University and the University of Virginia. He stated he has continuously worked in local government for the past 37 years in New Jersey and he has worked for three (3) municipalities before coming to Egg Harbor Township in 1989.

Mr. Miller advised he is a member of the New Jersey Municipal Managers Association and served as their President in 1993 and on two (2) occasions in 1997 and 2002 he was recognized as the most Outstanding Manager in the State of New Jersey. He indicated he was the first two (2) time recipient of this award. Mr. Miller he indicated the NJMMA is made up of 250 + managers and administrators working within the State of the New Jersey. He stated he is also a member of the National City Management Association and he has sat on various national subcommittees with them during his career.

Mr. Miller stated during his career he has held the following titles, Zoning Officer, Land Use Administrator, a Planning Board Secretary, Construction Official, a Deputy Administrator, Director of Public Works, a Town Manager, a Director of Public Safety, an Emergency Management Coordinator, and a Township Administrator. Mr. Miller stated this diverse experience had prepared him for a successful career and gives him the knowledge in order to testify in this matter.

Mr. Miller advised he has served as a Class II Member of the Planning Board in Leonia and Egg Harbor Township. He noted he also served as a Class I Member in Phillipsburg as the council manager form of government the manager serves in lieu of the Mayor. Mr. Miller stated he has over 25 years of experience sitting on the planning board and dealing with the fastest growing municipality in the past 20 years and he has a lot of experience dealing with planning issues on a day to day basis.

Mr. Miller stated as a resident of Egg Harbor Township has been involved with in community activities. He stated he has coached youth sports for 15 + years, he stated he also help form the local arts agency, which is Cygnus Creative Arts Center in 1993 and he has served as President from that date to present.

Mr. Miller stated he believes the reason why this petition is before the Board is based on the most recent revaluation adjusting the property values in Seaview Harbor up to market rate. He stated Attorney Doyle made it clear within his opening statement of March 31, 2014, that the taxes would be less in Longport. He then referred to Page 9 of the Planning Board Minutes from that meeting advising Mr. Doyle indicated the average homeowner in Seaview Harbor if they were part of Longport would be paying \$17,000.00 less in taxes.

Mr. Miller stated there is no other reason and the lack of services the residents are trying to create do not exist. He stated he was told by Sharon Gordon, 9 Seaview Drive, during a meeting at the August 6th, SJTA offices for an unrelated matter that if the revaluation had not raised their taxes this petition would have not been filed.

Mr. Miller stated the only reason between the disparity in taxes between Longport and Egg Harbor Township is the State of New Jersey not meeting their constitutional requirements to fully fund programs. He stated Egg Harbor Township is impacted by their failure for funding franchise and gross receipt tax known as the energy receipt taxes and fully funding education. He advised the State has withheld these funds since stated in 1980 and it has been at least 25 to 20 years for the school taxes. He advised the Township has lost several million dollars over the last 30 + years from the State of New Jersey.

Mr. Miller advised if the Township were to receive the full funding they would gain 31 million a year more from the State according to the laws within the State of New Jersey and the Township could reduce their taxes by 25% einging The disparity between the two is the state of new jersey and employeement and funding started in 19809 and school taxes. We have lost 7 million dollars and if we received funding we would receive 31 million and reduce our taxes by 25%.

Mr. Miller referred to his first Exhibit B3: map of Egg Harbor Township, received from County Offices of GIS. Mr. Miller referred to a section of this map specifically outlining an 11 square miles area and advising Seaview Harbor exist within it. He indicated it does not exist by itself. He also noted the 11 square miles is bigger than Ventnor, Margate and Longport combined. Mr. Miller indicated it has been testified too that this section of Egg Harbor Township to Patcong Creek on Ocean Heights Avenue is a distance of four (4) miles and it is driving though Somers Point, which makes it unsafe. Mr. Miller stated it is actually 1.6 miles and it takes about 2 to 3 minutes to get from the one area of Egg Harbor Township to the other. He indicated if you catch a traffic light it may take four (4) minutes. Mr. Miller stated he can drive from the municipal building to Seaview Harbor in about 11 to 12 minutes.

Mr. Miller advised the Planner, Tiffany CuvIELLO indicated if people knew in 1898 what we were going to look like in 2014, 116 years later, Longport would have taken Seaview Harbor when they succeeded. He indicated he does not believe anyone can say with conviction or truth what would have been done in 1898 knowing what would happen some 80 years later. He indicated if someone knew what was going to happen communities such as Somers Point, Northfield, Margate, Longport or Ventnor may not succeeded after all. Mr. Miller advised New Jersey has 565 municipalities, which is twice as many than what is probably needed to properly govern the residents of the State.

Mr. Miller advised if someone were to draw the State of New Jersey map today he doubts it would look the way it does. He indicated there are many towns that have holes within the donuts. He indicated there are Towns that look like Egg Harbor Township. He indicated Ocean and Cape May Counties have similar to us which is like the late 1800's where the pattern where communities wanted to be on their own. Mr. Miller stated you must look at this that the land mass is not a 10th of mile square mile in Egg Harbor Township it is 11 square miles.

Mr. Miller stated some of the testimony previously presented advised it is a long ride to get to the municipal building. He stated Egg Harbor Township is 75.5 miles and the land mass is 67.9 square miles and we have 7.6 square miles of waterways, lakes, bays, and marshland. He stated this is the unique character to Egg Harbor Township and you don't find other places and is part of the diversity that we have in our lifestyles. He stated it is the reason why people come to this area this is why people come to shore to appreciate these things. He stated we are Egg Harbor Township because 300 years ago someone showed up here and we looked like our harbor was an Egg.

Mr. Miller then referred to Exhibit B4: Map which Mr. Miller hand drew an egg within the harbor area stating if any section of the Township is by its name sake it is Seaview Harbor. Mr. Miller stated the egg has been distorted over time because of storms but the name of the Township originated from the harbor on which Seaview Harbor resides. He indicated their name is even stronger than those of the people living in Bargaintown and Cardiff.

Mr. Miller stated one of the concerns of the Seaview residents is the distance of the municipal building from Seaview Harbor. He prepared an exhibit from the four (4) corners of Egg Harbor Township to the municipal building, which was marked B5. Mr. Miller stated he is presenting this information to show it does not take any longer for the residents in Seaview Harbor to get to the municipal building than others within the Township.

Mr. Miller stated from West Atlantic City taking the Black Horse Pike it is a distance of 6.93 miles based on Map Quest and it takes 11 minutes, he stated from Seaview Harbor it is 7.12 miles to get here and it takes 12 minutes, from the Green Tree Golf Course of Somers Point – Mays Landing Road it is 10.47 miles and takes 15 minutes to get here, from the Children's Hospital, which is also the border with Hamilton Township it is 9.38 miles and it takes 13 minutes and from Atlantic City International Airport it is 7.69 miles away and takes 15 minutes.

Mr. Miller stated the municipal building location is equal distance between the four corners of the municipality. He stated he has lived in Egg Harbor Township for 24 years and on two (2) occasions he came into the municipal building for a construction permit, for 20 years he came in for a dog license, he pays his taxes via his mortgage or auto debit. He stated he has never had to come to court and he did come to one (1) planning board meeting when he was a private citizen before he moved into the Township. He stated the average person comes to the municipal building maybe two (2) to three (3) times a year. He stated he believes the distance of the building is irrelevant.

Mr. Miller stated the police department, fire department, EMT's public works department come to you and provide service. He indicated he also wanted to point out Egg Harbor Township is the 3rd largest in land mass in Atlantic County. He stated Hamilton and Galloway Townships are larger. He stated Egg Harbor Township touches 14 municipalities within Atlantic County and two (2) within Cape May County.

Mr. Miller stated the Board has heard from numerous individuals who have made undocumented allegations concerning lack of services for their community within Egg Harbor Township. In summary some items enumerated by the residents included not close enough to the municipal building, not connected to Egg Harbor Township, zip code confusion, snow does not get plowed, police, fire and EMT responses. Mr. Miller advised he will respond to the first four (4) concerns and the others will be covered by others.

Mr. Miller stated during Attorney Doyle's opening remarks he proffered that the planning board was conflicted out because all Class IV members are appointed by the Mayor and since the Mayor lives in Seaview Harbor they would be predisposed to oppose the boundary line adjustment. Mr. Miller advised Mayor McCullough has recused himself from these proceedings and has not spoken publically on the petition one way or the other so it is premature to speculate what his position is.

Mr. Miller stated many of the board members were surprised by Attorney Doyle's comments and many of you reiterated that you can think on your own and independently. He stated the Municipal Land Use Law states the Mayor appoints Class IV Members, however, the did not reconcile with the Township Committee/Borough form of Government where the Mayor is appointed within and does not have those powers of appointment.

Mr. Miller stated he is providing all Township Committee resolutions form 1986 – 2004 appointing members to the Planner Board by the Governing Body. Attorney Doyle advised he would object. He stated this is a needless piece of evidence and that it is being used to lengthen the transcript for the fact that a denial is going to happen. He stated he would like a proffer of proof of how this is relevant.

Special Board Solicitor Marcolongo responded to Attorney Doyle's objection. He advised this information is in response to Attorney Doyle's objection at the first meeting that the Mayor appoints all the planning board members and in your opinion the Mayor has expressed his viewpoint on this deannexation and the planning board is already predisposed to vote against this. He indicated this is a response to show that the Mayor does not appoint the planning board. Attorney Doyle stated they do not need the resolutions. He indicated Mr. Miller has said what he has said and that should stand, just like his comments.

Attorney Doyle stated none of the members appointed from 1986 – 2004 he will suggest are presently on the Board. Special Board Solicitor Marcolongo stated he is not aware of this. Township Committeeman Carman stated Attorney Doyle is correct. He was appointed in 1987. Board Member Aponte stated his objection is noted, however, he does take issue with one thing that he had said "that we are predisposed to vote no". He stated unless he hears all the testimony how can he make that statement. Attorney Doyle stated he bases this information on what Mr. Miller has said. He indicated he does not base this on what this Board will do. He indicated the board does not vote yes or no if the petition is adhered to and Seaview Harbor moves to Longport. He indicated Township Committee does. Board Member Aponte stated this is not how it came across. Attorney Doyle stated he appreciates Board Member Aponte's question since it made the record clear. He stated it was not aimed at the Planning Board but the Township Committee.

Township Committeeman Carman stated he takes offense to what has been said by Attorney Doyle. He advised as a Township Committeeman he has to look at this objectively. Attorney Doyle stated he appreciates Township Committeeman Carman's efforts to be objective. He stated he will speak to the record when he has a chance to cross examine Mr. Miller.

Mr. Miller stated the next item he would like to discuss is civic involvement. He indicated during the testimony of Planner Cuvillo on September 22, 2014, she took great pains to read into the record the guidelines set forth by the courts in the case known as Ryan. He stated Ms. Cuvillo's testimony did not focus on civic, cultural, social or intellectual activities of the residents of Seaview Harbor. He stated the irony was that more than once she stated the social attraction was with Longport, however, she had not provided any specific instances other than the survey.

Mr. Miller stated the involvement of Seaview Harbor in the civic, cultural, and intellectual activities in this municipality far exceed any other section of Egg Harbor Township over the past 30 years. He stated Seaview Harbor residents have been an intricate part of planning the future of the community. He indicated for an area that is isolated and not part of the contiguous mainland portion of the community they have been more active in the development of this community in the last 30 years than any other neighborhood in the Township.

Mr. Miller stated at one point in 1986 Seaview Harbor had two (2) members on Township Committee. He indicated since there are only five (5) members on Township Committee they made up 40% of the government. Mr. Miller stated at that point there was 86 or 87 homes in Seaview Harbor. Mr. Miller stated between 1990 and 2007 Egg Harbor Township experienced unprecedented growth. He indicated who was guiding that development was the residents of Seaview Harbor. He stated for all but three (3) of those years, resident of Seaview Harbor, James McCullough served as Mayor and during those three (3) years when he was not he was still a Township Committee person.

Mr. Miller stated guiding the Planning Board during that time was Vic Fiore and Ralph Henry, both Seaview Harbor residents. He then advised the length of time Mr. Fiore was on the Planning Board, as well as, his appointment of chairman and vice-chairman of the planning board. Mr. Miller then described Ralph Henry's term of service on the planning board. He added that after one (1) year of Mr. Henry being on the planning board he became Chairman because the board recognized the knowledge, expertise, and intelligence Mr. Henry had to lead the planning board for the best overall development of Egg Harbor Township.

Mr. Miller stated in 1999 33% of the planning board lived in Seaview Harbor. He indicated Mayor McCullough was the Class I member, Vic Fiore, was the Chairman and Ralph Henry was a member of the board. Mr. Miller stated the planning board after Township Committee is the second most power body that exist within the municipality. Mr. Miller than explained if you look at the time Mr. Fiore and Mr. Henry spent as either Vice-Chairman or Chairman during their time on the board there was over 13 ½ years of their leadership in 17 ½ years. He indicated no other neighborhood in Egg Harbor Township has impacted the evolution or future and how we developed as Seaview Harbor has.

Mr. Miller further noted that not only did Seaview Harbor have representation on the planning board and governing body but they also had the same on the zoning board of adjustment. He then presented if Exhibit B7: Civic Involvement Documentation advising this information was structured to breaks down between various boards such as the planning board, zoning board of adjustment, economic development commission, the Egg Harbor Township golf corporation, the municipal utilities authority, and the environmental commission.

Mr. Miller added that James McCullough, before he became Mayor, served three (3) years on the zoning board of adjustment. He then advised Claire McCabe from 1986 -1989 served on the zoning board, Joseph McKernan, who was an active member of the Seaview Harbor Civic Community served on the zoning board for 12 years, Maury Lankin served on the zoning board in 1986 and Brian Condella served from 2006 to 2008. He summarized that from 1983 – 2008 Seaview Harbor had representation on the zoning board with the exception of years 1993-1995 and 2004-2005.

Mr. Miller advised he has discussed Mr. Fiore and Mr. Henry's long terms on the planning board but added when Dan Garshman was an elected official he also served on the planning board. He indicated that Michael Hull testified that he served on the planning board. He stated the influence on the planning board by Seaview Harbor in the last 30 years is second to none. Mr. Miller indicated currently service as a member of the economic development commission for his 19th year is Ken Steinberg, who is another resident of Seaview Harbor.

Mr. Miller stated for the Seaview Harbor residents to say they are not connected they have no interest in Egg Harbor Township he would beg to differ that they did not participate. He stated he would venture to say that in the history of Egg Harbor Township there is not one neighborhood with only 92 homes that exerted as much influence in the development, management, and governance of the Township. He indicated Seaview Harbor has been the most powerful and influential neighborhood in the Township.

Mr. Miller stated Mike Fiore served on the golf corporation, which is a non-profit corporation, which the Township formed to raise money to build a golf course without the benefit of tax dollars. He advised Nancy Jane Lankin, Maury's wife was on the environmental commission for three (3) years and Mayor McCullough served on the Municipal Utilities Authority for nine (9) years. He then asked the board to turn to page II of his exhibit B7 stating from 1984 to present, which is 31 years Seaview Harbor has held a role in the governance of Egg Harbor Township. He stated the loss of a community, as involved as the residents of Seaview Harbor have been for the last 31 years would have a dramatic impact on the governance of Egg Harbor Township. Mr. Miller stated their civic involvement, their participation, and their intellectual contribution to the community and their decisions where they impacted the diversity of our community would be devastating to the residents of Egg Harbor Township and we would not be the Egg Harbor Township that we are today.

Mr. Miller stated this concludes his section on civic involvement and asked if there were any questions. Attorney Doyle stated he will have questions but wants to see how they will interact with others. He stated he will wait until the end. He further noted Mr. Miller has been reading line for line from a pre-written statement and at the conclusion he would like a copy and put into evidence as were the statements read by the citizens. Chairman Garth asked if Mr. Miller had an issue with this. Mr. Miller stated yes. He advised these are his notes. They are not formal and he has changed things. He added the only thing that he has written are those things taken out of the minutes or what he has written down during the previous meetings of what was said so that he did not miss anything. Special Board Solicitor Marcolongo stated if he were to be reading from a statement it will be set forth in a transcript and available for review at that time.

Mr. Miller stated he is reviewing his notes and they are not a complete statement. He indicated he object to this. He advised he is a fact witness not an expert as would be the planner or financial person, even though he knows these things. He stated his intent was to provide information for the Board to consider based upon testimony given and documents not provided by the petitioners. Attorney Doyle stated if there are going to be two (2) sets of rules that is fine. He indicated every time a person appeared, as a citizen, not a fact witness, and they had a statement they were

asked to place into evidence. He indicated he had no objection. He stated he does not know how many of the dozen of citizens whom testified have statements in the record but these were done for these people. Mr. Miller to the degree he has made scribbles, comments, said other things he can appreciate a sanitized version without that mental process, but the original document, no different than the citizens who had a document and then said oh, by the way and had other editorial comments went into the record. He stated he has said his piece and the board can decide.

Special Board Solicitor Marcolongo asked Mr. Miller to continue. Attorney Doyle stated he takes this as a no and Mr. Miller's objection to have to put his record in has been accepted by the board as being dispositive. Chairman Garth stated as he understands Mr. Miller's notes include personal notes. Attorney Doyle stated he does not care to see those, but the written statement that is the foundation of a thick loose leaf book which he stands at the podium reading from is obviously is a previously conceived written statement no different from the citizens who testified here and those statements went into the record, as well as, the transcript. Attorney Marcolongo stated he is sure not all of them went into the record.

Township Committeeman Carman asked Mr. Miller if he is reading the information verbatim. Mr. Miller stated they are notes. He indicated he has read paragraphs verbatim because he wants to be accurate on things that Planner Cuvillo said and others. He stated he does not remember the Ryan Case so he read that verbatim into the record. He stated he does have to glance at his notes so he does not miss something. He indicated a lot was said and he has a lot of topics to cover and he made an outline. He also noted that instead of reading his handwriting while he was presenting he decided to type it up to make it easier for everyone. Board Member Rosenberg advised you must look at intentions. He stated the citizens prepared statements with the expectation that they would be submitted to verify what they had said. He indicated he does not believe Mr. Miller had that intention.

Attorney Doyle stated he would have to disagree. He stated the citizens without the professionalism and the documentation and the degrees that Mr. Miller have wrote it to help themselves to get through a very angst filled moment of public speaking which they are not use to and it was put into the record. He stated he does not see why there is another set of rules. Special Board Solicitor Marcolongo stated Attorney Doyle's objection has been set forth on the record, but he would recommend, given the fact Mr. Miller has stated there are personal comments on this that document not be entered into evidence. He stated again, if Mr. Miller is reading from it, it will be in the transcript and available for Attorney Doyle's review.

Board Member Aponte stated he has one question. He wants to clarify that we are 1.6 miles. Mr. Miller stated the distance from the Township boundary line with Somers Point on Route 152 to the boundary line on Ocean Heights with Linwood is 1.6 miles. He stated he used Bethel Road to Ocean Heights Avenue. He indicated he did this over the course of several months and his odometer always read 1.6 miles.

Attorney Doyle asked Chairman Garth if could ask Mr. Miller a few questions concerning his recent testimony. Chairman Garth stated yes. Attorney Doyle asked with respect two (2) page document he recently passed out concerning civic involvement. How many of these citizens are presently serving in any public capacity, noting Mr. Steinberg and Mayor McCullough Mr. Miller stated as of today, no. Attorney Doyle asked other than the two (2) mentioned when was the last time any of these served. Mr. Miller stated Mr. Candella was on the zoning board of adjustment in 2008 and Mr. Henry was on the planning board in 2005. He indicated they would be the most recent individuals.

Attorney Doyle asked when the people were serving in the 1980's, making the critical decisions, what was the population of Egg Harbor Township. Mr. Miller stated it was the 1990's that he discussed the critical decisions not the 1980's. He advised in 1990 he believes the census was 24,000, in 2000 we were roughly 32,000 and in 2010 we were at 43,000. Attorney Doyle stated now there is 43,000 people and there are two (2) people. Mr. Miller stated yes. Attorney Doyle stated the statute talks of the present and the refusal is detrimental to the economic and social wellbeing of the majority of the residents. He asked Mr. Miller how many people live in Seaview Harbor. Mr. Miller stated he does not know. Attorney Doyle advised the testimony has been that roughly there is a little more than 100 people.

Attorney Doyle asked if the 100 people would be effected by Mayor McCullough would have to move, which he said he would or no longer be mayor. Special Board Solicitor Marcolongo asked if Attorney Doyle could ask the question again. Attorney Doyle asked would the fact that the mayor, if he did not move, could no longer be the mayor because he would not live in Egg Harbor Township, work to the detriment of the majority of the residents of Seaview Harbor or would it work to the detriment of the one effective resident Mr. McCullough. Mr. Miller stated it work to the detriment of all the residents of Egg Harbor Township not to have the participation of the residents of Seaview Harbor.

Mr. Miller stated Seaview Harbor has 2% involvement within Egg Harbor Township currently based on the 100 residents. He stated there are some neighborhoods that have -0-% participation in civic involvement. He indicated whatever level of participation it is still greater than other neighborhoods in the Township. Attorney Doyle state so the fact that it has greater percentages is the detriment not the loss of Mr. McCullough. Mr. Miller stated it is the historical participation of Seaview Harbor and he provided everyone in exhibit B7 who has participated. He stated the planning board has not

dealt with a major subdivision since 2008. He indicated the leadership Seaview Harbor presented from 1990 to 2007 has shaped who we are today. He indicated since 2008 the fact that their participation has been less than what it previously was there has been very little development taking place in the last six (6) years within the Township.

Attorney Doyle asked how Mr. Hull, Mr. Garshman, Mr. Fiore served way back when for the most part effect 2015 and going forward in terms of decisions yet to be made. Mr. Miller stated based upon their civic involvement other individuals from Seaview Harbor may be appointed to future boards and commissions in Egg Harbor Township. He stated they have been active participants for 30 + years. He indicated in 2015, 2016, 2017, other residents from Seaview Harbor may step up and serve. He indicated they have been an active civic group that have been active in our governance. Attorney Doyle stated Mr. Miller indicated they have been an active civic group and he discussed his own activities. He asked how many people in Seaview Harbor are in the P.T.A. Mr. Miller stated he has no children in the schools anymore and he has no information on this.

Attorney Doyle stated Mr. Miller has mentioned he is in the dramatics group. He asked how many from Seaview Harbor are in this group. Mr. Miller stated they have had a handful consistently over the years. He indicated what they have this year or last year he does not know. Attorney Doyle stated to the degree that Mr. Miller is active in any religious, social, or fraternal Egg Harbor Township based organization does he know of anyone in Seaview Harbor, other than the mayor, who participates in them. Mr. Miller stated yes, he advised Mr. Steinberg participates in activities. He stated he has seen a few people from Seaview Harbor at the church he attends. He indicated he does not keep score to say this person, this person, etc... lives in this neighborhood or that neighborhood. He stated his representation is that for 30 + years, as an historical trend, of their level of participation and with any level of participation it can be at a high, it can go down, and come back up, but their sustained representation representing Egg Harbor Township and guiding its future is unparalleled to anywhere else in Egg Harbor Township.

Attorney Doyle stated Mr. Miller talks about civic involvement, which he appreciates. He indicated there is a lot more in life than being in politics. He stated he is trying to find out how many people that he knows, having testified that the connection is so strong and important are participating in non-governmental life. Mr. Miller stated he is not a member of the Elks Lodge, the Kiwanis', or the Masons so he cannot answer this question.

Attorney Doyle asked that many of the members on the various boards and commissions were because they were appointed by Township Committee. Mr. Miller stated yes. Attorney Doyle stated so a dozen or so people were either friends, supporters, political associates or cronies of the Mayor the Township appointed these people. Chairman Garth stated he does not like that Attorney Doyle used the word cronies. Attorney Doyle stated he takes it from an old Irish derivation that to him means tight, close, buddies. Attorney Doyle asked how this makes a difference in 2015 for the majority of the residents in Seaview Harbor today. Mr. Miller stated he does not know. Special Board Solicitor Marcolongo stated Mr. Miller is providing a historical background just as the testimony the board received during these hearings often goes back to the 1960's. Attorney Doyle stated it did very briefly, but he appreciates his defense of Mr. Miller.

Attorney Doyle asked Mr. Miller if he is aware the Mayor has his home up for sale. Mr. Miller stated yes. Attorney Doyle asked him if he is aware that he has publicly stated the reasons for that is because he cannot afford to live there because the taxes are too high. Mr. Miller stated he has read this in the paper. Attorney Doyle asked if Mr. Miller had any reason to disbelieve this is an accurate quote. Mr. Miller stated the Mayor told him he was selling his house because he has six (6) bedrooms in his home and he does not need six (6) bedrooms anymore. Attorney Doyle advised he also read this in the paper also and he took both to be accurate.

Mr. Miller stated his next subject is zip codes. He stated testimony has been provided by residents in Seaview Harbor concerning their confusion that they live in Egg Harbor Township but have a Longport mailing address. He indicated two (2) residents provided documents showing the mail was sent to Egg Harbor Township, 08234 stating it was undeliverable to them. He indicated Egg Harbor Township has not have a post office, even though, it does have a zip code. Mr. Miller stated as many know at one time there were seven (7) different post offices Egg Harbor Township. He indicated Board Member Kearns referenced it you stood at the intersection of Ocean Heights and Zion Road all four (4) corners were a different zip code.

Mr. Miller stated when Egg Harbor Township did the unified zip code the United States Postal Services advised Anchorage Point had to stay with Somers Point, West Atlantic City had to stay with Pleasantville and Seaview Harbor had to stay with Longport because it was more efficient for them to deliver mail that way. He stated it had nothing to do with where they were physically located there concern was to deliver mail and the best way that they can.

Mr. Miller stated someone had mentioned a utility company sent them a contract and they had the wrong zip code. He indicated what the utility companies do have nothing to do with municipal boundary lines. He then referenced he has an exhibit, which is personal electric bill from last month from Atlantic City Electric was marked as Exhibit B8. Mr. Miller stated when he moved to Egg Harbor Township he had a Pleasantville, 08232 mailing address. He stated he used either

Bargaintown, 08232 because he lived in the Bargaintown section or he used Egg Harbor Township, 08232 and he received his mail. He stated the Township has had its unified zip code for at least 20 years and the reason why he is showing his electric bill is because Atlantic City Electric list his property as Bargaintown, NJ 08232. He indicated we cannot control what the utility companies do. He stated he does receive electricity and he does receive a bill, but they do not call him Egg Harbor Township, 08234 and the post office finds him. Mr. Miller added that the Margate Causeway utilizes a Northfield post office address.

Mr. Miller stated some of the residents stated they had confusion with the title companies and insurance companies. He indicated he believes this is exaggerated. He indicated if they used their street address, with Egg Harbor Township, 08403 they will have the mail delivered to them.

Mr. Miller stated he found some irony in the testimony provided by the residents. He indicated Mr. Kohler testified he was from Maple Glen, Pennsylvania. He stated Maple Glen is not a municipality it is a post office address. He indicated Mr. Kohler is a resident of Upper Dublin Township, which has nine (9) different post offices that deliver mail into his municipality. He stated Mr. DeBeck when he first testified advised he lived in Sewel, New Jersey. Mr. Miller stated Sewel is not a municipality. He indicated Mr. DeBeck lives in Washington Township, Gloucester County. Mr. Miller stated he is identifying the County because there are several Washington Townships/Boroughs. He indicated Washington Township has six (6) different post offices and none are identified as Washington Township. He indicated the Sewel post office is a place like Bargaintown or McKee City is. He indicated they deliver mail into Gloucester Township, Glassboro, Pitman, Washington Township and a small portion of Winslow Township.

Mr. Miller stated when Mr. Kline testified he advised he lived in Rydal, Pennsylvania. Mr. Miller stated Rydal is not a municipality in the State of Pennsylvania. He indicated he lives in Brenner Township. Mr. Miller stated Mr. Berger advised he lives in at Blue Bell, Pennsylvania. Mr. Miller stated again, Blue Bell is not a municipality within the State of Pennsylvania. He advised Mr. Berger lives in Whitpain Township. Mr. Miller stated Mr. McGlinchey provided his address as Blue Anchor, New Jersey. Again, Mr. Miller stated Blue Anchor is not a municipality within the State of New Jersey. He advised Mr. McGlinchey lives in Winslow Township and he works in Winslow Township. Mr. Miller stated the zip code for Blue Anchor is a Hammonton, New Jersey zip code. Mr. Miller stated Winslow is in Camden County but Hammonton is in Atlantic County. Mr. Miller added that Winslow Township uses a Hammonton zip code, however, they have their mailed delivered to Braddock, New Jersey.

Mr. Miller stated he singled out these individuals because they told the Board where they lived and they all have the same issues that they claim create a problem for them in Egg Harbor Township and that their driver's license did not match the municipality that they lived in.

Mr. Miller advised the Post Office advised it did not matter what you wrote on your mailing address as long as you had your zip code correct you would have your mailed delivered. Mr. Miller advised based on this information he reached out to the Post Office about this. He presented Exhibit B9: Letter dated August 13, 2014, from Patricia Marin, Officer in Charge of the Atlantic City Post Office. He added that Longport is a substation to the Atlantic City Post Office. He indicated Ms. Marin is responsible for mail delivered to 08403. He referred to the first paragraph of this letter, specifically to line three (3), first sentence reading the following into the record "if the mail is addressed correctly the zip code 08403. There will be no problem with mail delivery even if they use Egg Harbor Township as the name of the town". Mr. Miller stated her letter also advises "utilization of 08234 for Seaview Harbor address will result in mail not being delivered since it's not the appropriate zip code to use as assigned by the USPS".

Mr. Miller stated the Post Office position is clearly that if you use the right zip code, in his instance, whether you put Pleasantville, Egg Harbor Township or Bargaintown if you put the right zip code the mail came to him. He indicated if you use Seaview Harbor or Egg Harbor Township and use the right zip code the mail will be delivered to you. He stated he tested Ms. Mann's theory to see if it worked. He asked that a post marked letter of July 24, 2014 be marked. Exhibit B10 letter mailed from the Toms River post office on July 24, 2014 addressed to Egg Harbor Township, NJ 08403 and sent to James J. McCullough. He advised after he mailed it Mayor McCullough brought it to him to show that he received it. He stated since this letter went through he tried another and this letter is post marked July 29, 2014 and marked as exhibit B11 and addressed to Mr. McCullough, Seaview Harbor, New Jersey 08403. He indicated the letter was delivered by following the directions of the Postal Service validates the post office comments. That it does not matter what name you put the address under as long as you have the correct zip code.

Mr. Miller stated he has one other exhibit he would like to present concerning the post office and zip code. Mr. Miller presented Exhibit B12: a permit issued to a Dr. Samuel Stetser, who resided at 36 Sunset Boulevard, Egg Harbor Township, NJ 08403, in 1997. Mr. Miller stated in exhibit B12 the letter is addressed to Samuel Stetser, M.D., 36 Sunset Boulevard, Egg Harbor Township, NJ 08403 he indicated in the caption it deals with a permit he applied for and the effective date is May 30, 1997. Mr. Miller asked to go to page 4, the application, Dr. Stetser submitted. He advised in the applicant name he listed the city as Egg Harbor Township, NJ 08403. He indicated over 17 years ago Dr. Stetser living at 36 Sunset Boulevard used Egg Harbor Township, 08403 applied for a permit from the State of New Jersey, it was

issued and it was mailed back and was received by him. Mr. Miller stated when the Post Office tells you to use the correct zip code the mail will be delivered. He stated based on the couple examples he provided and the Dr. Stetser letter from 17 years ago confirms the residents of Seaview Harbor concern with having Egg Harbor Township on their bills or driver's license to get their mail they can by using Egg Harbor Township, 08403 and their mail will be delivered.

Mr. Miller stated he would like to discuss voting. He indicated during previous hearings a resident of Seaview Harbor stated the voting district was seven (7) miles away and this distance was unacceptable to her. Mr. Miller stated Planner Cuiello said that Seaview Harbor is part of the Freeholders District #2 and that residents had to travel seven (7) miles to vote. Mr. Miller stated Planner Cuiello did not provide any other data as to whether seven (7) miles is a normal distance for people in Egg Harbor Township to go vote or any of the other 21 voting districts we have and how far they have to travel. Mr. Miller stated voting only takes place two (2) days out of 365 days. He indicated if you do not vote in the primary that it is one day a year. He indicated being a democracy people pride themselves on voting. Mr. Miller stated in other parts of our Country people wait in line for hours to vote. He indicated we have all seen news reports with people standing for hours to vote. Mr. Miller stated in Egg Harbor Township if you cannot get in and out within 15 minutes than the machine must have broken.

Mr. Miller stated five (5) years ago the State of New Jersey gave New Jersey voters the option to vote by mail. He indicated he has as an exhibit the vote mail in ballot for review. Exhibit B13: Vote mail in ballot. Mr. Miller stated the process to vote by mail is a one (1) page application. He then referred to section 10b of this exhibit ballot stating you can check this box which says "I wish to receive a mail in ballot in all future November elections until requested otherwise". He stated if you check that box you will never have to leave home again to vote. He indicated the distance to your polling place would be -0- feet. He indicated there is an option if the distance one (1) or two (2) day a year to go vote is too high this is available. He indicated you do not even have to explain why you want a mail in ballot where previously you had to be sick, in the hospital, out of town, so the State of New Jersey eliminated this requirement for voting by mail.

Mr. Miller stated within Planner Cuiello's report she raised the issue that Seaview Harbor is within Freeholder District #2, which includes Northfield, Linwood, Somers Point, Longport, Ventnor, a small part of Egg Harbor Township and Atlantic City. He indicated the inference was the small part was Seaview Harbor. He then referred to Exhibit B14: Atlantic County Election Map advising the salmon or pink coloring is District #2 showing that most of Scullville is in that area and Bargaintown Road is the boundary line for District #2 and it runs all the way to Mill Road. Mr. Miller stated the resident's living on Margate Causeway which connects Northfield to Margate are in District #2. He further noted the individuals who live directly across from this municipal building are also in District #2 with the residents of Seaview Harbor. He indicated they are not isolated or on their own.

Mr. Miller indicated that Planner Cuiello implied a negative to the people there that were not represented by the same people as the rest of the Township was represented by and this was a disadvantage to them. He indicated if you refer to the map Egg Harbor Township has the distinct benefit of having three (3) district Freeholders having to campaign for votes in Egg Harbor Township and be responsive to our needs. Mr. Miller advised West Atlantic City is in District #1, Seaview Harbor and voting Districts #1 and #5 in Egg Harbor Township are in District #2 and balance of Egg Harbor Township are in District #3. Mr. Miller stated there are four (4) At Large Freeholders in Atlantic County, which means seven (7) out of nine (9) Freeholders need to get people in Egg Harbor Township to support them in order to be elected. He indicated the Township has found this extremely beneficial. Township Committeeman Carman stated it is five (5) out of District Freeholders. Mr. Miller apologized, he explained four (4) are At Large and three (3) District Freeholders need to campaign in Egg Harbor Township to get elected.

Mr. Miller stated during his tenure Egg Harbor Township has had success with the Freeholders because of their need to campaign. He stated currently Egg Harbor Township has a District Freeholder and an At Large Freeholder based on yesterday's election representing. He stated Egg Harbor Township has 2/9ths of the Freeholder Board and the math works to the benefit all residents of Egg Harbor Township.

Attorney Doyle asked how many voting districts in Egg Harbor Township. Township Committeeman Carman stated 22. Attorney Doyle asked how many are not in District #3. Mr. Miller stated three (3). Attorney Doyle stated so there are 19 in one district. Mr. Miller stated yes. Attorney Doyle stated so yesterday election when Township Committeeman Carman was elected Freeholder from District #3 the residents of Seaview Harbor could not vote for their townsman. Mr. Miller stated this is correct. He added that it is the same for those in District #5 and #13, however, they were able to vote for a Township resident that ran for the "At Large" position. Attorney Doyle asked on January 1st, how many Freeholders will be from Egg Harbor Township. Mr. Miller stated two (2).

Attorney Doyle stated seven (7) of the Freeholders have to campaign. He stated certainly the four (4) At Large Freeholders have to. Mr. Miller stated this is correct. Attorney Doyle stated the 5th has 19 Districts of the 22 in Egg Harbor Township. Attorney Doyle asked how many Districts are in the 1st Freeholder District. Mr. Miller stated there are five (5) wards from Atlantic City, District #13 in Egg Harbor Township, and the City of Pleasantville. Attorney Doyle

stated that Freeholder has to campaign in all of Pleasantville, all of Atlantic City and one little district Egg Harbor Township and this is going to matter somehow. Mr. Miller he stated the turn out in West Atlantic City, which is District #13, is very large compared to certain wards in Atlantic City and the City of Pleasantville. He indicated the people running District #1 count on a voter turnout in West Atlantic City of a political persuasion. Attorney Doyle asked what this persuasion is. Mr. Miller stated the republican persuasion because Atlantic City tends to vote democratic most of the time so if a republican hopes to do well they need West Atlantic City to come out strong for them. Attorney Doyle stated that District is represented by a democrat most times. Mr. Miller stated during his entire tenure they have had democrats. Attorney Doyle stated irrespective of this important District that allows you to have a voice in that Freeholder. Mr. Miller stated that person comes to events in Egg Harbor Township, he is seen by us, and when we call him he returns our calls.

Attorney Doyle asked Mr. Miller what does success with the Freeholders mean to him as the Township Administrator. He stated Mr. Miller said the fact that you have seven (7) who have a piece of Egg Harbor Township results in greater success with the Freeholders. He asked Mr. Miller what he measures success by objectively. Mr. Miller indicated by getting projects completed. He advised we are doing a traffic signal at the corner of Dogwood Avenue, which is a municipal road and English Creek Avenue, which is county road. He stated there are also three (3) other intersections with county roads that have been completed. Attorney Doyle asked if accident history or traffic counts more objective factors than political have a hand in making the decision. Mr. Miller stated no. He indicated with Dogwood and English Creek the Township lobbied because there are two (2) schools in the area and there are about 50 buses that go through on a routine basis. The Township lobbied to increase the safety but the accident data was not there. Attorney Doyle stated the Freeholders made a pro-safety decision. Mr. Miller stated it was a municipal need to have a light there to get our children safely to school.

May the record reflect the Board took a recess.

May the record reflect the Board came back from their recess.

Attorney Doyle asked Mr. Miller if he understood his testimony properly that Egg Harbor is named because it is egg shaped. Mr. Miller stated yes, he then explained there are two (2) stories as to how the name came to be. He advised one (1) is because the Harbor is egg shaped and the other story is when you went up the Egg Harbor River there was a haven of nesting that laid eggs in the tall grasses. Attorney Doyle advised the first time he referenced the history he did not indicate there was a second story. Mr. Miller stated no. He indicated he subscribed to the first story because Little Egg Harbor Township is name so because the sailors were lost one night and sailed into the wrong place and when they woke up in the morning this is not egg harbor this is little egg. Attorney Doyle he asked Mr. Miller if he subscribes to the first story why would ehtgov.org, history link, Egg Harbor Township does it say the "meadows were so covered with shore bird and waterfowl eggs that he called it Eyren Haven that is (Egg Harbor)", which he indicated is the same word that appears on Wikipedia. Mr. Miller stated there are two (2) stories and the person who wrote this like that story better. He stated maybe stories about buccaneers and pirates naming your town does not have that nice warm, fuzzy feeling as eggs in the meadow.

Chairman Garth stated this is pointless and it does not make any difference how it got its name. Attorney Doyle stated he agrees, however, Mr. Miller gave it some significance having to do with Seaview Harbor and having a special relationship. He further noted he finds it narrow that his own towns web page has story one and he provides story two.

Mr. Miller stated on March 31st Mr. Kohler was presented as the community historian, however, during his testimony he stated he was not very good at remembering or that he was not good at pinning time down. He stated for an historian these should be two (2) things you should be good at. Mr. Miller advised Mr. Kohler made several comments that were unsupportive such as land being washed away in the 1970's while the developer was still in charge and the Township did nothing to assist. Mr. Miller stated Mr. Kohler advised inquiries were made to the Township to dredge but he did not provide who was asked, when they were asked or any documentation to support the allegations.

Mr. Miller stated Mr. Kohler also claimed that Margate dredged lagoons for their residents. Mr. Miller stated he called the City Clerk in Margate and asked if Margate ever dredged their lagoons. Mr. Hiltner advised in his 25 + years of service Margate has never dredge a lagoon. Mr. Miller then presented Exhibit B15: Letter emailed on April 9, 2014, letter from Thomas Hiltner, RMC, Margate advising that since being the clerk for 27 years and speaking with the City Engineer, whom has been so since 1992, and checking records nothing concerning dredging. Mr. Miller stated he is submitting based upon the testimony that other municipalities dredge lagoons for residents.

Mr. Miller stated Mr. Kohler submitted a document referenced as S7. He indicated S7 is where it was referenced Mr. Metz originally marketed the property as being in Longport. He indicated he is not sure how one can conclude that you are in Longport for marketing purposes. Mr. Miller stated in Egg Harbor Township the capitalism is prevalent we have the BMW of Atlantic City, Lexus of Atlantic City, and Mercedes of Atlantic City which are in Egg Harbor Township not Atlantic City.

Mr. Miller stated we have the Clarion Hotel which advertises as Atlantic City West, he indicated we have Northfield Estates and the Estates of Pleasantville. He indicated neither one is in Pleasantville or Northfield he stated they are in Egg Harbor Township. He indicated the way someone markets themselves as being somewhere else is a way of selling their product. Mr. Miller stated on S7 during direct testimony Mr. Kohler said everything on S7 says the development is in Longport. Mr. Miller stated S7 does not say what Mr. Kohler stated. Mr. Miller then approached the Board with S7S. He asked the Board to review the three (3) panels on this exhibit advertising the homes. Mr. Miller stated it says opposite Longport. It does not say in Longport. He stated it continually says opposite Longport, opposite Ocean City Inlet, and on the inland water way opposite Longport, New Jersey.

Mr. Miller stated even though the testimony based upon the question the Attorney Doyle just simply asked him asked him nowhere does S7 say this development is in Longport. Board Member Aponte asked if Mr. Miller is saying the individual who proffered this information did it in such a way to help their argument. Mr. Miller stated yes. He indicated if you review your minutes, which is not a transcript but a summary, it was a direct question and he responded directly that it said it was in Longport.

Mr. Miller stated he would like to discuss S8. He advised Attorney Doyle asked Mr. Kohler they identify where Seaview Harbor was. Mr. Kohler's response was Longport, New Jersey. He stated during this testimony Attorney Doyle directed Mr. Kohler to the middle panel to assist him in answering his question. Mr. Miller approached the Board to show what the middle panel says. Mr. Miller stated the middle panel is a sheet of paper listing the models of the house and their prices and what they are and it is dated 7/23/1972. He indicated what they have on their letterhead is their mailing address, which is 23 Seaview Drive, Longport, New Jersey 08403. He stated it does not say the property is in Longport the business address and the mailing address is Longport but nowhere on S8 in the brochure does it say this project is located in Longport, New Jersey.

Mr. Miller referred to S9 indicating for the same reason why he referred to S7 and S8. When Mr. Kohler was asked by Attorney Doyle about the offices for Seaview Harbor Marina, Mr. Kohler answered Longport and nowhere does it mentioned Egg Harbor Township. Mr. Miller then approached the Board showing S9 directing attention to the right hand panel, second to the bottom. He stated the heading states location and that Seaview Harbor Marina can easily be found just seven (7) minutes away from Atlantic City, just West of the Longport Bridge, on Longport – Somers Point Boulevard, State Highway 152 in Longport, Egg Harbor Township, New Jersey. Mr. Miller indicated that Mr. Clayton made it clear when he was marketing this that he was in Egg Harbor Township. Mr. Miller stated Mr. Kohler's direct testimony was that nowhere on S9 does it mentioned Egg Harbor Township. He further noted the only reference of Longport, New Jersey on S9 is a Post Office Box, which is not a location where the property is.

Mr. Miller stated Mr. Kohler also testified that his family was robbed in 1973 and the State Police showed up and Egg Harbor Township did not. He indicated the reason why Egg Harbor Township did not show up in 1973 was because we did not have a full time police force until 1974, therefore, we could not show up in 1973. He indicated in New Jersey if you do not have a Police Department the State Police provide the patrols and they respond. Mr. Miller stated when Mr. Lowery testified back in the 1960's and 70's when he was a patrolman for the State Police that he patrolled sections of Egg Harbor Township. Mr. Miller stated what is noteworthy to identify is that from 1974 to 2014 Mr. Kohler did not testify that he had any problems with the Police Department or that the Police Department never responded or that he had issues with them.

Mr. Miller advised Mr. Kohler also testified he reviewed the association minutes and the succession matter was discussed in 1982, 1989 and in the late 1990's. Mr. Miller stated one of the items he found interesting from 1982 was who was leading the succession discussions in Seaview Harbor. He stated he has an Exhibit from the April 29, 1982, Press of Atlantic City that he would like marked. Special Board Solicitor Marcolongo marked as B16. Mr. Miller stated to the Board that they probably recognize the person standing on the dock of the bay in Seaview Harbor as James McCullough who was a private citizen at that time and who was the person leading the effort getting publicity for Seaview Harbor. He indicated he was making the same arguments, as they are making today, that you could throw a rock and hit Longport on a good day and that he had a Longport mailing address.

Mr. Miller stated Attorney Doyle made inference that the Planning Board may be tainted because the Mayor recused himself from participating and since he is the Mayor Township obviously he would be opposed to succession from the Township. Mr. Miller stated obviously in 1982 James J. McCullough spoke in favor of succession and since he recused himself from any discussion no one knows what the Mayor thinks whether he supports it or opposes it. He indicated anyone who proffered an opinion as to what they think the Mayor's position is pure speculation.

Mr. Miller stated Mr. Kohler also complained that the Township did not do much with the center island for landscaping and maintenance and the homeowners take care of it. Mr. Miller stated within Egg Harbor Township there are several subdivisions and commercial properties that have landscaped islands. Mr. Miller stated presented Exhibit B17 listing landscaping islands within the residential neighborhoods of Egg Harbor Township. Mr. Miller advised based on Exhibit

B17 the Board can see that Seaview Harbor is not only residential subdivision were the Township does not maintain landscaped island. He added the Township does not maintain any center island or landscaped islands. He advised that in fact the homeowners, the civic groups, or community group does it. He advised when the developers came in to receive approval for these developments the Township advised they would have to maintain or the residents not the Township. He indicated there are also three (3) commercial projects that have center islands and they are not maintained by the Township.

Mr. Miller stated Mr. and Mrs. Fiore took care of the center island and though testimony it appears Mrs. Lowery has formed a group in 2008 that has so far taken care of the island. Mr. Miller then noted within his development there are two (2) identification signs that are in the public r-o-w and his neighbors maintain landscaping and painting the sign. He advised the Township does not provide any service to maintain their subdivision identification sign either.

Board Member Aponte asked Mr. Miller that he discussed Mr. Kohler's issue in 1973. He stated assuming we had a police force would they have kept records. Mr. Miller stated the Township's police force was formed in 1974. He indicated find this information would be slim. He stated he is not sure what the records retention is for a police call concerning a burglary or a car break-in.

Board Member Rosenberg stated he finds it interesting that Mr. Metz's has on his letterhead an address from Jenkintown, Pennsylvania which has the neighborhoods of Rydal, Jenkintown Manor, and Nobel which are all within the political entity of Abington Township. He indicated it is also on the Doylestown line. He indicated it is a similar situation and Mr. Metz who organized this development was familiar with.

Attorney Doyle asked Mr. Miller if he listened to Mr. Kohler's testimony intently and took notes. Mr. Miller stated yes. Attorney Doyle asked he read the minutes of this meeting where Mr. Kohler provided testimony. Mr. Miller stated yes. Attorney Doyle asked Mr. Miller if he listened to the tapes from that meeting. Mr. Miller stated no. Attorney Doyle asked Mr. Miller if he is satisfied from this information all these the things in Mr. Kohler's testimony gives rise in his mind that Mr. Kohler was either inaccurate, unknowing or his conclusions did not fit the facts. Mr. Miller advised Mr. Kohler's statements did not fit the facts when he reviewed the three (3) exhibits.

Attorney Doyle asked if there was anything else in the exhibits or testimony that Mr. Miller disagrees with. Mr. Miller stated he did not review every exhibit that was submitted. He indicated he is not sure of exactly which ones he looked at. Attorney Doyle stated Mr. Miller stated he looked at 7, 8, and 9. He asked if he looked at S10. Mr. Miller stated he glanced at S10, which were community association minutes. Attorney Doyle stated unlike 7, 8 and 9 it did not draw issue. Mr. Miller stated they are minutes and he is not sure whether they are accurate or not. However, he can look at 7, 8 and 9 and can see that the testimony was not consistent with what was on the documents. Mr. Miller indicated he has to take the minutes at face value since he was not at these meetings.

Attorney Doyle stated he would like to be clear on what Mr. Miller states is inaccurate. He advised Mr. Kohler indicated nothing in S7 says Egg Harbor Township. He asked Mr. Miller if Egg Harbor Township is mentioned at all in S7. Mr. Miller stated no it is not. Attorney Doyle asked regardless of how it is mentioned is Longport mentioned. Mr. Miller stated it refers to being opposite Longport. Mr. Miller then referred to Page 12 of the Planning Board minutes where Mr. Kohler testified reading a passage advising "Mr. Kohler stated everything says Longport. He advised nowhere in the information does he see Egg Harbor Township mentioned". Mr. Miller stated this is correct it does not say. Mr. Miller then continued with the minutes advising "Attorney Doyle asked him to look at the brochure on the left hand side where does it identify those homes as being". Mr. Miller stated Attorney Doyle asked him where and he answered Longport. Mr. Miller stated he pointed out it does not say the homes are in Longport. Attorney Doyle asked where does it say they are. Mr. Miller indicated it says they are opposite Longport not in Longport.

Attorney Doyle stated the only town's name on S8 is Longport. Mr. Miller stated he believes it mentions Ocean City. Attorney Doyle asked does it mention Egg Harbor Township at all. Mr. Miller stated no. Attorney Doyle stated he believes Mr. Miller indicated S9 does mention Egg Harbor Township but had to look through a magnifying glass to find it. Mr. Miller stated he brought the magnifying glass in case someone had to use, but no one asked to since they could see. Attorney Doyle stated Mr. Miller checked with Margate who saw no record of any dredging. He indicated the letter that was presented from the City Clerk, Thomas Hiltner dated April 9, 2014, which was after the March 31, 2014 meeting, is because he wanted to find the because you wanted to find the true facts are not accepting what Mr. Kohler said.

Mr. Miller stated he has been here for 25 years and he is not aware of any municipality who dredges. Mr. Kohler advised they did and he called them up and discussed with Mr. Hiltner who advised he would research. Mr. Miller stated thereafter he received Mr. Hiltner's letter. Attorney Doyle stated within this letter Mr. Hiltner stated he reviewed the files going back 27 years, which is 1987 and he further confirmed with the City Engineer who has been with them since 1992 and they did not see any performance work in or around the lagoons since 1987. Mr. Miller stated going back 27 years of a municipality doing no dredging is a pattern. Attorney Doyle asked if he could confirm any dredging occurred before 1987. Mr. Miller stated he does not. Attorney Doyle stated this letter does not tell if they did or not.

Mr. Miller stated no.

Attorney Doyle stated Mr. Miller asked that B16 be presented. He advised it is an article that is continued on Page 22. He asked where Page 22 is. Mr. Miller stated he does not know. He indicated it is 32 years old and his recreation director had it in his clippings. He stated the recreation director retired and he presented Mr. Miller with his clippings and as he went through them he found this. Attorney Doyle asked if Mr. Miller went to The Atlantic City Press. Mr. Miller stated he did and the electronic archives do not go back to 1982.

Attorney Doyle stated Mr. McCullough was not the Mayor at the time of this article. Mr. Miller stated he was a private citizen. Attorney Doyle stated as a private citizen his driver's license and mailing address say Longport. Mr. Miller indicated this is what the article says. Attorney Doyle stated in 2014 just like every other resident in Seaview Harbor has a driver's license address as Longport. Mr. Miller stated he does not know. He advised a half dozen people testified this is what their driver's license says. Attorney Doyle asked of any basis of being a resident of Seaview Harbor would allow or cause a driver's license to say Egg Harbor Township. Mr. Miller stated yes. He indicated if you go to motor vehicle and say you live in Egg Harbor Township, New Jersey 08403 they will give you a driver's license. Attorney Doyle asked if Mr. Miller has done this. Mr. Miller indicated he does not live in this neighborhood. Attorney Doyle asked if he knows anyone that has. Mr. Miller stated no, however, he called the Cardiff Division of Motor Vehicles Office, whom advised if the zip code is correct you can place whatever town you want.

Attorney Doyle asked how an individual can change their address. Mr. Miller stated you go to the Division of Motor Vehicle and advise them you want to make a change. Attorney Doyle asked if you look up Egg Harbor Township for its zip code and he sends it to the zip code that goes with Egg Harbor Township albeit it is not the one that is 08403 where would the letter go. Mr. Miller stated 08403 will be delivered to Sunset Boulevard, Hospitality or Seaview Drive. He indicated that is the exhibit from the post office. Attorney Doyle stated like the mayor 40 years ago and the residents of Seaview Harbor who had testified their mailing address and driver's license say Longport, New Jersey. Mr. Miller stated they have chosen to be Longport, New Jersey.

Attorney Doyle stated something the Mayor wanted as referenced in the article. Mr. Miller stated the mayor was part of the group looking to secede in 1982. He indicated he was an advocate for of secession in 1982 according to exhibit S10. Attorney Doyle then referenced portions of the article known as exhibit B16. Attorney Doyle quoting from the article "if I had a fire and needed the police I would call Longport. He said". Attorney Doyle asked if this still true. Mr. Miller stated you do not call them you would call 9-1-1 and depending on the emergency is we would dispatch the appropriate public safety response. Attorney Doyle asked who is the first responder for police to the people in Seaview Harbor. Mr. Miller stated if it is a burglary in process it would be Longport. He stated if you woke up in the morning and found your car burglarized the night before it would be Egg Harbor Township.

Attorney Doyle asked how a 9-1-1 dispatcher make this determination. Mr. Miller stated if it is a crime in progress we attempt to send Longport if they are available and able to respond. He indicated we also dispatch Egg Harbor Township at the same time. He indicated if you are gone for a few days and someone breaks in your home or something happened overnight Egg Harbor Township Police will come out and take the report and do the investigation. Attorney Doyle stated it is fair to say the more immediate and dangerous the emergency is the more likely you will be sending someone from Longport. Mr. Miller stated it is our job to protect the public if there is an emergency we are going to get the public safety person who can get there fastest to protect our residents. Attorney Doyle asked where is this person from. Mr. Miller stated they can be from Longport, Somers Point, Margate or Egg Harbor Township.

Attorney Doyle advised the Mayor has indicated if you call 9-1-1 you get Longport. He asked Mr. Miller if he has seen this article. Mr. Miller stated he is not aware. Attorney Doyle advised he will produce. Attorney Doyle then reading from B16 advised the mayor indicated "it would be nice if I actually lived in Longport". He stated someday he may get his wish. He noted if this petition is granted he would have it. Mr. Miller stated he would assume so if Longport accepts you.

Attorney Doyle asked Mr. Miller if he spoke to the Mayor about the article. Mr. Miller indicated no. Attorney Doyle asked if Mr. Miller knows when the Mayor changed his mind on secession. Special Board Solicitor Marcolongo stated he believes Mr. Miller has testified that he does not know what the Mayor's position is now. Mr. Miller stated he has not spoken to the Mayor about it and he does not know what his current position is. Attorney Doyle asked Mr. Miller that the subject of this petition has never come up with the Mayor since April, 2013 when he contacted Mr. McGlitchy aware that there was a meeting being held by the homeowners of Seaview Harbor and himself and he wanted to be at this meeting. Mr. Miller stated in 2013 he did speak to the Mayor, which was a year before the petition was filed. Mr. Miller advised since the petition was filed he has had no conversations with him about the secession.

Attorney Doyle stated Mr. Miller had mentioned S10 and he mentioned that in the minutes it reflected that Mr. McCullough at the time was for secession. Attorney Doyle referring Mr. Miller to the minutes of May 15, 1982, which are part of S10, are minutes that someone took and he cannot vouch for the accuracy of them. Mr. Miller stated he

read the minutes and accepts them at face value. Attorney Doyle then read a section of this minutes and asked Mr. Miller if he takes them at face value. Mr. Miller stated yes. Attorney Doyle stated these minutes are dated May 15, 1982 and the article previously discussed from the Atlantic City Press is dated April 29, 1982, which is two (2) weeks before the meeting. He asked that discussion being next to the Borough of Longport was rife back in 1982. Mr. Miller stated in 1982 residents of Seaview Harbor were talking about going to Longport. Attorney Doyle stated Mr. Miller indicated that the only reason the residents of Longport are seeking the secession is because of the 2012/2013 revaluation. Mr. Miller stated he was quoting Attorney Doyle's opening statement where if the residents went to Longport they would save some \$17,000.00 a year in property taxes and he concluded from Attorney Doyle's statement that this was their motivation. Attorney Doyle stated Mr. Miller indicated this was the only motivation. Mr. Miller stated the revaluation triggered it, your statement about saving money and Mrs. Gordon's told me that was the motivation for doing it. Attorney Doyle asked Mr. Miller that he bases his opinion on one (1) conversation with one (1) person rather than the sworn testimony of 20 + residents and the signatures on the petition of 60 + voters. Mr. Miller stated he heard several people testify in response to questions Attorney Doyle asked them that their tax savings would be significant. Attorney Doyle asked if heard from any of them that they were unhappy with the services rendered by Egg Harbor Township. Mr. Miller stated he heard testimony advising the services were not equal or non-existent.

Attorney Doyle referred back to exhibit S10 stating in 1999 there was a meeting where Mr. Miller was present. Attorney Doyle then began reading minutes from that meeting onto the record. He asked Mr. Miller if he recalls being at this meeting. Mr. Miller stated yes. Attorney Doyle asked if Mr. Miller recalls any discussion of secession at that meeting. Mr. Miller stated no he does not recall. Attorney Doyle asked Mr. Miller if read through the August 30, 1999 minutes. Mr. Miller stated yes, a few months ago when it was submitted. Attorney Doyle then asked if it were at the same time he reviewed S7, S8, S9 and S10. Mr. Miller stated yes. Attorney Doyle then asked with respect to S7, S8 and S9 and comparing them with the minutes of S10 he found issues with it that he referred to concerning the absence of the mention of Longport in Longport and that Egg Harbor Township was mentioned once in those three (3) exhibits. Mr. Miller stated he found an inconsistency with the direct testimony and the exhibits.

Attorney Doyle stated he would assume having reviewed S7, S8, S9 and S10 at the same time a few months ago and thinking enough that he would testify Mr. Miller would note the inconsistencies in S7, S8 and S9 and reviewing S10 at the same time if he found inconsistencies with it he would have noted it and be testifying to it. Mr. Miller stated it very difficult for him to not inconsistencies with S10 since he was not at some of the meetings and somebodies minutes of what took place that day he has to accept them at face value. He stated if someone provided him the minutes for two (2) or three (3) years prior to the meeting and two (2) or three (3) years after he may be able to draw a conclusion as to the consistency with the discussion. However, pulling one (1) meeting out and saying they talked about it I accept at face value that Mr. Kohler testimony that on three (3) occasions residents of Seaview Harbor met and discussed the potential of seceding.

Mr. Miller advised they did not file anything in 1982 and they did not file anything in 1999. He indicated the minutes just say they talked about it. Attorney Doyle stated in the August 30, 1999 letter from Mr. Kohler quoted things that Mr. Miller stated during the breakfast meeting that he recalls. Mr. Miller stated that until Mr. Kohler submitted the letter he did not know he wrote the letter in 1999. Attorney Doyle stated also part of S10 was October 1, 1999 meeting minutes. He then read into the record a section of these minutes under "new business", which discussed secession from Egg Harbor Township. Attorney Doyle asked if Mr. Miller recalls reading this information. Mr. Miller stated he remembers reading this. Attorney Doyle referred back to S10 advising the meeting minutes of November 12, 1999, which is the following month after the October 1, 1999 meeting where secession was discussed. He stated the following month it was again discussed he then read sections of the November 12, 1999 minutes into the record. He indicated these minutes reflected that Mayor McCullough advised it would be difficult without going to the Supreme Court especially since he said Longport and Egg Harbor Township were against it. Attorney Doyle asked Mr. Miller by then the now Mayor said Egg Harbor Township was against it. He asked if this was discussed with him. Mr. Miller stated no. Attorney Doyle stated this was not a reference on the minutes they noted guests were present including Mayor Sonny McCullough.

Board Special Solicitor Marcolongo stated he had sent correspondence to Attorney Doyle previously asking for the minutes going as far back as possible. He asked if these would be coming. Attorney Doyle stated they have produced all the documents they feel are relevant to the process. Board Special Solicitor Marcolongo asked Attorney Doyle if he is therefore, not going to produce them. Attorney Doyle stated he does not believe there is any reason for producing them or anything that is irrelevant. Special Board Solicitor Marcolongo asked if they are available. Attorney Doyle stated he has not looked for them. He indicated he was given these and he believed they were relevant. Special Board Solicitor Marcolongo asked if this included submitting partial minutes of certain meetings. Attorney Doyle stated he does not know what Special Board Solicitor Marcolongo means by saying they provided partial minutes. Special Board Solicitor Marcolongo stated he believe Attorney Doyle stated that within S10 there are only parts of certain minutes that all the documents were not there. He further noted the Board may deem having the minutes going back to 1985 are relevant and they would like to have them.

Attorney Doyle stated he appreciates Special Board Solicitor Marcolongo to guide the Board into obtaining records from not a public organization. He indicated they do not have anything to hide. Attorney Doyle stated he has had difficulty into getting some records and they have been given to him slowly. He advised he will look into getting them such as they are given to him to see if they are relevant. Chairman Garth asked how many years has this organization been. Attorney Doyle stated he believes the testimony from witnesses went back to at least the 1970's. Chairman Garth stated his wife is the treasurer of their camping club and has been in existence for 35 years and she has every single treasurer's record in a briefcase. He did note it is a small club. Attorney Doyle stated it is amazing what old lockers will produce. Board Member Aponte stated if they are available is there a problem with producing. Attorney Doyle stated there is a problem with producing documents that are irrelevant. He stated it is a hot seat choice. He indicated if we do not produce them seems like we are hiding something and we produce them and they irrelevant it will just take up more time.

Board Member Aponte suggested maybe from the time period in which the secession is discussed around. So say, he is just coming up with date, August of 1972 maybe the minutes before and after would be relevant because it may be a continuation. Attorney Doyle stated he agrees and why it was important to place in record that secession didn't happen just after the revaluation. He indicated it was discussed in the 1980's, 1990's and Mr. McCullough who was a community leader, not an elected official, believe in secession and by 1999 that Egg Harbor Township would be opposed to it and you would have to go to the Supreme Court.

Attorney Doyle stated these are things that are based upon an historical record. He stated in addition to the review of the Board's March 31, 2014 indicate there were discussions during the 1980's and 1990's that people would recall without it being reflected in the minutes. Attorney Doyle stated they will look for any minutes they can find where secession was discussed. He indicated they are sparse. Board Special Solicitor Marcolongo stated Attorney Doyle can present to him for review so it does not take up the transcript or the exhibit list. Attorney Doyle stated he understands and they will look.

Mr. Miller stated on several occasions the residents testified that the zoning for Seaview Harbor is inappropriate for their community. He advised the residents indicated the zoning in Longport is better suited for them since they are both shore communities, however, they did not provide any documentation or exhibits concerning the zoning of Longport and how it is applicable or better for them. Mr. Miller stated Planner Cuvillo did not provide any zoning analysis of the Longport zoning relative to Seaview Harbor nor did she identify any zoning standards that would be more appropriate for Seaview Harbor.

Mr. Miller advised the residents had indicated the Township did not know how to zone Seaview Harbor. Mr. Miller referred the Board to Page 10 of Planner Cuvillo's report stating the existing zoning standards R6 allows for single-family development, but the front yard setback is not practical. Mr. Miller advised Planner Cuvillo did not provide why they were impractical and she did not provide any illustrations or recommendations as to what would be more appropriate. Mr. Miller then read paragraph 2, page 10 of Planner Cuvillo's report which notes development patterns and opinions concerning variance relief. Mr. Miller stated also that no testimony was provide that any written request to change the zoning was ever made to the Township.

Mr. Miller stated he would proffer that when one drives to the Borough of Longport and then to Seaview Harbor they will conclude they look nothing alike. He stated see Longport is laid out in a city street grid format and Seaview Harbor has a circular road network and looks like a traditional suburban subdivision. He then referred to exhibit S7 stating most of the homes sit back pretty far from the street and closer to the water. He indicated that none of these homes look that they are 15' from the front property line

Mr. Miller then referred to exhibit S8 stating that this information tells you it is a planned community for an active boating family. He indicated they were not planned as a beach community or a seashore community. He indicated the marketing materials stress the homes are built for the extension of a boating lifestyle. Mr. Miller then presented exhibit B18 dated May 3, 1963 deed from Seaview Harbor, Inc. to John and Marion Kohler, husband and wife. He then advised the reason why he presented the deed was to bring to the attention of the Board the restrictions on the property.

Mr. Miller referred the Board to turn to page 2, 3 paragraphs from the bottom. He then read into the record what this paragraph contained and advise the restrictions discussed in this paragraph were not attached to the deed. He then provided Exhibit B19 a five (5) page document from Milligan to Seaview Harbor, Inc. stating on page 3 there are restrictive covenants. He stated since the print was rather small he increased the size of the exhibit. Mr. Miller then presented Exhibit B20: page 3 of covenant and restrictions previously noted. He advised within this document under the restrictions it says no building shall be built closer than 30' ft. He advised this is stated within the 10th line. He advised the original setback for this development was 30' ft. setback and the rear could not be closer than 20' ft.

Mr. Miller then referred the Board to go down to the setback lines where it discussed side yard setbacks. He indicated this document also advised walls and fences have to maintain the 30' ft. front yard setback and cannot be higher than 3'

ft. He further noted this document discusses the size of the homes to be constructed in community. Mr. Miller stated this document also outlines ways this things could be subject to change in the future. Mr. Miller stated at the time the Township did not have zoning so Mrs. Milligan created their own standards as to how they wanted development to be constructed. He stated the reason why the front yards were 30' ft. was due to deed restrictions.

Mr. Miller advised the current zoning allows for side yards to be 5' ft. and 10' ft. and is less restrictive than the original design for this development. He stated currently the front yard is 15' ft. and back when this was originally developed it was 30' ft. and is again less restrictive. Mr. Miller stated in Planner CuvIELLO's report she list the planning effort made by the Township concerning Seaview Harbor and noting there was limited discussion concerning Seaview Harbor. Mr. Miller stated Planner CuvIELLO listed documents she reviewed from 1965 – 2013. He indicated at the bottom of page 33 of her report she list the 2000 re-examination report from James A. Mott. Mr. Miller then asked the Board to turn to page 34 of Planner CuvIELLO stating she references the continued theme of the Township was growth management and future improvements. Mr. Miller stated he does not believe Planner CuvIELLO read the 2000 – Re-examination report and he then passed out this report to the Board and it was marked exhibit B31. He then directed the Board to the table of contents starting on page 3 and then referred them to the top of page 4 where it states specific changes recommend. He indicated item #2 states revise zoning in Seaview Harbor and Anchorage Poynte. He then asked them to go to page 25 and read into the record this page.

Mr. Miller stated the Planning Board adopted this report on July 17, 2000. He then asked to mark as an exhibit the report from the Land Use Administrator/Planning Board Secretary, Terry Wilbert transmitting the re-examination report to the Governing Body, this was marked as exhibit B22. He then advised part of this transmittal was a July 13, 2000 transmittal to the Planning Board from Planning Board Engineer Polistina recommending the Township change the bulk standards of Seaview Harbor. He further noted that this information included reference that that seven (7) applications submitted to the Zoning Board from Seaview Harbor since 1997 and if the zoning were under the new zoning criteria only one (1) application would have been required.

Mr. Miller then referred to the Planning Board minutes from the July 17, 2000 meeting, marked exhibit B23. He stated on the first page of these minutes you will see two (2) residents from Seaview Harbor were present for the Board they were Mayor McCullough and Ralph Henry. If you go back to "Summary Matters" there is discussion concerning the re-examination report and the proposal to change zoning classifications. He stated when it came to the public portion there were two (2) Seaview Harbor residents present Mr. and Mrs. LaPorte and they had both spoke in favor of the zoning changes proposed for Seaview harbor. Mr. Miller than referred to Exhibit B24 Township Ordinance 33-2000 changing the zoning in Seaview Harbor. Mr. Miller stated since the adoption of this ordinance there has not been a single application with the zoning board seeking variance relief.

Mr. Miller stated in 2013 the Planning Board heard a subdivision application were "c" variance were proposed. He indicated during this hearing many residents spoke in favor of the variance relief which was subsequently granted with subdivision. Mr. Miller stated Planner CuvIELLO stated variance relief would be required for residents to make improvements on their homes or properties. He indicated he believes the record reflects that for the past 14 years not one application was made by any of the residents of Seaview Harbor. He indicated that actually 26 property owners in Seaview Harbor since the adoption of ordinance 33-2000 have applied for either the construction of additions or new homes in Seaview Harbor. He indicated none of these applications required variances in order to construct. They were all built in conformance with ordinance 33-2000. He then presented exhibit B25 list of permits issued advising 14 were for new homes and 12 were additions built without any variances need.

Mr. Miller stated he believes it was Mr. Dabek who argued that the side entry garage was out of character for the neighborhood and poor zoning. He asked if exhibit B26 ten (10) homes in Seaview Harbor with side entry garages. Special Board Solicitor Marcolongo is a packet of black and white photographs. Mr. Miller stated he does not believe the side entry garages are out of character and the home and architectural design are beautiful. Mr. Miller stated within Planner CuvIELLO's report a front entry garage was not practical or rather a front entry garage at 35' ft. was not practical. Mr. Miller stated with the exhibit S7, B20 and S10 the intentions of the original developer was to have 30' ft. front set back not 15' ft. He presented an exhibit of five (5) to six (6) pictures showing front loading garages that are all at least more than 35' ft. off the street. Special Board Solicitor Marcolongo stated he is marking the black and white photographs with front entry garages as Exhibit B27.

Mr. Miller indicated he took all the pictures for records. Mr. Miller stated the homes with side entry garage such as 24, 32 and 26 Seaview Drive have a 30' ft. to 35' ft. setback and they choose to do so. Mr. Miller then referred to exhibit B28 photograph of 25 Sunset Boulevard with a 15' ft. setback. He stated this shows the car blocking the sidewalk and if a pedestrian where to walk in this area they would have to walk in the street to get around the car, as well as, an individual with a baby stroller. He stated this is why the Township prohibits garages at a 15' ft. setback because it creates an unsafe condition in the community.

Mr. Miller stated Planner CuvIELLO referenced on page 35 of her Planning report that through all the planning effort

taken by Egg Harbor Township there was limit discussion about the Seaview Harbor Community. Mr. Miller stated he discussed the civic involvement and that Seaview Harbor has been represented by Planning Board for over 30 years. He stated he had previously presented an exhibit showing the members of the Planning Board from that period of time. He indicated the Township adopted a new Master Plan in 2002. Mr. Miller stated he is not providing the whole report, but the cover sheet identifying the members of the Planning Board who prepared and adopted the master plan in 2002, which was marked exhibit B29. Mr. Miller stated Ralph Henry was the Chairperson and the Mayor was the Class II member. He stated if there were need for changes within Seaview Harbor in the 2002 master plan with two (2) of the nine (9) members living there the changes would have been there. Mr. Miller advised the Board in 2000 there was a re-examination report to address the bulk standards in Seaview Harbor so there really was not a need to address Seaview Harbor two (2) years later.

Mr. Miller stated some residents noted that within the Livable Communities Plan Seaview Harbor was only mentioned four (4) times. He indicated he would like to present a copy of what the purpose was of the Livable Communities Plan. Mr. Miller stated the document he is presenting was taken from the Livable Communities Plan, Special Board Solicitor Marcolongo marked as exhibit B30. Mr. Miller then read into the record the last paragraph he then advised several members of the Board participated as private citizens to have a collaborate effort with the community and a few of Board members were part of the visioning team. Mr. Miller stated a series of meetings were held throughout the community to receive input as to things that would improve Egg Harbor Township and which neighborhoods needed those things. Mr. Miller presented exhibit B31 members of the visioning team, which included the Mayor McCullough and Ralph Henry who was not part of the Planning Board in 2007 but was involved because he was civic member of the community.

Mr. Miller stated he would conclude from a zoning standpoint the zoning in Seaview Harbor is appropriate for their neighborhood. He stated when an issue was identified in the 1990's concerning variances for residents to build the Township prepared the re-examination report and adopted an ordinance that changed the standards for Seaview Harbor. Mr. Miller stated there has been no variances granted in the past 14 years in Seaview Harbor for residents to construct. Mr. Miller noted, since some of the residents are aware, there was one (1) application filed to the Zoning Board of Adjustment in 2008 by William Laufer, he sought a variance to construct a windmill in Seaview Harbor within his yard, which he subsequently withdrew his application in 2009 submitted to construct a windmill and was subsequently withdrew the application. He indicated the Zoning Board never heard the application. Mr. Miller stated he is presenting this information because some of the residents were involved with this application in one way or another with Mr. Laufer's application. Therefore, he wanted to make it clear that there was one (1) application filed, but the Board never heard it and the applicant withdrew it on their own volition.

Chairman Garth asked how much more Mr. Miller has. He indicated there is other business that must be handled this evening. Special Board Solicitor Marcolongo asked Mr. Miller if he could guess how much of his presentation has been completed. Mr. Miller stated about 40%. Chairman Garth stated rather than continuing he would like to stop Mr. Miller at this point. Attorney Doyle advised he had a few questions for Mr. Miller. Attorney Doyle asked if the R6 zoning requirements been changed since their adoption. Mr. Miller stated they have not been changed since 2000. Attorney Doyle stated Mr. Miller mentioned the front setback requirement and how it is different than the covenants. He asked if the lots in Seaview Harbor are a common and consistent depth. He asked if they are all a 100' ft. deep, 115' ft. deep, 90' ft. deep. Mr. Miller stated they vary depending upon the street. Attorney Doyle asked what the standard is for front setback zoning standard. Mr. Miller stated 15' ft. Attorney Doyle and have been since 2000. Mr. Miller stated yes.

Attorney Doyle stated Mr. Miller presented a picture showing the 15' ft. front setback does not work because it's a safety hazard if a car parks there. Mr. Miller stated for a front loading garage it creates a safety hazard. Attorney Doyle stated there is no difference in the front setback depending upon the depth of the lot. He asked if it is a uniform 15' ft. Mr. Miller stated yes. Attorney Doyle asked Mr. Miller where does the 35' ft. front setback come in. Mr. Miller stated the Township adopted a general zoning ordinance which applies to all zoning districts which says that a front loading garage had to be a 35' ft. setback throughout the Township so you could safely park two (2) cars in your driveway off the street. Attorney Doyle asked if the lots in Seaview Harbor identical widths or do they vary. He stated he would accept the three (3) larger lots on the eastern end of the community. Mr. Miller stated they all meet or exceed the minimum standards there. He advised the variations between those that may be 50' ft., 55' ft., or 60 ft. wide he cannot tell how many are in each of the lot width.

Attorney Doyle stated there are no new lots to be created in Seaview Harbor other than the two (2) lot subdivision that was granted last year. Mr. Miller stated it depends on creativity. He advised some of the larger lots are a few acres in size and they may be able to create a flag lot, however, if you are of a cookie cutter lots on Hospitality, Sunset, and Seaview than on Hospitality what the Seaview Harbor Water Company got last year are the two (2) traditional building lots but the larger lots which are a couple acres in size could be flag lots.

Attorney Doyle stated he has nothing more at this time. Chairman Garth stated this will be picked-up again on Friday, November 7, 2014 at 5:00 p.m. Special Board Solicitor Marcolongo stated since Mr. Miller has indicated that he is only

40% the way through it would be silly to bring in the Fire Chief and the Director of Public Works at the next meeting. He advised he will hold these individuals off until November 17, 2014.

Special Board Solicitor Marcolongo stated he will reach out to Mr. Doyle and Mr. Wiser tomorrow or Friday to come up with some dates that will work for all. So that we can discuss new meetings at the Friday meeting of the Board. Attorney Doyle stated in September we were given four (4) possible dates and advised he would be present for all of them. He stated two (2) were actually scheduled one (1) which the Board had and one (1) unfortunately cancelled because of his own disposition. He stated in October there were emails that went around saying there were five (5) possible dates. He stated he was fine with all of them and the Board was only able to meet once. He stated for this month emails were passed around that suggested four (4) dated. He indicated we have gotten better because there will be three (3) dates and he had a problem with the fourth. Attorney Doyle stated he realizes that he is only one (1) person and that there must be a coordination of the Members, Board Solicitor, and Board Planner and it will get tougher in December and we want to finish in December as suggested by the Board. Attorney Doyle stated they were given the dates of the 2, 5, 12, 19, 23, 29, 30 of December as possible. He stated he will try to make himself available all of those, as the Board and their experts can with the exception that he cannot be available on the 2nd.

Attorney Doyle stated the dates provided were based on the availability of the room. Attorney Doyle stated he thought they were based on an initial survey done by the Board Secretary, he stated be as it may, that is where we are and he is looking into December and if he has only questioned Mr. Miller on half of what he testified to they may not be calling public works until December. Attorney Doyle stated looking at the Strathmere case there were six (6) meetings at which the citizens and the petitioners produced testimony. He state that equals the six (6) that they did. He advised there were five (5) meetings at which the Board presented its case and then there was five (5) more where citizens testified for a total of sixteen meetings that lasted a total of 14 months. He stated Mr. Marcolongo and Mr. Wiser lived through those 16 meetings and Attorney Doyle noted he hopes that do not approach that but he is concerned. Special Board Solicitor Marcolongo stated it is beyond the Board's control as to how long the public will take.

Chairman Garth stated he would not be available certain other meeting dates in November. Board Secretary Wilbert stated November's meetings have already been set. She stated the dates that have been provided is all that is available based upon the schedules of everyone in the room. She indicated the dates are the 7th and the 17th.

Motion Eykyn/Aponte to carry public hearing to Friday, November 7, 2014, 7:00 p.m., prevailing time. Vote 7 Yes:
Aponte, Carman, Eykyn, Kearns, Rosenberg, Pfrommer, Garth

SUMMARY MATTER(S):

SECTION I:

Discussions of matters pertaining to the Board:

SECTION II:

a. General public discussion: Motion Carman/Aponte to open public portion

May the record reflect no one came forward

Motion Pfrommer/Carman to close public portion

Motion Pfrommer/Carman to adjourn at 10:33 P.M. Vote 7 Yes: Aponte, Carman, Eykyn, Kearns, Pfrommer, Rosenberg, Garth

Respectfully submitted by,

Theresa Wilbert, Secretary