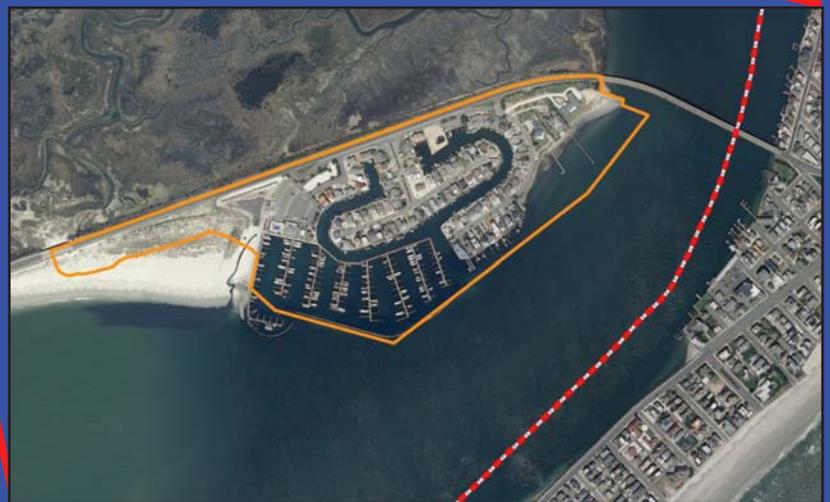
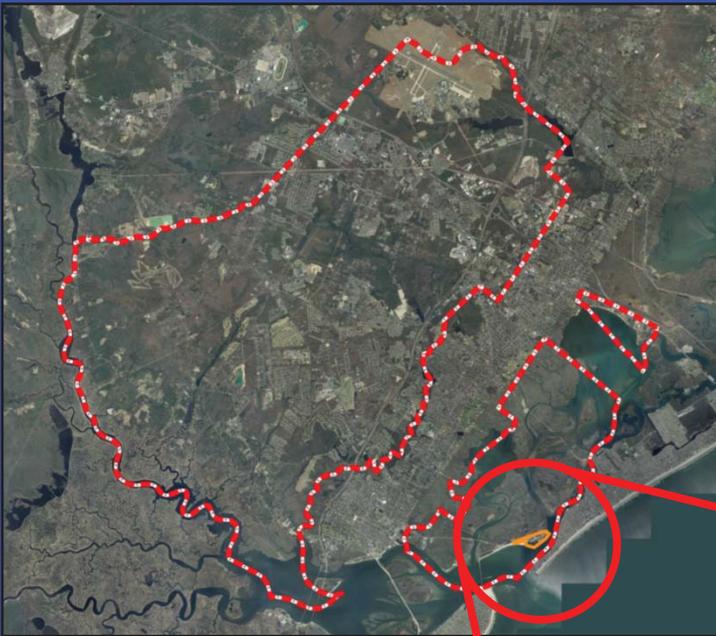


REPORT of FINDINGS

PETITION for DEANNEXATION

SEAVIEW HARBOR

EGG HARBOR TOWNSHIP
Atlantic County, New Jersey



Prepared by:



For the:

Egg Harbor Township
Planning Board



January 29, 2016



**REPORT of FINDINGS
PETITION for DEANNEXATION
SEAVIEW HARBOR
EGG HARBOR TOWNSHIP
Atlantic County, New Jersey**

EGG HARBOR TOWNSHIP PLANNING BOARD

James Garth, Sr., Chairman
Manny Aponte, Vice Chairman
Paul Rosenberg - 2nd Vice Chairman
James J. McCullough, Mayor^A
Peter J. Miller, Administrator^A
John Carman^B
Laura Pfromer, Committeewoman^C
Charles Eykyn
Frank Kearns
Robert Levy^{A, D}
Milas Cook^{A, D}
Md Shamsuddin^{A, D}
Dennis Kleiner^{A, D}
Dan Pittaro^{A, D}

Theresa Wilbert, Land Use Administrator & Board Secretary
Dean Marcolongo, Esq., Special Counsel

^A Recused from / did not participate in these Proceedings

^B Participated as Class III member while Township Committeeman. Resigned seat on Township Committee upon taking oath of office as County Freeholder. Continued to participate while Freeholder as Class I member.

^C Participated as Class I member (Mayor's Designee) until replaced by Mr. Carmen. Continued to Participate as Class III member.

^D Not on Planning Board throughout the entire proceedings

The original of this document has been signed
and sealed pursuant to N.J.S.A. 45:14A-12.

Respectfully Submitted:
REMINGTON, VERNICK & WALBERG ENGINEERS
By:

Stuart B. Wiser, P.P., AICP
NJ Professional Planners License # LI005598

Edward J. Walberg, P.E., P.P., C.M.E.
NJ Professional Planners License # LI005444





REPORT of FINDINGS
PETITION for DEANNEXATION
SEAVIEW HARBOR
EGG HARBOR TOWNSHIP
Atlantic County, New Jersey

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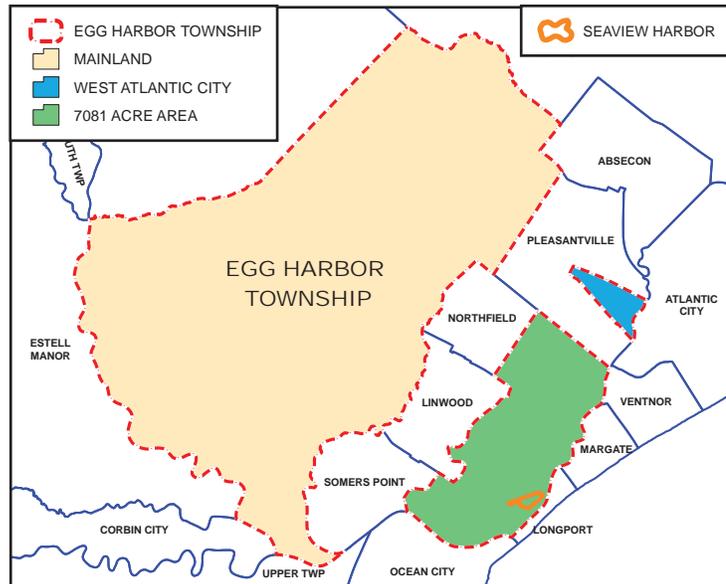


**REPORT of FINDINGS
PETITION for DEANNEXATION
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1.0 BACKGROUND & PROCEDURAL HISTORY

Egg Harbor Township ("Township") is an (approximately) 74.9 square mile municipality located in the southeastern section of Atlantic County, New Jersey.

Geographically, the Township is divided into a "Mainland" section located west of the municipalities of Somers Point, Linwood, Northfield and Pleasantville and two non-contiguous sections.



Report Graphic 1

The Mainland contains the settlements known locally as Scullville, Steelmanville, English Creek, Bargaintown, McKee City, Cardiff and Farmington. The non-contiguous sections contain "West Atlantic City" (located between Pleasantville and Atlantic City) and (approximately) 7,081-acres of marine tidal marsh and developed lands located between Somers Point, Linwood, Northfield and Pleasantville and the barrier island municipalities of Atlantic City, Ventnor, Margate and Longport ("7,081-Acre Area").

The Mainland may generally be described as suburban, with intensive commercial uses existing along the Black Horse Pike arterial (US Route 40/322) and pockets of residential and supportive commercial development scattered throughout.

West Atlantic City is characterized by small motels and limited commercial uses along the Black Horse Pike and modest, mostly post-war¹ homes to the south of the roadway.

¹ World War II

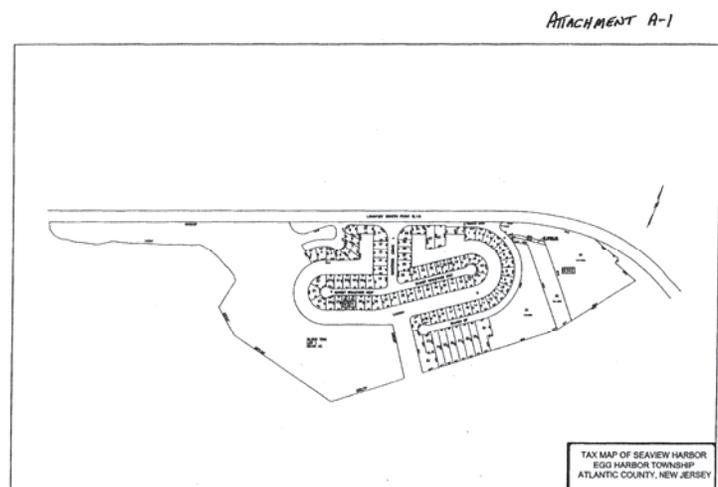


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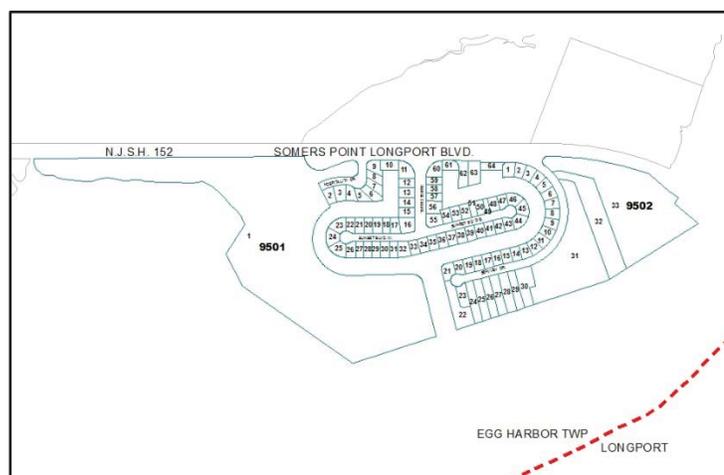
The 7,081-Acre Area contains the Downbeach Express [formerly Margate Bridge] causeway (connecting the Mainland to Margate, a houseboat community and a number of recreational marinas), Anchorage Poynte (a largely seasonal residential community with a marina and restaurant) and Seaview Harbor (a mixed year-round / seasonal residential community with a marina and restaurant).

1.1 SEAVIEW HARBOR

Seaview Harbor, as defined by Petitioners in Attachment A-1 to its Petition (reproduced at right) is an approximately 70.9-acre portion of the 7,081-Acre Area, consisting of Block 9501, Lots 1 - 64 (inclusive) and Block 9502, Lots 1 - 33 (inclusive) on the Township's official Tax Map.



For clarity and context, the area defined in Petitioners' Attachment A-1 is depicted herein via Report Graphic 2 (electronic version of the Township's Tax Map) and Report Graphics 3 and 4 (2012 aerial photography downloaded from the New Jersey Department of Environmental Protection ["NJDEP"] website).



Report Graphic 2



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Report Graphic 3



Report Graphic 4

Seaview Harbor is host to 92 single-family residences, 2 recently-approved but vacant residential lots, a utility lot and a 300-slip recreational marina with a fuel dock, ship's store retail outlet, restaurant and a private beach. The marina's amenities are available to Seaview Harbor residents for a nominal fee.

Other than the restaurant, no Seaview Harbor facilities are open to the public.



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The boat slips in the marina are owned as "dockominium" (i.e. dock ~ condominium) units whereby each of the slips are individually owned (by approximately 250 entities), with each receiving its own tax bill.

The major defining characteristic of Seaview Harbor is its location along Beach Thorofare, which is a water channel separating Egg Harbor Township and, among other municipalities, the barrier island Borough of Longport ("Longport").

1.2 PETITION TO DEANNEX

On February 18, 2014, a private citizen organization calling itself the "Seaview Harbor Realignment Committee" ("Petitioners"), representing at least 60% of the legal voters residing in Seaview Harbor, through their retained attorney John Paul Doyle, Esquire, filed a petition with the Egg Harbor Township Committee and Municipal Clerk to seek deannexation of Seaview Harbor from the Township, with the stated intention, upon successful deannexation, to annex Seaview Harbor to the Borough of Longport. Said petition was filed pursuant to N.J.S.A. 40A:7-12 et seq., the controlling statute governing the municipal annexation / deannexation process in New Jersey ("*Deannexation Statute*").

On February 18, 2014, the petition was referred to the Egg Harbor Township Planning Board ("Planning Board" or "Board") for review and issuance of an Impact Report on the proposed deannexation from the municipality.

The *Deannexation Statute* does not set forth a procedural mechanism by which a planning board is to compile information for the Impact Report. The Egg Harbor Township Planning Board determined that, in the interest of fairness and justice, open public hearings would be held. Counsel for the Planning Board and Petitioners, noting the need for significantly more time for this process than what is provided in the *Deannexation Statute*, agreed to extend the period of time for the Board to conduct its hearings and issue its Impact Report.



1.3 PLANNING BOARD HEARING

While municipal planning boards traditionally operate as quasi-judicial tribunals, a board's role in the deannexation context is to function as an independent information-gatherer, fact-finder and advisor to the municipality's Governing Body.

The first Planning Board meeting to address the Petition occurred on March 31, 2014. Subsequent meetings occurred on April 21, 2014, June 2, 2014, June 30, 2014, July 21, 2014, September 22, 2014 and October 24, 2014. During these meetings, Petitioners presented and completed its affirmative presentation to the Planning Board.

After completion of Petitioners' affirmative presentation, additional witnesses were called to supplement the record and provide additional information. Those witnesses appeared at meetings occurring on November 5, 2014, November 7, 2014, November 17, 2014, December 15, 2014, February 23, 2015, March 24, 2015, April 20, 2015, May 5, 2015, June 29, 2015,² July 28, 2015, August 17, 2015, August 25, 2015, September 29, 2015, September 30, 2015, October 6, 2015, October 7, 2015 and October 27, 2015.

Finally, the Board then heard from members of the general public who wished to testify on the deannexation petition. This occurred during the Planning Board meeting held on November 16, 2015.

Prior to publication of this Report, a final procedural hearing was held on January 25, 2016.

1.4 REPORT OF FINDINGS

This Report of Findings consists of a review and analysis of the information gleaned from the testimony of those participating in the Planning Board's public hearing on this matter, the various exhibits submitted and marketed into evidence, and data collected from various Township offices and other sources as indicated herein. The Report culminates in a final recommendation to the Planning Board.

² Meeting truncated due to last-minute cancellation of scheduled witness. A single member of the public with testimony deemed relevant to the issue scheduled to be discussed was permitted to speak.



2.0 LEGAL STANDARDS

The New Jersey Legislature set forth the authority and mechanism upon which land in one municipality may be annexed to another municipality to which said land is contiguous in N.J.S.A. 40A:7-12, et seq. Procedurally, the owners of land in a municipality desiring to annex to another contiguous municipality must submit a petition in writing to the governing body of the municipality to which such annexation is sought. This petition must specifically set forth the boundaries of such land and be signed by at least 60% of the legal voters residing thereon. The petition is to be duly verified by one of the signers and have attached to it the oath of the assessor of the municipality where said land is located, or of some other person having access to the assessor's books, setting forth the assessed value of the real estate contained within the boundaries for the preceding year and the amount of real estate assessed to any of the persons whose names are signed to the petition.³

Prior to action on such petition, the governing body of the municipality in which the land is located shall, within 14 days of the receipt of the petition, refer the petition to its planning board which shall, within 45 days of its receipt, report to the governing body on the impact of the annexation upon the municipality.⁴ Action on the resolution to accept or deny the annexation shall be taken within 30 days of the receipt of the planning board's report.

The *Deannexation Statute* also sets forth the standard for judicial review in the event that a municipality does not consent to a deannexation and an appeal is taken of that decision. N.J.S.A. 40A:7-12.1 states that, in any judicial review of the refusal of the governing body of the municipality in which the land is located or the governing body of the municipality to which annexation is sought to consent to the annexation, the petitioner shall have the burden of establishing that the refusal to consent to the petition was *arbitrary or unreasonable*, that refusal to consent to annexation is detrimental to the economic and social well-being of the majority of the residents of the affected land, and that the annexation will not cause significant injury to the well-being of the municipality in which the land is located.

³ The Statute also requires the petition to "have attached to it a certified copy of a resolution adopted by two-thirds of the governing body of the municipality in which said land is located consenting to such annexation". While required by the Statute, this step is applicable to a petition to annex to a contiguous municipality, which must procedurally occur **after** a successful petition to deannex.

⁴ 45-day time period extended by agreement of Petitioners.



2.1 SEAVIEW HARBOR PETITION

With regard to the subject matter of this Report of Findings, the Petition submitted by the Seaview Harbor Realignment Committee was received by the Egg Harbor Township Clerk on February 18, 2014 and was transmitted to the Planning Board for consideration as required by N.J.S.A. 40A:7-12 that same date.

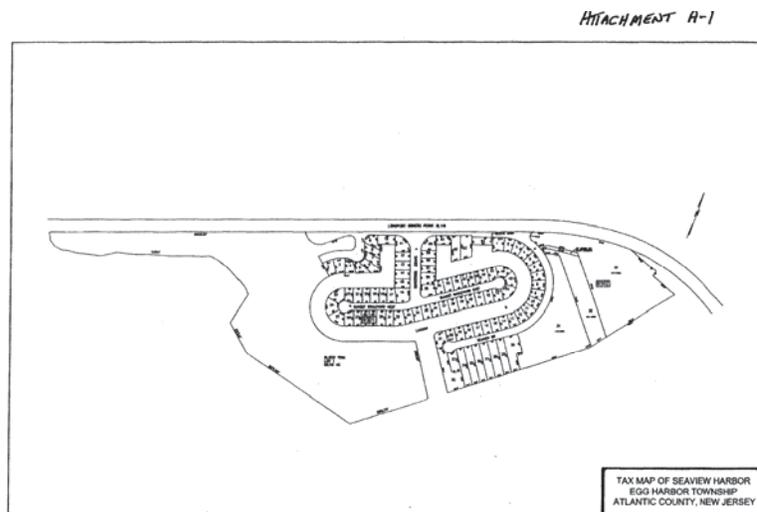
Upon substantive review and analysis of the Petition for this Report of Findings, the following significant statutory flaws were discovered.

2.1.1 LANDS SUBJECT TO PETITION

N.J.S.A. 40A:7-12 requires, in pertinent part, that a deannexation petition:

- *"specifically set forth the boundaries" of the land to be deannexed.*
- *"[set] forth the assessed value of the real estate contained within the boundaries for the preceding year".*

The map submitted with Petitioners' Petition (Attachment A-1) depicts the 97 lots of the Seaview Harbor development⁵; the Sunset Boulevard, Hospitality Drive and Seaview Drive rights-of-way; the tidal lagoon abutting the residential lots in Seaview Harbor and a portion of the Longport ~ Somers Point Boulevard [N.J.S.H. 152]. The map contains no demarcation line, shading or other marking or notation that would signify, *with specificity*, the lands included within the Petition.



⁵ 2 lots created via a 7/2013 subdivision are not depicted.



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A. Block 9501, Lot 1

1. The *Deannexation Statute* requires that deannexation Petitions be signed by at least 60% of the legal voters residing on the lands subject to deannexation or by the person(s) owning at least 60% of vacant land within a proposed deannexation area.

Block 9501, Lot 1 hosts the marina, the marina office, a retail operation, a restaurant, a parking lot and a private beach.⁶ With no residences, there can be no legal voters residing thereon to sign the deannexation petition. Further, in hosting these uses, this Lot is clearly not vacant land.

2. N.J.S.A. 40:43-26, the predecessor to the current N.J.S.A. 40A:7-12, provides, in pertinent part:

Land being in one municipality may be annexed to another municipality to which said land is contiguous. To effect such annexation, a petition in writing shall be presented to the governing body of the municipality to which such annexation is sought to be made, specifically setting forth the boundaries of such land, signed by at least sixty percent of the legal voters residing thereon. In case no voter resides thereon, such petition may be signed by the person or persons owning at least sixty percent of said land as shown by the assessor's duplicate for the preceding year....
[emphasis added]

Conversely, the current N.J.S.A. 40A:7-12, provides, in pertinent part:

Land in one municipality may be annexed to another municipality to which said land is contiguous. To effect such annexation, a petition in writing shall be presented to the governing body of the municipality to which such annexation is sought to be made, specifically setting forth the boundaries of such land, signed by at least 60% of the legal voters residing thereon. If the land is vacant, the petition may be signed by the person or persons owning at least 60% of said land as shown by the assessor's duplicate for the preceding year...
[emphasis added]

⁶ It is significant that no testimony from the restaurant or operators was provided.



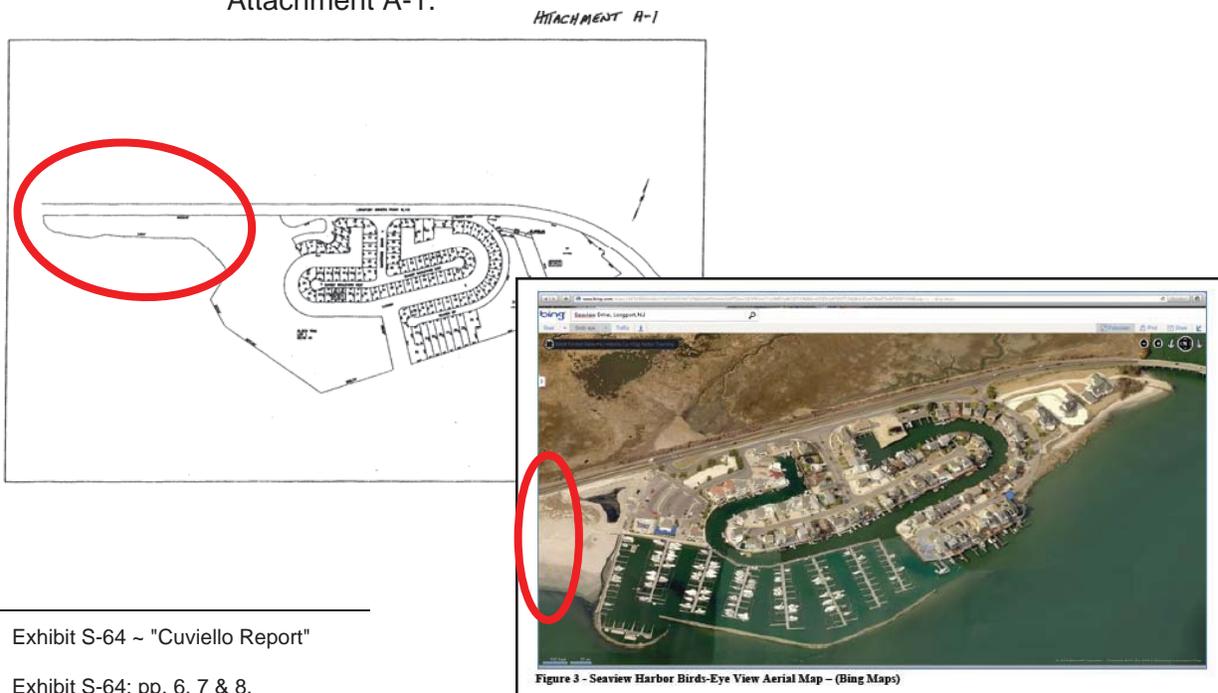
**REPORT of FINDINGS
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In amending the *Deannexation Statute*, the Legislature specifically removed the provision for non-resident voters to sign a deannexation petition ~ providing only for resident voters and owners of vacant land to sign. ***The current Statute therefore provides no mechanism for the owner of non-residential commercial properties to sign a Deannexation Petition.***

3. Petitioners have engaged Ms. Tiffany CuvIELLO, a Licensed Professional Planner in the State of New Jersey, to undertake an analysis of the impact of the proposed deannexation. Her findings were submitted in a document entitled *Seaview Harbor Annexation Report Egg Harbor Township, Atlantic County.*⁷

a. The CuvIELLO Report includes a number of maps of the area in-and-around Seaview Harbor.⁸ Maps identified as "Figure 1" and "Figure 2" are aerial photographs of the general area of Seaview Harbor and convey the setting of the community within the context of surrounding lands and waters. Figure 4 appears to be a reproduction of Petitioners' Attachment A-1.

CuvIELLO Figure 3, while being a more focused aerial photograph, depicts only a portion of Block 9501, Lot 1 and is therefore inconsistent with Petitioners' Attachment A-1.



⁷ Exhibit S-64 ~ "CuvIELLO Report"

⁸ Exhibit S-64: pp. 6, 7 & 8.

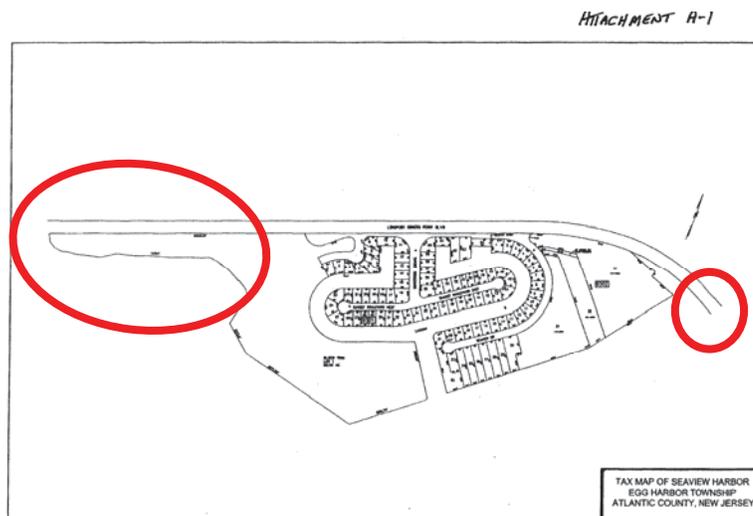


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The inconsistencies between Petitioners' Attachment A-1 and the CuvIELLO Report result in a lack of specificity required by the Deannexation Statute and call into question the lands subject to the Petition. It is therefore recommended that the petition does not conform to the requirements of the Statute and is therefore invalid. Alternatively, at a minimum, it is recommended that Block 9501, Lot 1 be excluded from any consideration for deannexation.

B. Longport ~ Somers Point Boulevard [N.J.S.H. 152]

1. Petitioners' Attachment A-1 depicts the Longport ~ Somers Point Boulevard extending (west to east) from what appears to be the most-westerly point of Block 9501, Lot 1 to an undefined point over Beach Thorofare (presumably on the Kennedy Memorial Bridge).



The *Deannexation Statute* is replete with references to "land" and "real estate", but is silent as to rights-of-way. A review of the deannexation Case Law provides no guidance on this issue. Further, neither the *Statute* nor Case Law address whether or not a State highway is subject to the **municipal** Deannexation process.

At issue is the distinction between "land" and "real estate" and rights-of-way.



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If "land" and "real estate" are interpreted to include rights-of-way, then some demarcation as to the extent of the Longport ~ Somers Point Boulevard proposed for deannexation, if any, is required. If not so interpreted ~ and absent Statutory reference ~ no authorization for deannexation of a right-of-way appears to exist. Lacking *Statutory* or Case Law guidance, the following is offered:

Unlike Sunset Boulevard, Hospitality Drive and Seaview Drive, which are internal to Seaview Harbor and therefore must be included as part of any deannexation effort involving surrounding lots, the Longport ~ Somers Point Boulevard forms the northern boundary for Attachment A-1. As such, the Boulevard cannot be assumed ~ *prima facie* ~ to be included in or excluded from the deannexation Petition.

Absent a demarcation line, shading or other marking or notation on Attachment A-1 that would signify, *with specificity*, its inclusion ~ or the extent thereof ~ within the proposed deannexation, one must look to other clues.

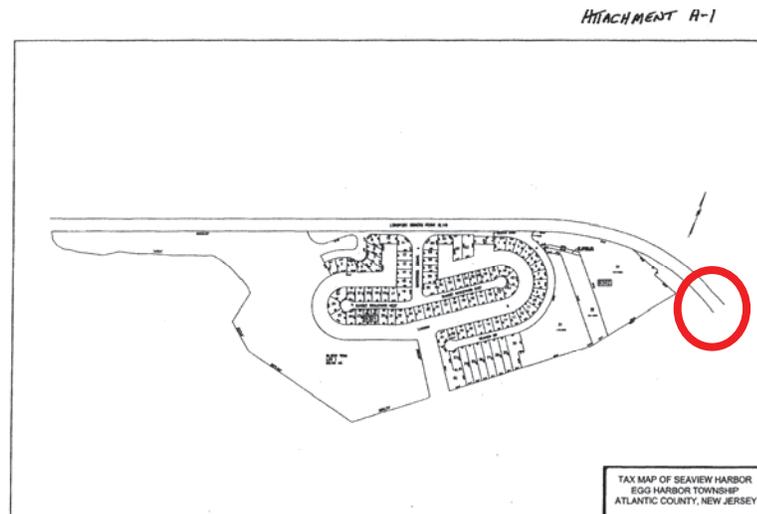
- a. No mention of including this right-of-way, or any part thereof, was provided by Petitioners during testimony. In fact, testimony regarding how Township Police would still respond to incidents on N.J.S.H. 152, including those on the portion of the Kennedy Bridge under Township jurisdiction, was unchallenged.
- b. Ms. CuvIELLO states in her report that "All of the land in the Seaview Harbor community that is requested for annexation is privately owned and maintained"⁹. Accordingly, N.J.S.H. 152 is either not land or not intended for deannexation.
- c. Assuming a desire to include for deannexation the rights-of-way, or portions thereof, that abut the tax lots proposed for deannexation, a review of Petitioners' Attachment A-1 is in order instructive.
 - i. As detailed under §2.1.1 A.3 herein, one cannot rely on the boundary of Block 9501, Lot 1 as a guide to determine any western deannexation boundary for the Longport ~ Somers Point Boulevard.

⁹ Exhibit S-64: p.22



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- ii. Petitioners' Attachment A-1 depicts the Longport ~ Somers Point Boulevard extending to **an undefined point** in / over Beach Thorofare, presumably on the Kennedy Memorial Bridge.



Again ~ absent a demarcation line, shading or other marking or notation ~ it is not possible to determine any eastern deannexation boundary for the Longport ~ Somers Point Boulevard.

Accordingly, it is not possible to know, with any specificity, what portion of the Longport ~ Somers Point Boulevard, if any, is proposed to be included under the Petition. It is therefore recommended that the Petition does not conform to the requirements of the Deannexation Statute and is therefore invalid. Alternatively, at a minimum, it is recommended that the Longport ~ Somers Point Boulevard be excluded from any consideration for deannexation.

C. Beach Thorofare

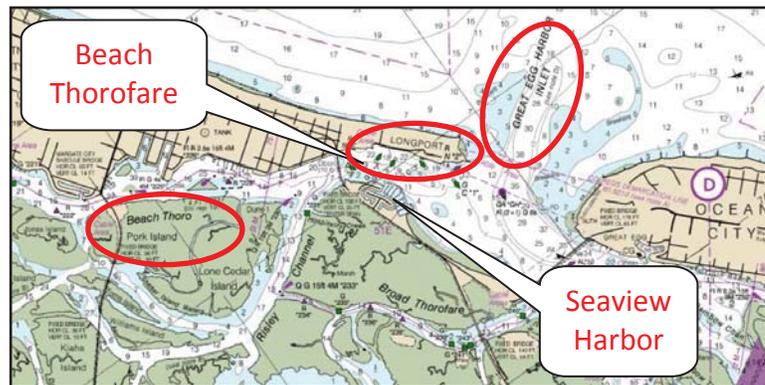
Report Graphic 5 is an excerpt of the Nautical Chart issued by the National Oceanic & Atmospheric Administration, Office of Coast Survey,¹⁰ depicting the lands and waterways in and around the Great Egg Harbor Inlet. Beach Thorofare is identified as the tidal channel beginning at the Inlet and extending north, behind (i.e. west of)

¹⁰ www.charts.noaa.gov/OnLineViewer/12316.shtml



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Absecon Island. Pertinent to deannexation, Beach Thorofare separates Seaview Harbor from Longport.



Report Graphic 5

The *Deannexation Statute* is replete with references to "land" and "real estate", but is silent as to bays, channels, lagoons or other waterbodies. A review of the deannexation Case Law provides no guidance on this issue.¹¹ Further, neither the *Statute* nor Case Law address whether or not tidal waters, which are presumably owned by the State of New Jersey, are subject to **municipal** Deannexation.¹²

At issue is the distinction between "land" and "real estate" and tidal waters.

If "land" and "real estate" are interpreted to include tidal waters, then some demarcation as to the extent of Beach Thorofare that is proposed for deannexation, if any, is required. If not so interpreted ~ and absent Statutory reference ~ no authorization for deannexation of a waterbody appears to exist. Lacking *Statutory* or Case Law guidance, the following is offered:

- a. Beach Thorofare separates Seaview Harbor from Longport and represents the southern boundary for the deannexation area. As with the Longport ~ Somers Point Boulevard (which forms the northern boundary of the deannexation area),

¹¹ An interesting fact since much of the Case Law on deannexation involves coastal communities.

¹² The *Doctrine of Sovereign Immunity* holds (generally) that the government is immune from lawsuits or other legal actions except when it consents to them. While commonly applied to Tort claims, this doctrine has been applied in the context of Land Use and municipal Condemnation issues.



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Beach Thorofare cannot be assumed ~ prima facie ~ to be included in or excluded from the deannexation Petition.

b. The Deannexation Statute states, in pertinent part:

Land in one municipality may be annexed to another municipality to which said land is contiguous...

and

...The petition shall... [set] forth the assessed value of the real estate contained within the boundaries....

Having no assessed value, Beach Thorofare cannot be considered "land" or "real estate" for deannexation purposes.

c. The Seaview Harbor Deannexation Petition¹³ states, in full:

The undersigned presents this Petition to the Mayor and Commissioners of the Borough of Longport¹⁴ pursuant to N.J.S.A. 40A:7-12. The undersigned being at least 60% of the legal voters residing within the boundaries of land shown on the attached map and described herein. This Petition does have attached to it the oath of a person having access to the Egg Harbor Township Assessor's books setting forth in the within schedule the assessed value of the real estate contained within the boundaries of the property for which annexation is sought as of the year 2013 and the amount of real estate assessed to the persons whose names are signed to this petition. By this Petition the signers request that the Township Committee of Egg Harbor Township do by a two-thirds vote of the full membership of the Township Committee consent to the annexation of the within described land to the Borough of Longport. [emphasis added]

The letter submitting the Petition to the Egg Harbor Township Clerk¹³ states, in pertinent part, that the Petition includes:

¹³ Exhibit S-1

¹⁴ The Statute also requires the petition to "have attached to it a certified copy of a resolution adopted by two-thirds of the governing body of the municipality in which said land is located consenting to such annexation". While required by the Statute, this step is applicable to a petition to annex to a contiguous municipality, which must procedurally occur **after** a successful petition to deannex.



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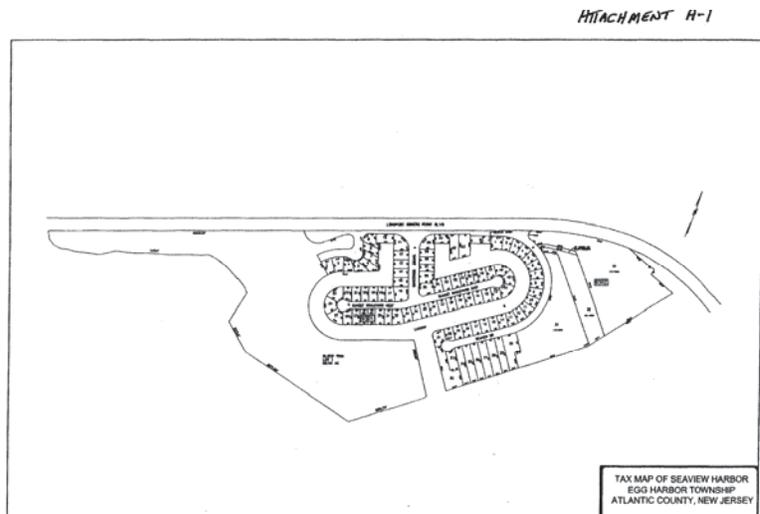
A map specifically setting forth the boundaries of such land (A-1)
[emphasis added]

and

...a document setting forth the assessed value of the real estate
contained within the boundaries for the preceding year [A-3]...
[emphasis added]

Assuming that waterbodies such as Beach Thorofare are considered "land" for deannexation purposes, a deannexation Petition must, statutorily, *"specifically set forth the boundaries"* of the land to be deannexed. Neither Petitioners' Attachment A-1 nor Cuiello Figure 3 provide any context to determine how much of Beach Thorofare, if any, is to be included in deannexation.

a. Petitioners' Attachment A-1 does not identify Beach Thorofare or in any way suggest its inclusion as part of the Petition for deannexation.



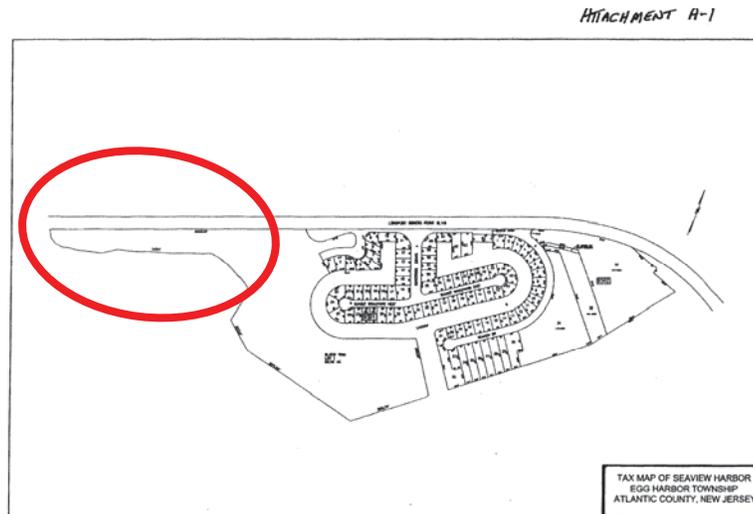
b. Cuiello Figure 3 appears to limit the deannexation boundary to the Seaview Harbor breakwater.



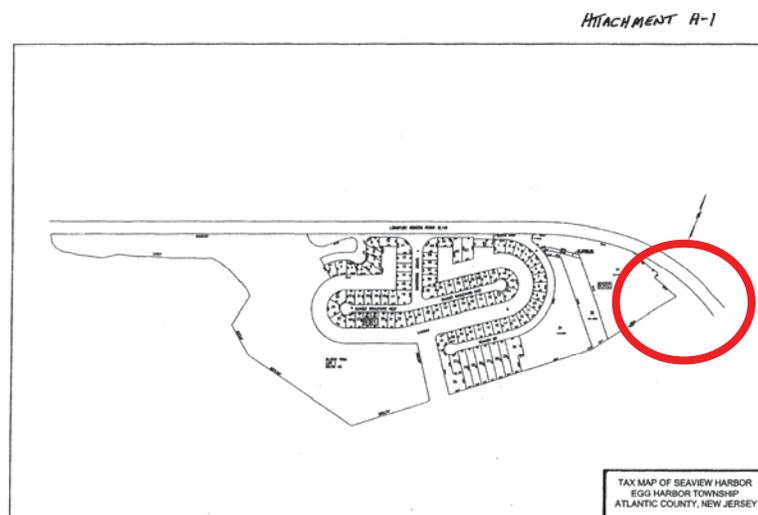


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- c. As detailed under §2.1.1 A.3 herein, one cannot rely on the boundary of Block 9501, Lot 1 as a guide to determine the westerly extent to which Beach Thorofare is proposed for deannexation, if at all.



- d. Petitioners' Attachment A-1 depicts (west to east) Block 9502, Lot 33, a gap in space, and the Kennedy Memorial Bridge. If one assumes that deannexation would occur where Beach Thorofare abuts Block 9502, Lot 33, or the gap to the east of Lot 33, then the Kennedy Bridge would not be included. If one were to include the Bridge, then one must ask where on the bridge deannexation ends? Or if other waters are to be deannexed?





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Without a demarcation line, shading or other marking or notation on the maps, it is not possible to know, with specificity, what portion of Beach Thorofare, if any, is included under the Petition. It is therefore recommended that the Petition does not conform to the requirements of the Statute and is therefore invalid. Alternatively, at a minimum, it is recommended that Beach Thorofare be excluded from any consideration for deannexation.

2.1.2 Longport as a Contiguous Municipality: Beach Thorofare

Petitioners wish to deannex from Egg Harbor Township and annex to the Borough of Longport. N.J.S.A. 40A:7-12 provides, in pertinent part that:

Land in one municipality may be annexed to another municipality to which said land is contiguous. [emphasis added]

and requires that a deannexation petition "specifically set forth the boundaries" of the land to be deannexed.

At issue is whether or not the area proposed for deannexation contains "land" that is "contiguous" to Longport.

Neither the text of the Petition nor Petition Attachment A-1 identifies, suggests or implies that Seaview Harbor is contiguous with Longport. In fact, during the entire hearing process, the **only** references made by Petitioners or its professionals that Seaview Harbor may be contiguous to Longport are the following statements in the CuvIELLO Report:

The Seaview Harbor community is contiguous with the Borough of Longport.¹⁵

...The area [of deannexation] also includes the Lagoon areas and portions of Risley's Channel [a.k.a. Beach Thorofare]¹⁶ that

¹⁵ Exhibit S-64: p. 3

¹⁶ Nautical charts reference the waterbody between Seaview Harbor and Longport as Beach Thorofare. Risley's Channel branches to Beach Thorofare to the north.



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abuts the border with the Borough of Longport....¹⁷
[emphasis added]

The *Deannexation Statute* provides no guidance as to what constitutes "land" or what makes an area "contiguous".¹⁸ Accordingly, we look elsewhere for assistance.

A. "Land"

Neither the *Deannexation Statute* nor the Case Law provides guidance as to whether or not bays, channels or other waterbodies are considered "land" for deannexation purposes, nor do they address whether or not State-owned tidal waters are subject to **municipal** Deannexation.

1. If tidal waters are **not** interpreted to include "land" for deannexation purposes, no authorization for deannexation of Beach Thorofare exists, and Seaview Harbor cannot be said to be "contiguous" to Longport as suggested by Ms. CuvIELLO. Lacking *Statutory* or Case Law guidance, the following is offered:

a. Having no assessed value, Beach Thorofare cannot be considered "land" for deannexation purposes.

b. The Seaview Harbor Deannexation Petition¹⁹ states, in pertinent part:

...The undersigned being at least 60% of the legal voters residing within the boundaries of land shown on the attached map and described herein. This Petition does have attached to it the oath of a person having access to the Egg Harbor Township Assessor's books setting forth in the within schedule the assessed value of the real estate contained within the boundaries of the property for which annexation is sought as of the year 2013 and the amount of real estate assessed to the persons whose names are signed to this petition. By this Petition the signers request that the Township

¹⁷ Exhibit S-64: p. 5

¹⁸ Significantly, the issue of what constitutes "contiguous" within the context of the Deannexation Statute does not appear to have been litigated.

¹⁹ Exhibit S-1



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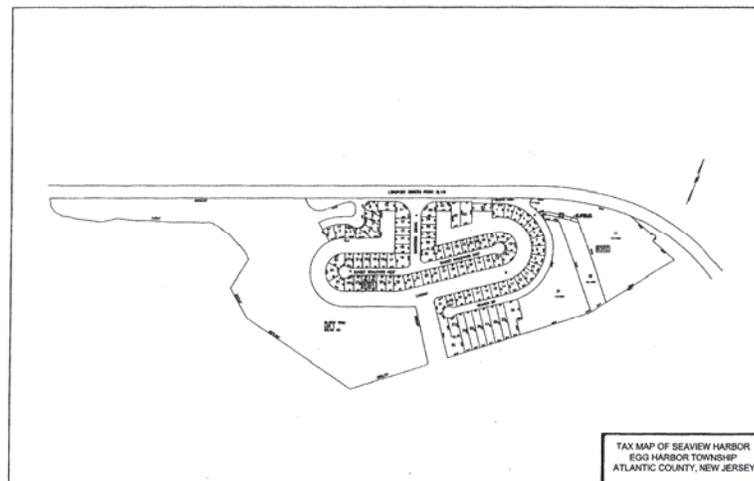
Committee of Egg Harbor Township do by a two-thirds vote of the full membership of the Township Committee consent to the annexation of the within described land to the Borough of Longport. [emphasis added]

The letter transmitting the Petition to the Egg Harbor Township Clerk²⁰ states, in pertinent part, that the Petition includes:

A map specifically setting forth the boundaries of such land (A-1) [emphasis added]

Neither the Petition nor the transmittal letter contain any reference to Beach Thorofare. The "attached map" does not identify Longport, and contains no demarcation line, shading or other marking or notation to suggest that any part of Beach Thorofare is included in the deannexation request.

ATTACHMENT A-1



It is therefore recommended that Beach Thorofare is not "land" eligible for deannexation.

2. If tidal waters **are** considered to be "land" for deannexation purposes, a deannexation Petition must, statutorily, *"specifically set forth the boundaries" of the land to be deannexed.*

²⁰ Exhibit S-1



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Again, neither the Petition nor the transmittal letter contain any reference to Beach Thorofare. The "attached map" contains no demarcation line, shading or other marking or notation to suggest that any part of Beach Thorofare is included in the deannexation request. In fact, Beach Thorofare is depicted ~ or more precisely not depicted ~ exactly the same as the marshlands to the north of Seaview Harbor, which are not included in the deannexation request.

It is therefore recommended that the Petition does not contain the specificity required by the Deannexation Statute and is therefore invalid. Alternatively, at a minimum, it is recommended that Beach Thorofare be excluded from any consideration for deannexation.

B. "Contiguous"

At issue is whether or not Longport is a "*municipality to which said land (i.e., Seaview Harbor) is **contiguous***".

As with "land", the *Deannexation Statute* provides no guidance as to what constitutes "contiguous".²¹ Accordingly, we look elsewhere for assistance.

1. Webster's²² defines "contiguous", in pertinent part as:

- being in actual contact: touching along a boundary or at a point of angles : adjacent
- next or near in time or sequence
- touching or connected throughout in an unbroken sequence
<contiguous row houses>

and provides the following examples:

- And in the west, contiguous to Lebanon, was the mountain stronghold of Latakia ... —Robert D. Kaplan, *Atlantic* (2/1993)

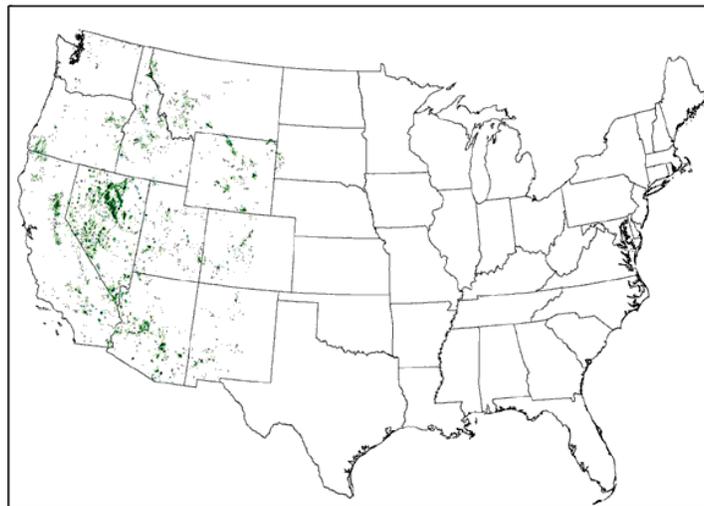
²¹ Significantly, the issue of what constitutes "contiguous" within the context of the Deannexation Statute has never been litigated.

²² beta.merriam-webster.com/dictionary/contiguous [**emphasis added**]



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- The Santa Monica Mountains, a sort of foot-note to the big contiguous ranges, stood off to the southwest of us, discrete and small. —John McPhee, *New Yorker*, (9/26/1988)
 - 'I've had my men looking into the land situation ... and they think they could get us an additional thirty thousand acres, not all of it contiguous but we might make some trades.' —James A. Michener, *Texas*, 1985
 - <Connecticut and Massachusetts are contiguous states.>
2. Maps and reports produced by the Federal Government are replete with references to the "48 contiguous United States", as opposed to the "Continental United States", which includes Alaska. One such map, from the U.S. Geological Survey,²³ is offered as Report Graphic 6.



Report Graphic 6

3. Throughout their testimony, Petitioners referenced the Mainland section of Egg Harbor Township as the "contiguous section" and Seaview Harbor / Anchorage Poynte and West Atlantic City as the Township's "non-contiguous sections". Further, Petitioner's Exhibits S-4 and S-42 (both cropped for this Report) label the Mainland portion of the Township as "contiguous".

²³ www.pubs.usgs.gov/ds/2006/228/



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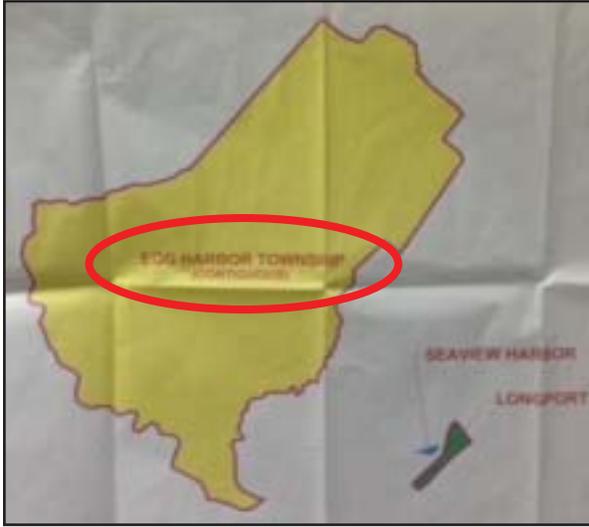


Exhibit S-4



Exhibit S-42

4. Report Graphic 7 was developed by overlaying the electronic version of the Township's Tax Map and NJDEP's municipal boundary map onto NJDEP aerial photography.²⁴ This graphic was used as a basemap for the following analyses:



Report Graphic 7

²⁴ Municipal boundary mapping was downloaded from the NJDEP's GIS website and aerial photographic images were downloaded from the State's NJGIN Information Warehouse.

All electronic data is ortho-rectified and geo-referenced, processes that correct terrain distortion in aerial or satellite imagery and provide a unified coordinate system for accurate overlay mapping.



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- a. As depicted on Report Graphic 8: At its closest point,²⁵ there is (approximately) 577' between Seaview Harbor and the municipal boundary of Egg Harbor Township and Longport.



Report Graphic 8

- b. As depicted on Report Graphic 9: At the mouth of the breakwater entering the Seaview Harbor marina,²⁶ there is (approximately) 970' between Seaview Harbor and the municipal boundary of Egg Harbor Township and Longport.



Report Graphic 9

²⁵ The eastern point of Block 9502, Lot 33 ~ adjacent to the Kennedy Memorial Bridge.

²⁶ The eastern point of Block 9501, Lot 1.



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c. As depicted on Report Graphic 10: At the southern-most point of Block 9501, Lot 1,²⁷ there is (approximately) 1,040' between Seaview Harbor and the municipal boundary of Egg Harbor Township and Longport.



Report Graphic 10

d. As depicted on Report Graphic 11: At the western-most section of the marina,²⁸ there is (approximately) 1,580' between Seaview Harbor and the municipal boundary line of Egg Harbor Township and Longport.



Report Graphic 11

²⁷ Between the third and fourth marina pier ~ counting from the east

²⁸ Which appears to be outside of Block 3602, Lot 1 and not depicted on Petitioners' Attachment A-1.



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Based on the totality of the foregoing ~ and applying Webster's definition and the Webster's and Federal examples cited:

- If tidal waters are **not** interpreted as "land" for deannexation purposes, it becomes clear that lands separated by waterbodies are not "contiguous".²⁹ ***Seaview Harbor is therefore not "contiguous" with Longport via Beach Thorofare.***
- If tidal waters **are** considered to be "land" for deannexation purposes, a deannexation Petition must, statutorily, *"specifically set forth the boundaries" of the land to be deannexed.*

Again, neither the Petition nor the transmittal letter contain any reference to Beach Thorofare. The "attached map" does not identify Longport and contains no demarcation line, shading or other marking or notation to suggest that any part of Beach Thorofare is included in the deannexation request. In fact, Beach Thorofare is depicted ~ or more precisely not depicted ~ exactly the same as the marshlands to the north of Seaview Harbor, which are not included in the deannexation request.

It is therefore recommended that the Petition does not contain the specificity required by the Deannexation Statute and is therefore invalid. Alternatively, at a minimum, it is recommended that Beach Thorofare be excluded from any consideration for deannexation.

2.1.3 LONGPORT AS A CONTIGUOUS MUNICIPALITY: N.J.S.H. 152

The only location where Egg Harbor Township physically touches Longport is the point where the Kennedy Memorial Bridge crosses the Egg Harbor Township / Longport municipal boundary line. Nothing in Petitioners' testimony or exhibits suggest that deannexation extends to this point.

Lacking the required specificity in Petitioners' testimony or exhibits, a comparison of Attachment A-1 with Report Graphic 9 was undertaken. Utilizing Photoshop technology,

²⁹ Note by contrast Margate's contiguous relationship to Longport in Report Graphic 11.



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Petitioners' Attachment A-1 was superimposed on Graphic 9 and adjusted to align with the lot lines on Graphic 9. For clarity, internal lot lines and notations on A-1 were erased. What remains is the outbound lines of A-1, which were converted from greyscale to red for visual purposes.³⁰ The result is Report Graphic 12 and Report Graphic 13 (an enlarged Report Graphic 10 ~ focusing on the Kennedy Bridge).



Report Graphics 12 and 13 show the deannexation area as depicted on Petitioners' Attachment A-1 to include **a portion of** the Somers Point ~ Longport Boulevard and the Kennedy Bridge. Significantly, these graphics reveal that Attachment A-1 **does not extend to the Egg Harbor Township / Longport municipal boundary line.**

Accordingly, it cannot be recommended that Seaview Harbor qualifies as being "contiguous" with Longport via the Longport ~ Somers Point Boulevard.

Within this context, we note Ms. CuvIELLO's statement supporting deannexation:

³⁰ Critical to this exercise, while the size of A-1 was enlarged to match Report Graphic 8, the proportions of the drawings and the length of lines of the Somers Point ~ Longport Boulevard on A-1 remain unchanged.



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[Currently], there is no means of travel to Seaview Harbor from Egg Harbor Township without leaving the Township and traveling through another municipality...³¹

Under this rationale, upon deannexation, there will be no means of travel from Seaview Harbor to Longport without leaving the Borough and traveling through another municipality ~ N.J.S.H. 152 remaining as part of Egg Harbor Township. As such, ***deannexation cannot be supported.***

2.2 PROCEEDINGS

As set forth elsewhere herein, the *Deannexation Statute* provides no guidance as to the standards by which a planning board is to evaluate the impact of a deannexation petition or the procedures with which a board is to prepare its Impact Report. As such, a review of relevant case law is offered to assist the Planning Board in its assigned duties.

2.2.1 STATUTORY LAW

Prior to the 1982 adoption of N.J.S.A. 40A:7-12 et seq., municipal deannexation in the State of New Jersey was governed by N.J.S.A. 40:43-26 et seq. The significant differences between N.J.S.A. 40:43-26 and N.J.S.A. 40A:7-12 are:

- A. Under N.J.S.A. 40:43-26, the burden of proof to determine if the municipality from which the petitioner wished to deannex would be injured by such deannexation resided with that municipality. Upon the adoption of N.J.S.A. 40A:7-12, the burden of proof in these matters shifted from the municipality to the petitioner wishing to deannex from the municipality. "The petitioners must show that annexation will not cause a significant injury to the well-being of the deannexing municipality rather than the initial burden being upon the deannexing municipality to provide that it will be injured"³².

³¹ Exhibit S-64: p.6

³² Russell v. Stafford Twp., 261 N.J. Super, 43, 617 A2d 685. (1992)



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- B. Upon the adoption of N.J.S.A. 40A:7-12, the governing body is required to refer the deannexation petition to the planning board and the planning board is required to report upon the impact of the deannexation upon the parties.

2.2.2 CASE LAW

The *Deannexation Statute* has, over the course of time, evolved by way of a number of Court decisions, including appeals that reached the New Jersey Supreme Court. The most significant of these decisions, based on their citations in subsequent litigation, are offered to the Egg Harbor Township Planning Board for guidance in its deliberations.

A. *West Point Island Civic Association v. Township of Dover*³³

1. West Point Island is an approximately ½ square mile area located along the Barnegat Bay. Prior to deannexation, it was a part of Dover (now Toms River) Township, Ocean County. It is separated from the mainland portion of Dover Township by the width of the bay, and is "practically contiguous" to the Borough of Lavallette. It is a 7½-mile trip from West Point Island to the business district of Dover Township.

In 1965, the West Point Island Civic Association filed a petition with Dover Township seeking to deannex from Dover and annex to Lavallette under what was then the controlling statute for municipal deannexation.³⁴ Unlike the current *Deannexation Statute*, Dover Township had the burden of proof to prove that it would be harmed by such deannexation.

After a public hearing, the Dover Township Committee rejected Petitioners' request, finding:

- a. The consent of the township would set a precedent for future action in other areas of the municipality.

³³ 97 N.J.Super. 549, 235 A.2d 507, 93 N.J.Super. 206, 225 A.2d 579 & 54 N.J. 339, 255 A.2d 237 (collectively: "West Point Island")

³⁴ N.J.S.A. 40:43-26



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- b. Dover Township provides a fine school system as well as many recreational and communal activities, all of which are available to the residents of West Point Island as well as other residents of the township.
- c. ...the services which are made available to the residents of West Point Island, such as police, fire, civil defense, disaster-aid, water and sewage, are quite adequate to cover any need that could be expected to arise.
- d. West Point Island is a socially desirable area and enhances the cultural value and attractiveness of Dover Township, and all planning done by the township has encompassed West Point Island as part of the community.

The Civic Association filed suit to compel the Township Committee to adopt resolution giving its consent to the deannexation.

2. Superior (Trial) Court

At trial, the Township presented reasons for its decision to deny deannexation and the Petitioners presented evidence in favor of detachment. The Court held that township's refusal of consent was "unwarranted"³⁵ and ordered the Township to adopt such resolution. The Township appealed.

3. Appellate Division

The Appellate Division, in an unreported opinion, affirmed the trial court's decision. The Township appealed to the New Jersey Supreme Court.

4. Supreme Court

At issue for the Court, in pertinent part, was whether the lower courts were correct in determining that the governing body of Dover Township unreasonably

³⁵ In another phase of this same litigation the Appellate Division interpreted the language of N.J.S.A. 40:43-26 to mean that the governing body does not have an arbitrary right to withhold consent to the proposed annexation but that any exercise of that power must be made in a 'reasonable manner and not in a purely arbitrary way.'



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withheld consent to the deannexation of West Point Island. The Court did not rule on the merits of deannexation, although it did affirm the lower court rulings.

5. Relevance to Seaview Harbor Petition

While certain facts in West Point Island may be similar to those of Seaview Harbor, the litigation involved the sufficiency of the specific reasons (proofs) the township relied upon to deny the petition request. In other words, did the governing body of Dover Township unreasonably withhold consent to the deannexation of West Point Island? The trial court, the Appellate Division and eventually the New Jersey Supreme Court held that it did.

While interesting from historical and procedural perspectives, the material issue of the litigation ~ whether or not Dover Township unreasonably withheld consent to deannex ~ is not decided by a Planning Board. The Egg Harbor Township Planning Board may take from this case, however, the following:

- a. ***Dover's refusal of consent to deannexation was unwarranted where, West Point Island was geographically more accessible to Lavallette than to Dover, where Dover would not be adversely affected by the detachment and municipal services for West Point Island could be satisfactorily supplied by Lavallette. In so ruling however, the Court did find that the concept that "the social and economic well-being of the municipality" is a valid factor when considering a petition for deannexation.***
- b. ***Fear by Dover that a precedent for other areas would be set if it consented to deannexation was an inadequate ground for refusing consent; each petition is to be decided on its merits.***
- c. ***Maintenance by Dover of a fine school system, recreational areas and communal facilities, which were available to residents of West Point Island, constituted inadequate ground for Dover's refusal of consent to***



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deannexation where these facilities would not be adversely affected by detachment of West Point Island.

- d. The alleged adequacy of municipal services [then] being provided by Dover to West Point Island constituted inadequate grounds for refusal of consent to deannexation, where fire protection and water were then being supplied by the Lavallette and sewage was handled by a separate authority.***
- e. Financial considerations constituted inadequate ground for Dover's refusal of consent to deannexation where the difference of the tax rate without West Point Island's ratables would be four points, but where no allowance had been made for savings that would accrue to Dover from release from responsibility for providing West Point Island with various public services.***

B. *Frank Ryan et al. v. Borough of Demarest*³⁶

- 1. Beechwood Farms was a development of 30 "large estates" bisected by the borderline between the Borough of Demarest and the Borough of Alpine in Bergen County. Sixteen of the homes were in Demarest and 15 were in Alpine.

At the time, Demarest was approximately 2 square miles in area and had a population of approximately 6,262 while Alpine was about 5.3 square miles and had a population of 1,344. Demarest was 90% residential, with a shopping center but no industry. Alpine was almost entirely residential, with no stores other than an antique shop and a number of gasoline stations.

The tax rate was \$4.70 per \$100 of valuation in Demarest and \$2.67 per \$100 in Alpine. Both Demarest and Alpine maintained grammar schools. Demarest students attended High School in Demarest. Alpine's students attended High School in Tenafly.

³⁶ 64 N.J. 593, 319 A.2d 442 ("*Ryan*")



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The Demarest section of Beechwood Farms was located on the eastern boundary of the Borough, and was separated from the rest of Demarest by a Country Club and a parochial school. In order to get to the business section of Demarest or other residential sections of the Borough, it was necessary to cross into Alpine, pass briefly through the Borough of Cresskill and return to Demarest. Beechwood Farms was about 2 miles from the center of the Borough.

In 1971, 14 of the Beechwood Farms homeowners from the Demarest side of the development filed a petition with Demarest requesting to deannex from that Borough and annex to Alpine. As with West Point Island, such petition was filed under N.J.S.A. 40:43-26, the then controlling statute for municipal deannexation. Unlike the current *Deannexation Statute*, Demarest had the burden of proof to prove that it would be harmed by such deannexation.

After receiving the petition, the Demarest Borough Council adopted a resolution refusing to grant its consent, declaring that deannexation "would be contrary to the best interest of the Borough and its general public and welfare". The Beechwood Farms homeowners from Demarest filed suit.

2. Superior (Trial) Court

At issue was whether the refusal of Demarest to consent to deannexation was arbitrary and unreasonable under West Point Island.

Testimony revealed that the elimination of the 16 Beechwood Farms homes from Demarest would not produce any reduction in the municipality's operating costs ~ which would remain fairly constant. Likewise, there would be no substantial economy in the budget of the grammar schools, although Demarest would save \$9,600 to \$12,000 in costs for the high school students and there would be a saving in county taxes. Such savings would not offset the loss of revenue. In the final analysis, the tax rate for the remainder of Demarest would be increased as a result of the deannexation of Beechwood Farms.



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Demarest's Mayor testified that in reaching its decision, the Council considered both the loss in revenue in the upcoming fiscal year and the total loss over the next 10 to 20 years and concluded that deannexation would result in an economic hardship. He asserted that the development figured prominently in the planning of the Borough, with Beechwood Farms roadways forming prospective thoroughfares for future residential development.

Further, residents of Beechwood Farms had been active in Demarest social and community activities and had participated in municipal and political activities.

The trial judge concluded that the effect of deannexation would be "insignificant" and "not of any injury" to Demarest and ordered Demarest to "adopt a resolution necessary to indicate its consent to the Petition for Annexation." Demarest appealed.

3. Appellate Division

The Appellate Division, in an unreported opinion, affirmed the trial court's decision, agreeing that deannexation would not "specifically injure [Demarest] or its social and economic well-being." The Township appealed to the New Jersey Supreme Court.

4. Supreme Court

a. The Court ruled that both the trial judge and the Appellate Division misapplied the holding in West Point Island and went on to expand the interpretation of N.J.S.A. 40:43-26 as rendered in West Point Island as follows:

- i. Under the specific circumstances of West Point Island, it was held that Dover Township would not suffer social or economic injury as a result of deannexation. West Point Island was isolated from Dover Township's schools, governmental, business and shopping areas. The residents looked to Lavallette "as the focus of community interest and activity", and there was no showing by the Township that it would be economically harmed.



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Conversely, Beechwood Farms was not isolated from the remainder of Demarest. The geography and logistics of the situation did not compel the conclusion that the section of Beechwood Farms in question more naturally belongs to Alpine. The Court could not say that Alpine was the natural focus of social activity for the residents of Beechwood Farms in the same way that Lavallette was unquestionably the natural focus of West Point Island due to the geography in that case. While the Beechwood Farms residents may have preferred to live in Alpine, they did participate in Demarest's political, social and church activities.

Further, Beechwood Farms constitutes an affluent community whose presence adds prestige to Demarest. The Court found this not to be an inconsiderable factor in determining whether social detriment would result from deannexation, nor can it be lightly dismissed as mere "snob appeal" and thus unworthy of consideration.

- ii. The evidence presented made it clear that deannexation would have caused economic hardship to Demarest. While the testimony did not lend itself to a precise computation, it was certain that the owners of these exclusive and expensive (Beechwood Farms) homes contributed substantially more to the Borough than they cost in services.

The Court ruled that the municipal fathers "quite properly" considered the amount of both the long term and short term loss of revenue in determining that the proposed deannexation would mean economic injury to the Borough.

- iii. Demarest met its burden of coming forward with reasons why deannexation would be injurious to it. It showed injury to both the social and economic well-being of the municipality. Its justifications for refusal to consent had much more substance than the mere "sentimental resistance" which was found in West Point Island. Nothing offered by the Beechwood Farms plaintiffs rebutted the proof of social and economic injury to Demarest, and



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consequently the plaintiffs did not prove any arbitrary or unreasonable color to Demarest's refusal to consent to deannexation.

- b. While the foregoing disposed of the matter in controversy, the Court thought it prudent to comment on additional issues not raised as part of the case, "with the thought that municipal attorneys, governing bodies, others interested in municipal law and... lower courts may achieve a greater sense of certainty as to how to proceed in a case where... deannexation is contested and consent withheld".

5. Relevance to Seaview Harbor Petition

- a. ***Proof of either economic or social injury, substantial in nature, to a non-consenting municipality in which land is located is sufficient to satisfy that municipality's burden of coming forward with evidence and there need not be a showing of both.***

It is conceivable that there could be both economic and social detriment, neither of which standing alone would be considered "substantial", but the total of which, taken together, could work a substantial injury on the community were deannexation allowed.

- b. ***The affluence of the petitioning community is not an inconsiderable factor in determining whether social detriment would result from deannexation, nor can it be lightly dismissed as mere "snob appeal" and thus unworthy of consideration.***
- c. ***It is "quite proper" for municipal fathers to consider the amount of both long term and short term loss of revenue in determining that proposed deannexation would mean economic injury to a municipality.***
- d. ***A Municipality which presented evidence that...***



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- i. *there would be no substantial economy in the budget of its grammar schools as a result of deannexation of a community consisting of expensive homes;*
- ii. *elimination of the homes would not produce any reduction in the municipality's operating cost;*
- iii. *the tax rate for remainder of municipality would be increased as result of the deannexation; and*
- iv. *the presence of such a community added prestige to the municipality.*

...has met its burden of producing reasons why deannexation would be injurious to it, and, absent evidence rebutting this proof of social and economic injury, a refusal to consent to deannexation is not arbitrary or unreasonable.

- e. *Some appropriate considerations in resolving the issue of social detriment to a municipality from deannexation are deprivation of:*
 - i. *Petitioners' participation in religious, civic, cultural, charitable and intellectual activities of the municipality;*
 - ii. *their meaningful interaction with other members of the community;*
 - iii. *their contribution to the prestige and social standing of the municipality;*
 - iv. *the part they play in the general scheme of the municipality's social diversity; and, conceivably*
 - v. *the wholesome effect their presence has on racial integration.*

In developing this list, the Court significantly cautioned that such factors:



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are in no way intended to be all-inclusive, for in the final analysis the governing body and the trial judge will have to bring to bear their own knowledge, experience and perceptions in determining what, in the context of deannexation, would inflict social injury upon the well-being of a community.

and equally significantly stressed that:

these are values which undergo change with the times and are accorded different weight depending in part on the composition of the community and its governing body. We repeat that in listing them, we are recognizing only some of the appropriate considerations.

- f. ***The Statute providing for annexation of land in one municipality to another contiguous municipality was not intended to encourage the adjustment of municipal boundaries "from time to time" dependent upon changing "community of interests" of residents, but rather was intended to give precedence to a more significant policy, that of preservation of municipality boundaries and maintenance of their integrity against challenge prompted by short-term or even frivolous considerations such as "tax shopping" or avoidance of assessments.***
- g. In an in-part-concurring and in-part-dissenting decision, the Court³⁷ added, in pertinent part:
- i. ***...it must always fall... to the potential secessionists to prove that in fact the economic or social consequences of deannexation will be de minimis.***
- ii. ***those seeking deannexation must "[negate] the proofs of actual injury" to the municipality by offering "compelling countervailing consideration, such as the alleviation of any existing oppressive condition resulting from their location in [a municipality]"; or to offer "significant***

³⁷ Justice Morris Pashman



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relevant factors which generally bear on deannexation, such as isolation, availability of services, symmetry, unity of interests, etc."

C. J. Victor Carton et al. v. Borough of Tinton Falls³⁸

1. In 1979, 100% of the homeowners and property-owners in a section of the Borough of Tinton Falls filed a petition with the Borough requesting to deannex (and annex to neighboring Neptune Township).

As with West Point Island and Ryan, such petition was filed under the then controlling statute for municipal deannexation.³⁹ As such, Carton had the burden of proof to prove that it would be harmed by such deannexation.

At the public meeting on the matter, one of the Petitioners was asked to detail the reasons for which the deannexation was sought. He declined to respond, instead relying on N.J.S.A. 40:43-26, and further asserted that reciting reasons would be meaningless in light of comments by the Mayor that the request would not be granted. The municipality then adopted a resolution denying the petition because "no reasons whatsoever have been supplied by the Petitioners..."

Plaintiffs filed suit seeking rescission of the resolution and requesting adoption of a resolution consenting to the deannexation.

2. Superior (Trial) Court

At trial, the Borough claimed the petition was defective and "unsupported by any basis for relief." It also asserted that the granting of Petitioners' request would "cause a great hardship to the Borough and its Zone Plan, its Tax Base and the present and future development of the municipality." The Borough moved for summary judgment.⁴⁰

³⁸ 177 N.J.Super. 404, 426 A.2d 1056 ("Carton")

³⁹ N.J.S.A. 40:43-26

⁴⁰ Appellants filed a cross-motion for summary judgment.



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The Borough's motion was accompanied by an affidavit of the Borough Clerk which confirmed the allegation that "(a)t the meeting, [Petitioners were] asked to detail the reasons [they] sought to be deannexed from the Borough... and annexed to ...Neptune, but [the Petitioners] declined to state any reasons."

After argument on the motions, the trial judge granted the municipality's motion to dismiss the complaint and denied Appellants' motion for the relief sought. Petitioner appealed.

3. Appellate Division

After defining the underlying issue as being is whether Petitioners are required to advance reasons to the municipality when requesting consent to deannexation, the Court ruled that it did not; thereby reversing the Trial Court's decision and remanding the matter back to the Trial Court for full consideration.

4. Relevance to Seaview Harbor Petition

The facts of this case are not material to the issues under review by the Egg Harbor Township Planning Board. ***What the Board may take from this case, however, is that the Court reinforced the "social and economic well-being" of the deannexed municipality as a valid factor when considering a petition for deannexation, stating:***

Under the circumstances of this case, we deem it appropriate that the trial judge remand the request and resolution to the municipality, retaining jurisdiction, in order that the municipality might consider the request in the context of its social and economic well-being. If it conceives it will not be injured, consent should be granted. In such an event the matter would be moot. On the other hand, if it objects to the deannexation, it must incorporate reasons in its resolution consistent with the mandate in Ryan. The matter can then be returned to the trial court and tried in accordance with the procedure outlined in Ryan. [emphasis added]



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D. *Robert Russell et al. v. Stafford Township*⁴¹

In the first case of its kind, Russell involves the right of a municipality to deny a petition for annexation filed by property owners in an adjacent municipality, notwithstanding that the adjacent municipality had consented to deannexation.⁴²

Additionally, this is the first case under the revised *Deannexation Statute*.⁴³

1. This dispute involved the 3.5-mile Cedar Run Dock Road; 3 miles of which was located in Stafford Township and a half-mile of which was located in Eagleswood Township.

At the time of the case, Eagleswood Township was an approximately 16 square mile, rural community consisting primarily of wetlands and pinelands. There were approximately 1,500 year-round residents and 1,100 parcels of land, 460 to 500 of which were improved. There was a very small commercial area. Conversely, Stafford Township was a rapidly developing community with a population of approximately 13,000 within its 47 square miles. While much of Stafford was undeveloped, it had a prospering commercial town center located in the general vicinity of N.J.S.H. 72, US Route 9 and the Garden State Parkway.

Petitioners were owners of 23 properties who resided in the Eagleswood section of Cedar Run Dock Road. This land was [then] accessible from Eagleswood only by traveling approximately 3 miles through the Stafford Township section of Cedar Run Dock Road.

In 1991, Petitioners presented a petition to the Eagleswood Township Committee seeking to deannex the Eagleswood portion of Cedar Run Dock Road and to annex it to Stafford Township. Pursuant to the *Deannexation Statute*, the petition

⁴¹ 261 N.J.Super. 43, 617 A.2d 685 ("Russell")

⁴² All annexation cases reported heretofore involved municipal decisions refusing to consent to *deannexation* as opposed to refusals to consent to *annexation*.

⁴³ N.J.S.A. 40A:7-12



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was referred to the Eagleswood Planning Board for its review of the impact upon the municipality. Following receipt of the Planning Board's report, the Eagleswood governing body adopted a resolution consenting to annexation.

Subsequently, the Stafford Township Council adopted an ordinance on first reading consenting to annexation. After heated public debate attendant to the second reading of the ordinance, the Council voted to deny the petition for annexation. Petitioners filed suit.

2. Superior (Trial) Court

a. After review of the case law concerning deannexation, the Court discussed:

- i. The changes in the *Deannexation Statute* made in 1982 by N.J.S.A. 40A:7-12 et seq., noting "...for the first time, the Legislature statutorily defined the burden of proof and consequently the scope of judicial review affecting the deannexing municipality, the annexing municipality and the affected land".
- ii. The standards established by N.J.S.A. 40A:7-12.1 that must be met by a Petitioner if it is to be successful in overturning a denial of a petition for annexation or deannexation. For each, the Court provided what it interpreted to be concomitant proofs:

Statutory Standard	Plaintiff Must Demonstrate
Refusal to consent to the petition to deannex or annex was arbitrary or unreasonable;	a municipal abuse of discretion in refusing to consent to the petition.
Refusal to consent to the annexation is detrimental to the economic and social well-being of a majority of the residents of the affected land;	deannexation will be beneficial to a majority of the residents of the land being deannexed / refusal to consent to annexation of the affected land is detrimental to them.
Annexation will not cause a significant injury to the well-being of the municipality in which the land is located.	there will be no significant injury to the well-being of the municipality in which the affected lands are located.



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b. In its decision, the Court found that the Petitioners had proven that annexation would be beneficial to residents of the affected land and, since Eagleswood had consented to the deannexation, the municipality had acknowledged no significant injury. The remaining (what the Court termed "pivotal") issue was Stafford's reasonableness in declining to accept the secessionists. On this issue, the Court found for Stafford; thereby denying the Petition.

3. Relevance to Seaview Harbor Petition

a. The Court found that some of the factors used to analyze a denial of deannexation could be used to analyze a denial of annexation. Accordingly, while the cause of action in Russell is quite different from the Petition before the Egg Harbor Township Planning Board in Seaview Harbor, the Court's opinion is instructive in that it reaffirmed key findings in West Point Island and Ryan. Specifically,

i. ***While the Court conceded that "the geography, logistics and availability of businesses and municipal services seemed to favor annexation of the Cedar Run Dock Road section to Stafford Township..." it also acknowledged that "Stafford had the right to factor in other issues in deciding whether to consent to the petition,..."***

ii. ***While deannexation would have benefitted the Petitioners,⁴⁴ Stafford had the right to project impacts into the future in order to determine whether annexation was in the long-term best interest of their community.***

⁴⁴ (a) Municipal services were either already provided by Stafford (Police) or could easily be supplied (garbage collection, school transportation, 1st aid, fire protection and additional government services at the Stafford municipal building).

(b) Petitioners had a greater nexus with the business and shopping areas of Stafford than with those in Eagleswood.⁴⁴ Access to these areas at the time, and in the [then] foreseeable future, were through Stafford. Thus, on balance, the geography, logistics and availability of businesses and municipal services, in the words of the Court, "seem[ed] to favor [the Petitioners and] annexation".



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- iii. ***The Stafford Township Committee had the right to determine whether there were any substantial advantages to Stafford in the annexation proposal,⁴⁵ and was therefore not limited to analysis of "significant injury" as detailed in N.J.S.A. 40A:7-12.1.***
 - iv. ***Reiterating the legislative intent behind the Deannexation Statute was "to give precedence to the preservation of municipal boundaries and integrity against challenges 'prompted by ... 'tax shopping' or avoidance of [in this case sewer] assessments'", the Court interpreted Legislature's actions in adopting N.J.S.A. 40A:7-12.1 as to have "imposed a heavier burden on the Petitioners, thereby making deannexation more difficult or, perhaps, discouraging attempts to undertake the effort at all. [emphasis added]***
- b. In addition to reaffirming West Point Island and Ryan, the Court issued a number of findings of interest to the Egg Harbor Township Planning Board:
- i. ***There would be no benefit to Stafford residents by the transfer of certain Cedar Run Dock Road amenities from Eagleswood to Stafford, since those amenities were already available to Stafford residents absent any annexation.***
 - ii. ***There were other mechanisms short of annexation to address the concerns of the Petitioners, including inter-municipal agreements whereby one community could provide needed services to a portion of another.***

⁴⁵ (a) While additional sewer charges to Stafford residents was not, in-and-of-itself, very significant, it had to be measured in the context of anticipated future cost involved in the construction of additional sewer work in Stafford, as well as the future expansion costs of the sewer system to other outlying areas of the Township.

(b) There was a likelihood that the sewer rates would increase in the future and that the tax revenue increase resulting from annexation of the Petitioners offered no meaningful offsetting benefits.

(c) The Stafford governing body "was cognizant of the increasing costs of municipal services and the likely need to increase taxes". The Court found that the Committee could "rationally have found the additional tax revenues to be insignificant, since net revenues of \$36,000 annually applied against the cost of doing business for a township of 13,000 people can hardly be deemed a major incentive".



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E. *Avalon Manor Improvement Ass'n Inc. v. Township of Middle*⁴⁶

1. In a case that is factually similar to the subject of this Report of Findings, the Avalon Manor Improvement Association, in 2000, filed a petition for deannexation from the Township of Middle (Cape May County) with the intention of annexing that portion of Middle Township to the Borough of Avalon. After the petition was submitted to the Township Committee, it was referred to the Middle Township Planning Board, which conducted a series of public meetings over the course of a year. At the end of the hearings, the Board issued a comprehensive report which included factual findings and recommendations to the governing body. Specifically, the Board concluded that the plaintiffs' petition should be denied.

Thereafter, Middle Township's governing body voted to deny the petition. Petitioners filed suit.

2. Superior (Trial) Court

In January 2003, the Court issued its opinion affirming the decision of the Township Committee and finding that their decision was not arbitrary and unreasonable.

In reviewing the record, the Court considered the geographic size and isolation of Avalon Manor in relation to Middle Township, the tax ratables of Avalon Manor, the impact upon the Township's local, fire and school taxes should deannexation be permitted, Middle Township's Flood Plan, the effect of deannexation on municipal services and the potential savings to the Township.

The Court concluded that the Petitioners had, in fact, sustained their burden of proof in showing a detriment to the economic and social well-being of the residents of Avalon Manor, particularly with regard to the tax savings that would accrue to the residents of Avalon Manor from deannexation. However, the Court specifically held that the Petitioners had not sustained their burden of proof in showing that the deannexation would not cause significant injury to the well-being of the Township.

⁴⁶ 370 N.J. Super, 73, 850, A2d 566 (2004), (App. Div. 2004) (collectively: *Avalon Manor*")



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Specifically, the Court held that Middle Township's determination that either a \$67.97 or a \$75.52 annual tax increase would occur if deannexation were permitted was sufficient to support a finding that the Township's refusal to consent to deannexation was not arbitrary or unreasonable. Petitioners appealed.

3. Appeal

After reviewing the record developed before the Planning Board in "precise detail", as well as the legal analysis performed by the Trial Court, the Appellate Division affirmed the "validity and appropriateness" of the Trial Court's decision.

4. Relevance to Seaview Harbor Petition

Again, the issues in Avalon Manor are strikingly similar to those under review by the Egg Harbor Township Planning Board in this instant matter. As such, the following findings from Avalon Manor are instructive:

- a. ***The record did not establish the kind of "long term, structural and inherently irremediable detriment" that the Legislature had in mind when it adopted the Deannexation Statute.***
- b. ***While municipal boundaries may indeed be changed with or without a governing body's approval, the Legislature has directed that this should occur without consent "only in the most compelling circumstances".***
- c. ***Petitioners' burden of proof includes a showing of detriment to the economic and social well-being of the residents of lands desiring to deannex AND that deannexation would not cause significant injury to the well-being of the municipality in which the land is located.***
- d. ***It is appropriate for a municipality to consider the economic detriment it would suffer with the loss of ratables.***



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- e. *It is not the Court's proper function to assess the relative "significance" of the amount of an annual tax increase. The Court's role is to assess whether the municipality's decision was founded in facts established in the record and whether that decision was "arbitrary or unreasonable". Put another way, the Court's role is not to substitute its own judgment for that of the municipal officials, but rather to evaluate the action of the municipality against the statutory standards. It is therefore not up to the Court to decide if an annual tax increase of a particular amount as a result of deannexation is "significant". That decision is appropriately left to the Governing Body. The Court deferred to local decision-makers whether or not a \$7.55 annual tax increase was "significant".*
- f. *Appropriate considerations by a Planning Board in a deannexation matter include the social impact of deannexation and the fact that the municipality would be deprived of participation of residents in the religious, civic, cultural, charitable and intellectual activities of the municipality, their meaningful interaction with other members of the community and their contributions to the prestige and social standing, the part they play in the general scheme of their municipality's social diversity and conceivably the wholesome effect on racial integration.*

Within this context, deannexation of properties that are of significantly higher value than the general profile of residential properties in the municipality would suggest implication for the Township's social diversity and prestige and social standing and the loss of such a disproportionately highly valued sector of the municipality of necessity would inflict a significant social injury on the municipality and its ability to continue to attract the kinds of residents desirable to any community.

- g. *Loss of the "intangible enhancements to the municipality of one of its nicest areas constituted a "significant injury" to the well-being of the Township.*



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F. D'Anastasio Corp v. Pilesgrove Township⁴⁷

- A. Real estate developer D'Anastasio Corp. ("D'Anastasio") was the contract purchaser of 36.27 acres of vacant, agricultural land in Pilesgrove's ("Pilesgrove Property"), and a contiguous 81-acre tract in Woodstown. Under Pilesgrove zoning, the Pilesgrove Property could support between 8 and 12 residential units. If the Pilesgrove Property was deannexed to Woodstown and rezoned in accordance with Woodstown's zoning, the Pilesgrove Property could support approximately 60 units.

In 2003, D'Anastasio filed a petition with Pilesgrove seeking to deannex the Pilesgrove Property from Pilesgrove, with an intent to annex to Woodstown. Pursuant to the *Deannexation Statute*, the Pilesgrove Township Committee referred the petition to the Pilesgrove Planning Board. The Board conducted a hearing, where it heard comments from Pilesgrove's Township Planner and Zoning Officer, and D'Anastasio's planner and architect. At the end of the hearing, the Board adopted a resolution recommending that the Township Committee deny the petition for deannexation.

Following receipt of the Planning Board's recommendation, the Township Committee denied the petition. D'Anastasio filed suit, contending that the Board's recommendation and the Township's denial were arbitrary, capricious and unreasonable because they failed to follow applicable statutes and case law in exercising their discretion.

B. Superior (Trial) Court

The Court ruled that the evidence contained in the Economic and Social Impact Analysis prepared by the Township's Planner was sufficient for the Township to determine that deannexation would result in economic injury.

- a. Regarding Economic Impact, the Township Planner concluded that deannexation would "have a significant economic impact on Pilesgrove." Specifically:

⁴⁷ 387 N.J.Super. 247, 903 A.2d 527 (2005), 387 N.J.Super. 241, 903 A.2d 524 (2006)(Collectively: "D'Anastasio")



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- i. The Pilesgrove Property would support approximately 12 to 13 residential building lots under Pilesgrove zoning and 60 lots under Woodstown Zoning (assuming water and sewer were made available).
 - ii. The economic impacts if the Pilesgrove Property were not deannexed but developed under a possible rezoning ~ allowing for an increased density similar to that proposed by D'Anastasio for its proposed project ~ were significant, both in the first year and over a 20-year period.
 - iii. Pilesgrove was in need of ratables to defer school costs (Pilesgrove had 65%^{+/-} of the total ratables of the shared school district with Woodstown but was responsible for 75%^{+/-} of the total school budget).
- b. Regarding Social Impact, the Township's Planner found that, as vacant land, deannexation would not have an impact on the social fabric of Pilesgrove "in the sense that deannexation would not result in the loss of valuable members of the community". However, the Planner did find:
- i. Since many services and facilities were shared, the social impact was reduced [but not eliminated].
 - ii. There would be a subjective social impact on Pilesgrove's image if the Township were to be deprived of the "ability to control all of its potential growth areas."
 - iii. Deannexation was in direct conflict with the balanced community planning objective since Pilesgrove would have been deprived of the ability to control all of its potential growth areas.

Based largely on the Planner's report, the Court determined that Pilesgrove did not act arbitrarily or unreasonably in refusing to consent to deannexation and granted summary judgment to the Township. D'Anastasio appealed.



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C. Appellate Division

After considering D'Anastasio's arguments against the record and legal principles, the Appellate Court found no reason to disturb the findings and conclusions reached at Trial and upheld the Trial Court's decision.

D. Relevance to Seaview Harbor Petition

- a. ***In discussing the impact of interpreting the word "residents" in the Deannexation Statute broadly to include "absentee owners" and "contract purchasers of vacant land", the Court affirmed that "the statute is clear on its face that the detriment is that of residents, not owners, or contract purchasers". This language would appear to eliminate the non-residential commercial properties and the boat owners that dock at the marina from standing in this Petition.***
- b. ***Citing Ryan⁴⁸ and Avalon Manor,⁴⁹ it is permissible for a municipality to consider the future loss of tax revenues in determining economic injury. Within this context, a municipality may consider lost revenues under current zoning or rezoning if there is the prospect for and likelihood of change.***
- c. ***A 20-year period is a reasonable time horizon for assessing economic injury related to the loss of future property taxes.***
- d. ***The petition for deannexation "constitute[d] zoning and development density shopping, and as such, does not provide a valid reason for altering otherwise historical municipal boundaries".***

⁴⁸ "the municipal fathers quite properly considered the amount of both the long-term and short-term loss of revenue in determining that the proposed deannexation would mean economic injury to the Borough,"

⁴⁹ "a fair analysis of the residents' and municipalities' well-being necessarily involves consideration of economic and social factors over time, and the prospect for and likelihood of change."

"... whatever the revenue loss from deannexation, that amount was not merely a one-time loss but would continue in subsequent years."



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G. *Citizens for Strathmere & Whale Beach v. Upper Township*⁵⁰

1. Strathmere and Whale Beach (collectively "Strathmere") constitute a small, residential community consisting of 407.5 acres of land located on the barrier island known as Ludlam Island. While Strathmere is portion of Upper Township, it is not geographically contiguous to the Township. Rather, it is bordered to the east by the Atlantic Ocean, to the west by Strathmere Bay, to the north by Corson's Inlet and to the south by Sea Isle City. Visitors to Strathmere must travel through at least one other municipality before arriving in Strathmere.

Strathmere has one main arterial road, Commonwealth Avenue, which traverses the length of the island. Strathmere encompasses approximately 1.47 square miles, whereas Upper Township (excluding its roads and Strathmere / Whale Beach) consists of approximately 60.7 square miles. Strathmere constitutes 2.42% of the total area of Upper Township.

At time of Petition, Strathmere was a summer destination community, consisting of approximately 175 year-round residents and between 3,000 to 4,000 residents during the summer months. Strathmere's residential base consisted primarily of single-family detached homes, some mobile homes, and several attached or multiple-family housing structures, none of which are larger than 4-units. There were several small businesses located in Strathmere, including restaurants, a marina and a motel.

Also at time of Petition, Strathmere sent a single student to Upper Township schools. Strathmere was serviced, as was all of Upper Township, by the New Jersey State Police operating out of the State Police Barracks in Woodbine, New Jersey. The Upper Township Public Works Department was responsible for servicing Strathmere's waste disposal and sanitation needs. Based upon the [then] most recent (2007) tax assessment, the total tax valuation of Upper Township was \$2,248,016,808, while the total tax valuation of Strathmere was \$393,461,300. As such, Strathmere constituted approximately 17.5% of the total tax ratable base for the Township.

⁵⁰ N.J. Super. App. Div. A-1528-10T4 (2012) ("Strathmere")



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In September 2007, a not-for-profit community organization named "Citizens for Strathmere & Whale Beach", consisting of residents and property owners of Strathmere ("Plaintiffs"), petitioned the Upper Township Committee ("Committee") for deannexation pursuant to the *Deannexation Statute*. Plaintiffs' objective was to deannex from Upper Township in order to annex to Sea Isle City, which occupies the remainder of Ludlam's Island.

After litigation as to the validity of the Petition, an amended Petition was filed by Plaintiffs, accepted by the Committee and referred to the Township Planning Board for its report on the impact of the proposed deannexation. During 14 months of public hearings, the Upper Township Planning Board heard testimony that was remarkably similar to that heard by the Egg Harbor Township Planning Board in the Seaview Harbor case. In summary, Strathmere contended (in no particular order):

- a. The Township had failed to properly plan for and manage Strathmere's beach.
- b. The Township was unacceptably slow in responding to extreme beach erosion.
- c. It was unfair for Strathmere to bear 17.5% of the Township's assessed property taxes to fund the Township's school district since only one student from Strathmere attended Township schools.
- d. State Police response times to Strathmere's complaints were unacceptable, both in-and-of themselves and as compared to response times to complaints by mainland Township residents. Strathmere would be better served by Sea Isle City's Police Department.
- e. There was recurring illegal conduct, including speeding, drunken driving, vandalism and alcohol consumption, bonfires and other illegal activities on the beach that were not being addressed.
- f. When the State Police purportedly failed to take prompt action regarding reported criminal or illegal activity, the Strathmere Volunteer Fire Company



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raised funds from the community to pay an off-duty New Jersey State Trooper to patrol Strathmere during summer weekends to focus on deterrence and prevention of recurring public safety and public welfare problems.

- g. The absence of a Township noise ordinance and once-per-week trash pickup by the Township's Department of Public Works had a substantial negative impact on Strathmere residents. Conversely, Sea Isle City had a noise ordinance that was enforced by local police and offered twice-per-week trash pickup during the summer months.
- h. Enforcement of a noise ordinance, coupled with more frequent trash pickup and allegedly better public works services in general, would reduce the quality of life disturbances that Strathmere residents experience under the Township's jurisdiction.
- i. The Township had, on more than one occasion, failed to provide for adequate snow removal and plowing of Strathmere's streets following heavy snowfall.
- j. Strathmere's residents identified on a social level much more with Sea Isle City than the Upper Township mainland.
- k. Strathmere's senior citizens⁵¹ socialized more with the seniors of Sea Isle City than with Upper Township's mainland seniors. Due to their proximity, Strathmere's seniors participated in far more recreational programs and social organizations within Sea Isle City than similar programs available on the Township's mainland.
- l. Because Strathmere occupies a barrier island with Sea Isle City and because it is a coastal community, the interests and concerns of its residents were more aligned with Sea Isle City rather than Upper Township.
- m. The Township would not suffer substantial economic detriment by deannexation.

⁵¹ which, according to the 2000 U.S. Census comprised approximately 30% of Strathmere's permanent residents at the time.



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After 18 public hearings during which the Planning Board weighed Strathmere's assertions against evidence and testimony submitted by the Township and members of the general public opposed to deannexation, the Board adopted an Impact Report which found, in pertinent part, that if deannexation were to occur and Strathmere were permitted to annex to Sea Isle City⁵² (in no particular order):

- a. While the crime rate in Upper Township and Strathmere evidence that [then] current police enforcement was more than adequate, in all likelihood, Strathmere may receive faster police response times ~ although service quality may be reduced.
- b. Property owners in Strathmere would pay 40% to 50% less in property taxes.
- c. Strathmere would, in all likelihood, receive twice-per-week trash collection.
- d. Strathmere would be annexed to a contiguous barrier island community.
- e. The Upper Township Municipal budget could be reduced by an estimated \$400,000^{+/-} per year.
- f. The Upper Township Board of Education would save \$15,505 in tuition costs and \$4,400 in transportation costs.
- g. The Upper Township Board of Education would receive an estimated additional \$13,499 in state aid under the [then] current formula.
- h. Sea Isle City's municipal government and development philosophy would, in all likelihood, result in the loss of Strathmere's free beaches, free parking and the unique single family residential development features.
- i. Upper Township would lose more than \$393,461,300 of tax ratable property.

⁵² Additionally, if Strathmere were to annex to Ocean City, two of Strathmere's ~ and therefore Upper Township's ~ commercial establishments would, in all likelihood, lose their liquor licenses.



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- j. Property owners in the remaining mainland portion of the Township could expect to see a substantial increase in the school tax.⁵³ An average property assessed at \$350,000 was anticipated to pay an additional \$700^{+/-} per year. The school tax was estimated to increase by 19.7%.
- k. The Township's bonding capacity would be significantly reduced.
- l. Upper Township would lose one of the most prestigious and upscale areas and its identification as a beachfront community.
- m. Upper Township would lose approximately 370 acres of precious beach and wetland areas and the natural resources associated with same.
- n. Upper Township would lose its Junior Lifeguard Programs and surfing classes, which required the Strathmere waterfront.
- o. There would be a loss of social diversity associated with the connection of Strathmere with the mainland portion of the community.
- p. Each of the many different villages comprising Upper Township has provided a valuable benefit and resource to the community. The loss of Strathmere would result in a diminishment of the entire Upper Township community.

At the conclusion of its Impact Report, the Board made the following recommendation to the Township Committee:

... Petitioners have not satisfied their burden of proof in evidencing that the refusal to consent to deannexation is detrimental to the economic and social well-being of a majority of the Citizens of Strathmere and Whale Beach and that the deannexation will not cause a significant social or economic injury to the well-being of the Township of Upper.

⁵³ At the time, Upper Township enjoyed sufficient revenues from the Fall Energy Receipts program attendant to the Beesley's Point electric generating station that no Local Purpose Tax was necessary to fund Township operations. Faced with increase municipal costs and declining Utility revenues, a Local Purpose Tax was instituted in 2011.



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Accordingly, the Planning Board... does hereby submit this report to the Upper Township Committee and recommend that the Upper Township Committee deny the Petitioners' request for deannexation. [emphasis added]

Subsequently, the Township Committee held a public hearing on the deannexation petition, after which it, by unanimous vote, denied Plaintiffs petition. Strathmere filed suit.

2. Superior (Trial) Court

Plaintiffs contended, in pertinent part, that it had satisfied its burden of proof under N.J.S.A. 40A: 7-12.1, and that the Township Committee's denial of their petition for deannexation was arbitrary or unreasonable, thus warranting reversal.

In rendering its decision, the Court made note of the extensive record compiled by the Planning Board and concluded that denial of Plaintiffs petition was "more than amply supported by the record." Having failed to demonstrate otherwise, Strathmere's complaint was dismissed with prejudice. Strathmere appealed.

3. Appellate Division

The issues in the appeal were unique to the Strathmere case and are not relevant to the Seaview Harbor matter. It is sufficient to report that, in light of the record and legal principles, the Appellate Division affirmed the Trial Court's decision ~ substantially for the reasons expressed by the Trial Judge in what the Appellate Division termed "a thorough and well-reasoned written opinion".

4. Relevance to Seaview Harbor Petition

As with Avalon Manor, the issues in Strathmere are strikingly similar to those under review by the Egg Harbor Township Planning Board in this instant matter. As such, the following findings from Strathmere are instructive:



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- a. *It was entirely proper and sensible for the Planning Board to look to the judicial review portion of the Deannexation Statute in order to guide its inquiry (i.e. to weigh the evidence and determine whether deannexation would be detrimental to the economic and social well-being of a majority of the residents of the affected land, and that deannexation would not cause a significant injury to the well-being of the municipality in which the land is located.*
- b. *Clearly the intent of the Legislature in enacting the laws governing deannexation and annexation of municipal lands was to require that the decision not be made in a vacuum or on narrow grounds, but after consideration of all relevant circumstances.*
- c. *The policy behind the Deannexation Statute ~ that "precedence should be given to the preservation of municipal boundaries and maintenance of their integrity against challenge prompted by short-term or even frivolous considerations such as tax-shopping or avoidance of assessments" ~ should "indeed be considered by municipal Planning Boards and governing bodies... [it] has been the presumed legislative intent behind the Deannexation Statute for the last 35 years" and "the 1982 amendments to the [Deannexation] Statute only bolster this presumption..."*
- d. *A thorough review of the record indicates that the Township Committee's ultimate decision to deny the deannexation petition was by no means arbitrary or unreasonable. There was ample evidence in the record to indicate that the loss of Strathmere would inflict significant social harm on Upper Township.*
- e. *During the Planning Board process, Petitioners for deannexation must establish:*



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- ***That refusal to consent to the petition was arbitrary or unreasonable,***⁵⁴
- ***That refusal to consent to the annexation is detrimental to the well-being of the majority of the residents of the affected area, and***⁵⁵;
- ***That the annexation will not cause a significant injury to the well-being of the municipality in which the land is located.***

Since these standards are joined by the word "and", they are conjunctive. Accordingly, Petitioners must establish all three elements⁵⁴ ***to prevail.***

- f. ***As made "exquisitely clear" in the Avalon Manor decision, when evaluating a deannexation petition a municipality may consider the impact on future taxes, including the potential increase in school taxes. Even prior to Avalon Manor, the New Jersey Supreme Court found that municipal decision-makers may "quite properly [consider] both the long term and the short term loss of revenue in determining that [a] proposed deannexation would mean economic injury" to a municipality.***⁵⁵
- g. ***Arguments that "significant injury to the well-being of the municipality" within the meaning of the Deannexation Statute precludes consideration of an impairment to school funding resulting from a rise in property taxes, and thus the municipality is limited to consideration of future economic impairment on existing municipal services only, are not valid. "Only the most tortured and distorted reading of the Deannexation Statutes would lead to the conclusion that the economic impact upon schools within municipal boundaries is not a proper subject to be included in the deliberations".***

⁵⁴ The "arbitrary or unreasonable" prong of the Deannexation test is limited to a decision of a governing body to deny deannexation. It is therefore of no moment to the Planning Board's deliberations. Only the second and third prong of the Deannexation test is therefore relevant in this matter.

⁵⁵ ***Emphasis added by the Court***



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- h. *The Deannexation Statute has been held to provide that a Planning Board... has wide discretion and latitude to consider numerous relevant factors to determine if an injury, be it social or economic in nature, will be inflicted on the balance of the municipality in the event that deannexation occurs, so long as there is enough evidence in the record to support conclusions as to those factors.*
- i. *The fact that Strathmere is not geographically contiguous to Upper Township, though relevant, was not a basis to overcome the Township's decision to deny deannexation. As with Avalon Manor, the Strathmere Court found that, while geographically non-contiguous with the balance of its host municipality, the upscale residential community of Strathmere nevertheless provided significant social and economic value to the Township.*
- j. *The inclusion of a coastal community in a municipality consisting of land that otherwise does not border the coast is of significant social prestige and pride. If Strathmere were to deannex, the Township would lose a unique upscale residential community, which provides free beaches, and free street parking adjacent to those beaches.*
- k. *Citing Ryan, the Court found that the negative social impact on the Township in losing an upscale, affluent community is "not an inconsiderable factor in determining whether social detriment would result from deannexation, nor can it be lightly dismissed as mere 'snob appeal' and thus unworthy of consideration".*
- l. *Significant injury to the well-being of a municipality is permitted to outweigh a detriment to the economic and social well-being of those seeking deannexation.*



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H. Bay Beach Way Realignment Committee, L.L.C. v. Toms River⁵⁶

1. In 2006, the Bay Beach Way Realignment Committee, consisting of 21 registered voters of Toms River Township owning 60 lots on Bay Beach Way ~ a dead-ended, private thoroughfare located in the barrier island section of that municipality ~ filed a petition for deannexation from Toms River with the intention of annexing to the Borough of Lavallette.

Bay Beach Way is located between 2 lagoons and is adjacent to the northwestern border of the Borough of Lavallette. At time of Petition, two Bay Beach Way tax lots were vacant parcels owned by a private beach club for use by the residents of the area. The remaining 58 Bay Beach Way lots were developed with single family residential homes having a typical lot size of approximately 4,000 s.f., with 40' of lot frontage. There were no vacant residential lots available for additional development.

The existing municipal boundary line separating Toms River from Lavallette lies along the lagoon to the south of Bay Beach Way. The proposed deannexation petition seeks to relocate the boundary line so that it lies along the lagoon on the northerly side of Bay Beach Way.

- a. After the deannexation petition was submitted to the Township Council, it was referred to the Toms River Planning Board, which conducted two public hearings on the matter. Much of the testimony provided during this process is remarkably similar to the testimony heard by the Egg Harbor Township Planning Board in the Seaview Harbor matter. Petitioners testified (in no particular order):
 - i. Bay Beach Way is a private road consisting of 9 acres or approximately 0.0003% of the Township's 26,590.25 acres.
 - ii. There was an approximately 1 block of separation between Bay Beach Way and the mainland section of Toms River.

⁵⁶ Docket No. A-5733-07T1 (N.J. Super. 7/9/2009 (N.J. Super., 2009) ("Bay Beach Way")



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- iii. During the February 2003 snowstorm, Bay Beach Way was not plowed, the residents lost cable and power and were snowed in for 3 days. Conversely, the streets in Lavallette had been plowed and Petitioners could see cars moving up and down the streets from their homes. Lavallette eventually plowed Bay Beach Way.

(Petitioners testified that it was this event which prompted the desire to deannex from the Township and annex to Lavallette.)

- iv. Because their mailing address is Lavallette, they often have difficulty using facilities in Toms River, including Toms River's recreation and recycling facilities.
- v. Petitioners use the post office in Lavallette, and that is how they are identified on their driver's license and in the telephone directory.
- vi. There had been ongoing difficulties and irregularities as to Township garbage service to Bay Beach Way in the summer, including late pick ups, missed collection days, spilled garbage cans, and attendant odors and bird problems.
- vii. The water and electric service providers for Bay Beach Way also service Lavallette, and are different from those servicing mainland Toms River.
- viii. The cable provider for Toms River is Comcast while Bay Beach Way and Lavallette have Cablevision. As a result, the local public access informational television station in Bay Beach Way broadcasts Lavallette's public meetings.
- ix. Generally, the residents of Bay Beach Way look to adjoining Lavallette as the focus of their community interests and activities rather than the mainland of Toms River. Although they utilize some mainland-based services, Petitioners routinely use facilities in Lavallette for everyday



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services, including barber shops, automobile servicing, banking, convenience stores and Places of Worship.⁵⁷

- x. Petitioners indicated that they were "very involved" in Lavallette community activities because of their proximity to the Borough. Several attend Lavallette's Heritage Days and watch the fireworks on Fourth of July from that municipality. They do not play any meaningful part in the Toms River Little League, the CYO, Holy Name Society, or other comparable religious and social organizations that are based on the mainland.
 - xi. Moving the municipal boundary line to the north side of the lagoon would be logical because Bay Beach Way residents can't leave their street without going through Lavallette.
- b. Information supplied by the Toms River Tax Assessor indicated (in no particular order):
- i. If deannexation were granted, Toms River's tax loss for 2006 would have been \$302,885, representing taxes paid on the 60 Bay Beach Way properties.
 - ii. If the Township were to elect to recoup such \$302,885 **solely** by increasing taxes, the 2006 tax rate would range from \$3.158 to \$3.160 per \$100 of assessed value; reflecting an increase of two-tenths of one cent.
 - iii. If the \$302,885 revenue shortfall as a result of deannexation were to have been evenly divided among the remaining 41,133 Toms River properties, the resultant tax increase would be \$7.374 per property.
 - iv. The change in the tax rate of two-tenths of one cent when applied to the average assessed value of a single-family residence in Toms River for the year 2006 would result in an increase in taxes of \$2.78 per year on that home.

⁵⁷ As with Seaview Harbor, Petitioners submitted signed certifications and individual community surveys that demonstrated that the people of Bay Beach Way use Lavallette for their needed everyday services rather than the mainland of Toms River.



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v. In order to determine the tax implications for Bay Beach Way, it was necessary to equalize the values of the properties assuming locations in Toms River Township and in Lavallette. At the time, the Equalization Ratios for Toms River and Lavallette were 38% and 93% respectively. Applying these ratios to an example property:

- A home assessed in Toms River at \$380,000 would have an equalization ratio of 38%. Thus, the home would have a true value of \$1 million and a tax payment of \$3.158 per \$100 of assessed value, resulting in a tax bill of \$12,000. By comparison, the same \$1 million true value home assessed in accordance with the Lavallette equalized ratio of 93% would be assessed at \$930,000 and would be subject to the Lavallette tax of 75.4 cents per \$1,000, resulting in a tax bill of \$7,012. Thus the tax differential would be \$4,988.
- By applying this formula to Bay Beach Way it was possible to determine that each resident would realize a tax savings of approximately \$2,600 to \$2,700 if annexation to Lavallette were permitted.

c. Toms River's Township Planner testified that:

- i. The amount of municipal tax revenue generated by Bay Beach Way (\$302,885) is relatively small in percentage (1.01%) when compared to the overall municipal tax revenue generated in the Township (\$29,902,971). He noted however, that "they are, nonetheless, significant amounts of money..."
- ii. The proposed new boundary line is no more appropriate than the existing boundary line.
- iii. The only perceived benefits of deannexation would be to the affected property owners through lower taxes and to Lavallette through increased revenue with little apparent cost impact.



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- iv. Moving the [Bay Beach Way] properties into Lavallette would not result in the reduction of expenses to any great degree in Toms River; there would be no fewer police [and] the same number of garbage trucks would be required; so there would be no corresponding loss of expenses incurred by the Township to offset the loss of revenues.
 - v. Losing the 60 parcels of Bay Beach Way would not have a significant impact on the Toms River Master Plan or the ability of the Township to reach the goals and objectives of the Master Plan.
 - vi. While the population of Toms River could potentially grow by 20% in the next 10 years, there was no growth potential for Bay Beach Way because it was fully developed.
- d. In its Impact Report, the Planning Board made 23 determinations, all of which militated against deannexation. In summary:
- i. The Board's chief findings were that deannexation would cause "significant injury" to the Township due to:
 - the loss of taxes with little or no reduction in the cost of services;
 - the loss of over \$12,000,000 in ratables; and
 - the likelihood of losing increased ratables and increased tax revenues.

The Board concluded that such economic losses "even when taken in consideration as a small percentage of the total tax revenues generated in Toms River Township," were not de minimis.

- ii. The report also noted that Petitioners would realize significant tax savings by becoming taxpayers of Lavallette, "a factor which raised the spectre of tax shopping and tax avoidance," and that Petitioners' testimony that they



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were pursuing the petition for their social wellbeing was "belied by the fact that the Petitioners already participate[d] in almost all of the social activities" to which they testified.

- iii. The report concluded that the Township provided "adequate public services" including emergency public services to Bay Beach Way, and that the fire and first aid protection provided [by Toms River] were "sufficient to protect the public health, safety and welfare along Bay Beach Way."
- iv. The report indicated that the community surveys utilized by Petitioners were "suggestive in nature by calling for the respondents to indicate establishment in Lavallette," and that "all the surveys show[ed was] that the residents of the barrier island frequented establishments without regard to the jurisdictional lines of the municipalities along the barrier island." The Board noted that the civic and social activities engaged by Petitioners:
 - were "closely tied with the community nature of the barrier island taken as a whole, not necessarily solely within Lavallette";
 - there was no measurable difference between Bay Beach Way and any of the other properties or areas to the north of Bay Beach Way; and
 - "there was nothing to distinguish Bay Beach Way from the other streets in the [barrier island section of Toms River]".
- v. The Board concluded that Petitioners had not satisfied their burden to establish that failure to consent to deannexation would be detrimental to the economic and social well-being of the majority of Bay Beach Way residents, and that deannexation would not cause significant injury to the Township's well-being. The Board concluded by recommending that Township Council refuse consent to Petitioners' request for deannexation.



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Thereafter, the Toms River governing body held public hearings on the matter, at the conclusion of which it unanimously adopted a Resolution denying its consent to deannexation. In so doing, the governing body concluded that deannexation would result in a loss of revenue with no savings, and that Petitioners had not demonstrated that deannexation would be in the best interests of Toms River. Petitioners filed suit.

2. Superior (Trial) Court

The issue before the Court was whether the refusal of the Township to consent to the deannexation, although an exercise of its discretion, was reasonable under the circumstances. Moreover, the Court was asked to determine whether Petitioners had established that Toms River's refusal to consent to the deannexation was detrimental to the economic and social well-being to a majority of the residents of Bay Beach Way, and that the deannexation will not cause a significant injury to the well-being of Toms River Township. In rendering its decision, the Trial Court found:

- a. That the geographic and demographic features of Bay Beach Way were legitimate considerations, and that it was "fair to conclude that Bay Beach Way is essentially isolated from the Township's mainland".
- b. There was no evidence that Bay Beach Way had any recreational, commercial or other social amenities available to or utilized by other residents of Toms River.
- c. Bay Beach Way residents more closely associated and identified with Lavallette than with Toms River.
- d. Bay Beach Way was fully developed and that the only access to it was through Lavallette.
- e. Toms River would not incur any loss of recreation areas, historic sites, open space or other amenities available or utilized by other Township residents.



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- f. Bay Beach Way represents 0.00375% of the Toms River ratable base.
- g. Toms River would lose \$12 million in ratables, which translates to approximately \$300,000 in tax revenue with no reduction in the cost of municipal services.⁵⁸

For those and other reasons set forth in its opinion, the Court found that the decision by the Township in its refusal to consent to the petition for deannexation was unreasonable. The Township appealed.

3. Appellate Division

The Appellate Division was satisfied that there was sufficient credible evidence in the record to support the Trial Court's decision and affirmed its rulings.

5. Relevance to Seaview Harbor Petition

As with Avalon Manor and Strathmere, the issues in Bay Beach Way are similar ~ if not equivalent ~ to those under review by the Egg Harbor Township Planning Board in this instant matter. As such, the following findings from Bay Beach Way may be instructive:

- a. ***The Court was cognizant of the Ryan finding that the Deannexation Statute advances a legislative policy in favor of the preservation of municipal boundaries and against such frivolous considerations as "tax shopping".***
- b. ***The Court, noting the geographic similarities between Bay Beach Way and West Point Island⁵⁹ and the testimony of Toms River's Planner, could not find that the deannexation will cause a significant injury to the well-being of the Township.***

⁵⁸ Although Toms River provides municipal services such as garbage collection, snow plowing and road maintenance to Bay Beach Way, it maintains that discontinuing services will not result in any savings to the municipality.

⁵⁹ "West Point Island is on the other side of Barnegat Bay, isolated from the schools as well as the governmental, business and shopping areas of Dover [now Toms River] Township."



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- c. *While conceding that roughly \$300,000 in tax revenues constituted an economic loss to the Township, the Court believed that the pressing issue was whether the Township's conclusion that the loss of roughly \$300,000 in tax revenues constituted "significant injury" and was "reasonable based upon facts established in the record".*

The Court opined that the loss of approximately \$12 million of Plaintiff's ratables needed to be evaluated against the Township's total ratable base of approximately \$6.3 billion. Within this context, the Court found it unreasonable for the Township to conclude the loss of Bay Beach Way revenues would cause significant injury to the well-being of Toms River, particularly in view of the Township Planner's projection of a 20% population growth in Toms River over the [then] next 10 years". Contrary to the decision in Avalon Manor,⁶⁰ the Court apparently found that \$12 million was too small a percentage when compared to the overall tax revenue generated by the Township to be meaningful.

- d. *In recognizing the need to insure that the Bay Beach Way Petition was "more than just 'tax shopping', which is a disfavored basis for deannexation under the current legislative scheme and case law", the Court looked to "several factors, unique to Bay Beach Way and its residents", that mitigated against the finding that this case was "motivated solely by 'tax shopping'." [emphasis added]*

Specifically, the Court held that the geographic and social isolation of Bay Beach Way from Toms River, the physical and social connections of Bay Beach Way to Lavallette and the testimony that the daily routines of the Petitioners for social, business, recreational and religious activities were aligned with Lavallette, collectively supported the assertion that while Bay Beach Way residents would

⁶⁰ Judge Perskie: "I do not believe that it is the court's proper function to assess the relative "significance" of an annual tax increase of \$67.97 or \$75.52. I believe that the court's role in this instance is to assess whether the Township's decision was founded in facts established in the record - it was - and whether that decision was "arbitrary or unreasonable" - it was not."



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see a tax savings via deannexation, taxation was not the only basis for the Petition.⁶¹

- e. The fact that several other Toms River barrier island neighborhoods (e.g. Ortleigh Beach, Monterey Beach, etc.) faced similar conditions as Bay Beach Way did not move the Court. Conceding that this may be the case, the Court ~ without providing a detailed explanation for its findings ~ stated that the factors cited "demonstrate more than just a subjective sense of community and identification with Lavallette that was expressed during the testimony of petitioners".**
- f. The Township's finding that its municipal services (police, sanitation, emergency personnel) adequately served Bay Beach Way was not recognized by the Court as "a valid reason to deny consent to a deannexation petition".**
- g. The Township's finding that deannexation would not change the civic and social interactions of Bay Beach Way residents from those that existed absent deannexation was accepted by the Court. However, the Court tied Petitioners' interactions with Lavallette ~ and not Toms River ~ to whether or not such interactions were injurious to the Township or the Petitioners.**

In assessing whether or not deannexation would injure the "meaningful interaction [of Bay Beach Way] with other members of the [Toms River] community, as well as [Bay Beach Way's] participation in the 'religious, civic, cultural, charitable and intellectual activities of [Toms River]', the Court Found "no evidence that the deannexation of Bay Beach Way would occasion such detriment which, in the context of the present statute, would cause a 'significant injury to the well-being of the municipality'".

⁶¹ The Court appeared moved by the fact that Bay Beach Way residents have a Lavallette mailing address and driver's license and share the same cable, water and electric providers as those who reside in Lavallette. Additionally, the Court seemed to find the fact that Bay Beach Way residents received broadcasts of Lavallette's public meetings rather than those of Toms River to be particularly compelling.



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Conversely, noting that Bay Beach Way residents could not join the Lavallette Heritage Committee or its auxiliary first-aid squad because they were not Lavallette residents, the Court found that Toms River's refusal to consent to deannexation was a detriment to Petitioners' social well-being.

2.3 DETERMINATION OF IMPACT: PLANNING BOARD'S RESPONSIBILITIES

2.3.1 As required by the *Deannexation Statute* and relevant case law, the Planning Board must, in its evaluation of the impacts of deannexation, determine whether the Petitioners have sustained their burden of proof in evidencing that:

- A. Refusal to consent to deannexation is detrimental to the economic and social well-being of a majority of the residents of the affected land (i.e., Seaview Harbor); **AND**
- B. That the deannexation will not cause a significant injury to the well-being of the municipality in which the land is located (i.e., Egg Harbor Township).
- C. A and B are conjunctive, meaning both must be met for deannexation to be affirmed.⁶²
- D. The Planning Board need not consider the third prong of Petitioners' burden ~ whether any refusal to consent to deannexation was arbitrary and unreasonable. That decision will be made by the Township Committee and is therefore not within the province of the Board.

2.3.2 In evaluating the impact of deannexation upon both Seaview Harbor and the Township, case law points to the following factors as potentially relevant areas of investigation:

- A. Any substantial social injury or detriment that might be found in the community being deprived of Petitioners' participation in religious, civic, cultural, charitable and intellectual activities, their meaningful interaction with other members of the community, or their contribution to the Township's prestige and social standing and/or the part they play in the general scheme of social diversity; and conceivably, the wholesome effect their presence has on racial integration.

⁶² D'Anastasio



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- B. Any long term or short term economic impacts, such as loss of ratables, impacts upon local, school or other taxes of the municipality and the deannexing areas, including the cost or savings in providing municipal services and what types of municipal services have been provided to date.
- C. The impact upon emergency services and equipment, including the cost of providing same and the need to provide same in the future.
- D. The impact upon recreational and school facilities in both the municipality and deannexation area.
- E. An analysis of the tax assessments of the relevant land including the total tax assessment of the municipality as it relates to the affected lands and the total area of the municipality as it relates to the affected lands.
- F. Zoning and planning implications for the municipality.
- G. Population, demographics and geographic matters.

Significantly, the Court recognized that the foregoing is not intended to be an exhaustive list, "for in the final analysis the governing body... will have to bring to bear their own knowledge, experience and perceptions in determining what, in the context of deannexation, would inflict social injury upon the well-being of a community." The Court further recognized that the foregoing "are, of course, values which undergo change with the times and are accorded different weight depending in part on the composition of the community and its governing body... [I]n listing them, we are recognizing only some of the appropriate considerations".⁶³

2.3.3 The Courts have held that the *Deannexation Statute* is intended to give precedence to the policy of preservation of municipal boundaries and the maintenance of their integrity against challenges prompted by short term or even frivolous considerations such as tax shopping.

⁶³ Ryan



3.0 SYNOPSIS OF PROCEEDINGS

3.0.1 The following is a synopsis of the proceedings, testimony and exhibits presented to the Planning Board. It is not and does not purport to be a transcript of the hearings. While Petitioners did engage a Court Reporter to record the testimony, such transcripts were not made available for this Report of Findings. Minutes of the hearings, compiled by the Planning Board Secretary, are posted on the Township's website,⁶⁴ and all exhibits are available in a bound volume on file with the Board Secretary.

Where appropriate, information and testimony have been combined for brevity or separated to provide necessary detail. Specific examples of notable testimony or data are footnoted. Issues are organized by subject matter and, as closely as possible, reflect the order in which they were introduced. Certain testimony may be repeated where relevant to multiple issues. ***Readers should therefore attach no importance on the order in which they are presented in this Report.***

Text in quotation marks " " are intended to relay the sentiment of the speaker. While the wording may be close to what was actually said, it may not be a direct quotation.

3.0.2 After introducing the Petition⁶⁵ and relating historical background to and geographic context of the Seaview Harbor development,⁶⁶ Attorney for Petitioners introduced an August 2013 public opinion survey⁶⁷ prepared and conducted by Non-Petitioner but Seaview Harbor resident John Dabek. In general, the Survey queried Seaview Harbor residents as to:

- Demographics
- Social patterns
- Confusion regarding the address and location of Seaview Harbor
- Issues related to Services, Confusion of Location, Emergency Services and Other

⁶⁴ www.ehtgov.org/Agendas/index.cfm

⁶⁵ Exhibits S-1

⁶⁶ Exhibits S-4, S-5, S-6, S-7, S-8 & S-9

⁶⁷ Exhibits S-11 & S-14



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The Survey purports to capture the sentiments of 75 respondents, representing 80+% of Seaview Harbor residents⁶⁸ regarding their experiences and satisfaction with being a part of Egg Harbor Township.

The Survey was not anonymous, and at least two follow-up contacts were required to achieve the level of response reported. Additionally, the fact that the Survey was prepared by an individual with a vested interest in the outcome, the leading nature of the open-ended questions⁶⁹ and the participation of Petitioners' Attorney in the formulation of the Survey questions⁷⁰ call into question the methodology of the Survey as an accurate gauge of resident sentiment.

3.0.3 Thereafter, testimony was provided by:

A. Full Time residents of Seaview Harbor

Joseph Stewart	Virginia McGlinchey	Joanne Lowry	John Seiverd
John DeRose	William McMenamin	Michael Hull	Sharon Gordon
Pamela Stewart	Scott Kinney	Robert Lowery	Catherine Stanley
Ralph Henry	Thomas DeAngelo	Yvonne Burns	Barbara Goldstien
Malcolm Brown			

⁶⁸ Survey methodology was not able to define how many actual Seaview Harbor **households** these figures represent, or if multiple responses were made from the same household.

⁶⁹ Survey Question 18: "Describe any issues that you may have had with Egg Harbor Township Services". *Presupposes that there are "issues". No questions such as "are you satisfied with any Township Services" are included in the Survey. No questions as to the degree or nature of impact of the "issues" ~ perhaps on a 1-10 scale ~ are asked.*

Survey Question 19: "Please describe any confusion that you experienced regarding being located in Egg Harbor Township (Please list as many as you like)." *Presupposes that there is "confusion". No opt-out language (such as "if any") is included in the question. No questions as to the degree or nature of impact of the "confusion" ~ perhaps on a 1-10 scale ~ are asked.*

Survey Question 20: "Describe any issues you may have had with obtaining emergency services from Egg Harbor Township or would you like to share any issues or stories regarding your experiences with emergency services? (Police, Fire, Ambulance)" *Presupposes that there are "issues". No questions such as "are you satisfied with the provision of Emergency Services" are included in the Survey. No questions as to the degree or nature of impact of the "issues" ~ perhaps on a 1-10 scale ~ are asked.*

Survey Question 21: Please provide any other stories that you wish to share that may help support the case for Boundary realignment." *No questions as to support for remaining in Egg Harbor Township are asked.*

Non-Petitioner but Seaview Harbor resident John Dabek admitted during his testimony that the Survey was "pro-secession".

⁷⁰ Dabek testimony



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B. Seaview Harbor Residents who Reside Elsewhere for Part of the Year

Kevin Kohler of Maple Glen Pa., a section of Upper Dublin Township, Pa.

John Dabek of the Sewell section of Washing Township, NJ⁷¹

Edward McGlinchey of Blue Anchor section of Winslow Township, NJ

Steven Kline of Rydal, Pa.

Dr. Donald Burger of Blue Bell, Pa

Albert Smith of Haddonfield, NJ

Amy Frick of Newtown Square, Pa

C. John Stroebele of Longport, NJ, a non-Petitioner supporter of Deannexation

D. Petitioners' Professionals

Tiffany CuvIELLO, P.P. AICP

Steven E. Ryan, CPA, RVA

E. Township-related Staff and Professionals

Peter Miller, Township Administrator.⁷²

Al Simerson, Township Director of Public Works.

Raymond Davis, Township Police Chief.

Robert Winkler, Township Fire Chief.

Donald Stauffer, Township Fire Official and former Scullville Fire Station Chief.

Leon Costello, CPA, RMA, LPSA, principal of Ford-Scott & Associates, auditing firm
for the Township and the Egg Harbor Township School District.

William Higbee, Jr., Township Director of Ambulance Services.

Katerina Bechtel, CPA, Township School District Business Administrator / Board
of Education Secretary.

**F. Dr. Richard Perniciaro, Ph.D., Vice President of Planning, Research, Facilities &
Executive Support for Atlantic Cape Community College.**

G. Members of the General Public.

⁷¹ Subsequent to the filing of the Petition, Mr. Dabek became a full-time resident of Seaview Harbor

⁷² Mr. Miller is also a member of the Township Golf Course's Board of Trustees.



3.1 CONFUSION OF SEAVIEW HARBOR BEING PART OF LONGPORT

Petitioners assert that Seaview Harbor has historically been viewed as being part of Longport and not Egg Harbor Township. The resultant confusion and loss of identity causes social injury.

94.67% of Survey Respondents reported telling people that they live in Longport as opposed to Egg Harbor Township, and that they had "confusion in explaining" in which municipality Seaview Harbor is located. 47 of the 64 freeform responses to the Public Opinion Survey (73.4%) included some form of address confusion as a reason for seeking deannexation.⁷³

3.1.1 PETITIONERS' TESTIMONY

A. The marketing materials from the original (c. 1957) Seaview Harbor developer as well as those of the subsequent (c. 1970s & 1980s) Seaview Harbor developer indicated that Seaview Harbor was in Longport.⁷⁴

B. Seaview Harbor is assigned to the Longport 08403 Zip Code and not the 08234 Zip Code assigned to the balance of Egg Harbor Township. The Longport Postmaster handles mail for the community.⁷⁵ The Longport Zip Code results in full-time resident drivers licenses having a Longport address.⁷⁶ As a result:

1. Utility and other bills, notices and other mailed correspondence are lost, misdirected or delayed in delivery, often requiring extensive effort to correct.⁷⁷

⁷³ Exhibit S-14: Question 19 "Please describe any confusion that you experienced regarding being located in Egg Harbor Township. (please list as many you like)"

⁷⁴ Exhibits S-7, S-8 & S-9

The freeform response to Survey question 21 states that the "original sales flyers from about 1960 prepared by Carl Metz the original developer... describe Seaview as 'across from Longport" nowhere on them is EHT mentioned."

⁷⁵ Exhibit S-12

⁷⁶ Exhibit S-13

⁷⁷ Non-Petitioner but Seaview Harbor resident Renee Bunting.

Petitioner Virginia McGlinchey testified that she had to write to her Mortgage Company after settlement to explain that she lived in Egg Harbor Township despite her 08403 Zip Code, and the company would not change her address on official forms without supporting documentation. (Exhibit S-39)



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2. Seaview Harbor residents have trouble obtaining municipal and other services which require proof of address.⁷⁸
- C. UPS and other private services do not deliver to Seaview Harbor, deliveries never arrive and visitors have trouble finding their way to Seaview Harbor homes.⁷⁹ In support of this contention, Petitioners submitted screen captures from 2 internet address search engines that do not return Seaview Harbor as an Egg Harbor Township address.⁸⁰
- D. In further support of the assertion that Seaview Harbor is viewed as being in Longport, Petitioners submitted a number of web-based real estate listings showing Seaview Harbor addresses as being located in Longport.⁸¹

⁷⁸ Petitioner John Seiverd testified that he had trouble buying a firearm over the internet since his Longport mailing address was different than the Egg Harbor Township address of his Gun Permit.

Petitioners Albert Smith and Donald Burger testified that they have had trouble getting a resident discount at the Township's Emerald Links golf course because their drivers licenses have a Longport address.

Petitioner Scott Kinney testified that confusion regarding the addresses of Seaview Harbor included problems with real estate closing documents and that contractors have to be reminded that they need to obtain permits from Egg Harbor Township.

Petitioner Sharon Gordon testified that the Appraisal Report attendant to her attempt to refinance her mortgage described her property as being in Longport and being a beach resort town.

Non-Petitioner but Seaview Harbor resident John Dabek submitted Exhibit S-63, which is a letter sent to Mayor McCullough at his Seaview Harbor address and stamped by the post office "return to sender, no such street, unable to forward."

⁷⁹ Exhibit S-110 includes:

- an envelope mailed from Sicklerville to "36 Sunset Blvd., Egg Harbor Twp. NJ 08234" which was Returned to Sender with a label stating "No Such Street. Unable to Forward".
- United States Postal Service web-based address lookup tool (USPS.com) that was unable to find:
 - "36 Seaview Drive, Egg Harbor Township. NJ 08234"
 - "36 Seaview Drive, Egg Harbor Township. NJ"

Conversely, this tool was able to find "27 Diamond Drive, Bargaintown NJ", which is one of the Mainland sections of Egg Harbor Township. In addition to finding the address, this tool provided the full address as "27 Diamond Drive, Egg Harbor Township NJ 08234-9688",

When queried about Longport's Zip Code of 08403, USPS.com correctly identified the City as Longport. When queried about Egg Harbor Township's Zip Code of 08234, USPS.com returned "Egg Harbor Township NJ", "Egg Harbor Twp NJ" and "Egg Hbr Twp NJ", and recognized common queries for "Bargaintown NJ", "McKee City NJ" and "Steelmanville NJ" as Egg Harbor Township.

⁸⁰ Qpzm.com & Address.com (Exhibit S-111)

⁸¹ Exhibits S-98 & S-99

Mr. Dabek testified that he did not realize that Seaview Harbor was in Egg Harbor Township until "the settlement papers came in". Thought it was in Longport.



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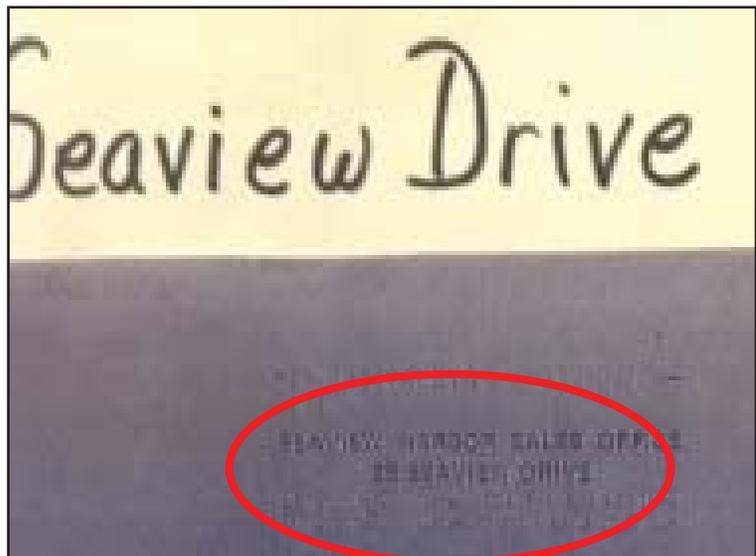
3.1.2 TOWNSHIP RESPONSE⁸²

A. Petitioners mischaracterize the reference to Longport on the various Seaview Harbor marketing materials. Specifically:

- 1. Exhibit S-7
[excerpted below]
actually states that Seaview Harbor is "Opposite Longport on the Longport ~ Somers Point Blvd." [emphasis added]



- 2. Exhibit S-8
[excerpted below]
actually states that the Seaview Harbor Sales Office is located on "25 Seaview Drive, Longport New Jersey 08403" but also states that the project is located "on Ocean Drive, just south of the Longport Bridge". [emphasis added]



⁸² Testimony by Peter Miller, Township Administrator



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3. Exhibit S-9 [excerpted below] actually states that "Seaview Harbor Marina can easily be found... just west of the Longport Bridge on Longport Somers Point Boulevard (State Highway 152) in Longport, Egg Harbor Township, New Jersey".



B. In response to Petitioners' assertions that the mail is not delivered to Seaview Harbor if it contains an Egg Harbor Township address and/or the 08234 Zip Code, the Township submitted correspondence from the Officer-in-Charge of the Atlantic City Post Office⁸³ (which has jurisdiction over mail delivery in Egg Harbor Township and Longport) stating that the "Longport Post Office has been delivering the mail [to Seaview Harbor] for decades and we have never had any complaints of mail delivery due to addressing problems". The Officer-in-Charge continues:

If the mail is addressed correctly with the zip code of 08403, there will be no problems with mail delivery even if they used Egg Harbor Township as the name of the town.

The key to successful mail delivery is utilization of the proper zip code. Utilization of 08234 for a Seaview Harbor address will result in mail not being delivered since it is not the appropriate zip code to use as assigned by the USPS.

⁸³ Exhibit B-9



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In evidence of this protocol, the Township submitted the following permutations of relevant addresses in the Township [*emphasis added*]:

- a utility bill addressed to "27 Diamond Dr. **Bargaintown** NJ 08234"⁸⁴;
- an envelope addressed to "36 Seaview Drive, **Egg Harbor Township**, NJ 08403" which was successfully delivered⁸⁵;
- an envelope addressed to "36 Seaview Drive, **Seaview Harbor**, NJ **08403**" which was successfully delivered⁸⁶;
- correspondence to "36 Sunset Blvd. **Egg Harbor Township**, NJ **08403**" which was purportedly successfully delivered⁸⁷.

C. In response to the web-based real estate listings showing Seaview Harbor addresses as being located in Longport,⁸⁸ the Township submitted 5 web-based real estate listings⁸⁹ showing Seaview Harbor addresses as being located in Egg Harbor Township (albeit with the 08403 Zip Code).

D. In response to the testimony by Petitioners Smith and Burger that they have had trouble getting a resident discount at the Township's Emerald Links golf course because their drivers licenses have a Longport address, Township Administrator Peter Miller⁹⁰ submitted records from the golf course indicating:

- c. There is no record of Mr. Berger playing at the course⁹¹

⁸⁴ Exhibit B-8

⁸⁵ Exhibit B-10

⁸⁶ Exhibit B-11

⁸⁷ Exhibit B-12 (document located in Township files by Township Administrator Miller. No confirmation of receipt by property owner was proffered).

⁸⁸ Exhibits S-98 & S-99

⁸⁹ Exhibits B-43 & B-44

⁹⁰ Mr. Miller is also a member of the Township Golf Course's Board of Trustees.

⁹¹ Exhibit B-50



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- Mr. Smith played the course 6 times between 2007 and 2011 at the Township resident rate; thereby refuting the testimony that he had trouble being recognized as eligible for resident discount at the course and therefore did not play.⁹²

Mr. Miller further testified that prospective golfers must provide proof of an Egg Harbor Township residence in order to receive a residential discount to the golf course. If a driver's license does not indicate an Egg Harbor Township residence, a utility bill will be sufficient. A list of non-08234 Egg Harbor Township streets is on file at the golf course office.

Mr. Miller conceded that a golf course employee may not know that Seaview Harbor is in Egg Harbor Township. However, he did testify that there is no record of anyone being denied play because they were a 2nd homeowner in Seaview Harbor and therefore was not a Township resident.

3.1.3 RVW FINDINGS

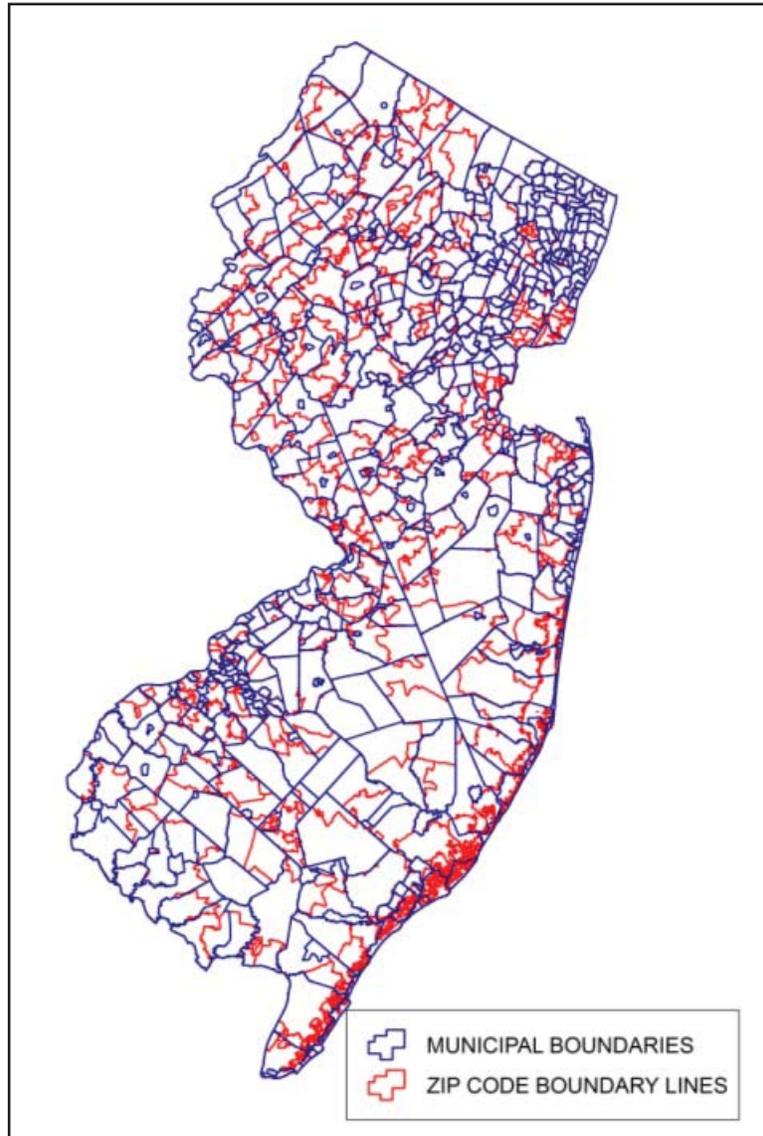
- A. Petitioner Joseph Stewart testified that the original marketing of Seaview Harbor as part of Longport "was a conscience decision". While this may or may not be the case, the materials placed into evidence call into question whether the intent was to identify the community as being *in* Longport or *near* Longport. Such original intent notwithstanding, how Seaview Harbor was marketed 70, 60 and 30 years ago is of no-moment to the current Petition.
- B. Evidence supports Petitioners' assertion that Seaview Harbor's Longport assignment of the 08403 Zip Code may indeed cause confusion and result in certain difficulty when it comes to mail delivery. However, evidence also suggests that use of the proper Zip Code will result in successful mail delivery.

As depicted on Report Graphic 14, Zip Codes that do not follow municipal boundaries are not uncommon. Single Zip Codes often encompass multiple municipalities⁹³ and single municipalities often have multiple Zip Codes.⁹⁴

⁹² Exhibit B-49



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Report Graphic 14⁹⁵

It would appear that the issues faced by Seaview Harbor residents are real. Whether or not they are caused by some combination of system and/or human error, they likely can be ameliorated ~ if not fully cured ~ by educating local mail sorters and carriers as to Seaview Harbor's correct municipality and Zip Code.

⁹³ Local example: the City's of Wildwood and North Wildwood and the Boroughs of West Wildwood and Wildwood Crest, which collectively have Zip Code 08260.

⁹⁴ Local example: Upper Township, whose various sections are assigned the Zip Codes of 08223, 08226, 08230, 08248 & 08270.

⁹⁵ Municipal boundary mapping was downloaded from the NJDEP's GIS website. Zip Code boundaries from www.arcgis.com/home/item.html?id=8d2012a2016e484dafaac0451f9aea24.



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C. Issues with UPS and other private delivery services are likely tied to the Zip Code confusion addressed above. Given the sheer volume of private deliverers, it is less likely that these issues can be fully eliminated. However ~ again, it is likely they can be ameliorated by educating deliverers as to Seaview Harbor's correct municipality and Zip Code.

Within this context, several Petitioners⁹⁶ have testified as to the need to explain to others that Seaview Harbor is located in Longport and not Egg Harbor Township. While such efforts may be an inconvenience, they are no different than any resident of any municipality providing direction to individuals for the first time.⁹⁷

Petitioners' reliance on web-based real estate listings to support their assertion that Seaview Harbor is viewed as being in Longport speaks more to the ignorance of the real estate agents involved ~ or their desire to inflate the perceived attractiveness of the listings ~ than it is reflective of actual confusion over Seaview Harbor's location. A close examination of select pages of Exhibits S-98 and S-99 finds:

Page 1: Subject listed with a "Longport" address.

Maturó Realty, Inc. 11/16/14 10:18 AM

Maturó REALTY, INC.

Home Saved Cart Recent (2)

Michael Laun

9 SUNSET BOULEVARD
Longport Borough, NJ 08403

Listed By: Michael Laun

9819-000 - 3 Beds, 2.5 Baths - 2 Full, 1 Half

⁹⁶ Including, but not necessarily limited to Petitioner Virginia McGlinchey, who testified: "When people ask where do you live at the shore? it is a long drawn out explanation".

⁹⁷This writer recalls having to explain to individuals that his [former] Bartram Avenue residence was in Atlantic City and not Ventnor because it is south of Albany Avenue.



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Page 2: Listing details
 Subject as being within
 "Walking distance to
 Longport / Down-
 beach areas"

Matturo Realty, Inc. 11/16/14 10:18 AM

Property Type: Single Family Home
 MLS #: 432466
 Price: \$819,000
 3 Beds 2.5 Baths (2 Full, 1 Half)
 Garage Size: 3 Year Built: 1965
 Has a Pool

[Navigate Home](#)

DESCRIPTION

THIS BEAUTIFUL HOME ON AN OVERSIZED LOT IS JUST STEPS AWAY FROM THE WATER IN SEAVIEW HARBOR MARINA W/PRIVATE BEACH & WALKING DISTANCE TO LONGPORT/DOWN BEACH AREAS. PERFECT RESIDENTIAL OR VACATION HOME! ANDERSON SLIDING DOORS LEAD TO LARGE PATIO W/IN-GROUND POOL. HARDWOOD FLOORS, CROWN MOLDING, PLANTATION SHUTTERS, BUILT IN GAS REFRIG. RECESSED LIGHTING & CEILING FAN. SECURITY STAR AIRBAGS. PARKING FOR 5 CARS PLUS A BOAT! ORIGINALLY 4 BEDROOM-CAN EASILY BE CONVERTED BACK. A MUST SEE HOME!!

FEATURES

Den	Family Room Level: Main
Laundry room	Pantry
Workshop	Bedroom 1 Level: Upper
Bedroom 2 Level: Upper	Bedroom 3 Level: Upper
Bathroom 1 Level: Upper	Bathroom 2 Level: Upper
Dining Level: Main	Kitchen Level: Main
Living Room Level: Main	Rac Room
Number of rooms: 9	Washer
Dryer	Electric stove
Microwave oven	Dishwasher
Refrigerator	Gas log fireplace(s)
Central air	Forced air heat
Natural gas heat	Attached garage
Automatic garage door opener	Vinyl siding
Porch	Patio
Inground pool	Lot dimension is: 73X100/96.7X101
Corner lot	Lawn sprinkler
Lot size: Less than One Acre	Bar
Central vacuum	Garbage disposal
Trash compactor	Wood floors
Hardwood floors	Wall to wall carpeting
Tile flooring	Wall to wall carpeting
San closet(s)	Smoke alarm
Public sewer	Concrete driveway
	Well water

<http://michaellasin.matturorealty.com/property/detail/SouthJerseyShoreNJ/432466.aspx> Page 2 of 3

Page 1: Subject listed
 with a "Longport"
 address.

9 Sunset Blvd, Longport, NJ 08403 MLS# 432466 - MoveIt

New Homes in Lehigh and Delaware Valleys

Townhomes from \$100's
 Single Family Homes from \$200's
 Click here for details.

Longport, NJ

9 Sunset Blvd
 Longport, NJ 08403
 \$819,000 2,817 sq ft 2 1/2 Baths 1 - Sq Ft

Have a Question?
 MoveIt
 Longport Agent

Name: _____
 Email: _____ Phone: _____

Question (optional):
 I'd like to know more about 9 Sunset Blvd.

See This Home or Make an Offer

Learn More! NEW Community!

Price: \$819,000
 Loan Payment: \$3,081/mo
 Bedrooms: 3
 Bathrooms: 2 1/2
 Size: -
 \$/sqft: -/sqft
 Type: Single Family House
 Year Built: 1965
 Lot Size: 73X100/96.7X101
 Days on MoveIt: 122 days

MLS#: 432466
 Status: Active

<http://www.moveit.com/longport-nj/9-sunset-blvd-longport-nj-08403-432466/> Page 1 of 7





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Page 3: Listing details Subject as being assigned to the Egg Harbor Township School District, but lists schools as Union Avenue, Ross & Tighe Schools, all of which are located *in Margate*, Ocean City High School *in Ocean City*, Mainland High School *in Linwood* and the Charter-Tech High School in Somers Point. None of these schools has a Longport Zip Code.

Schools Near 9 Sunset BLVD, Longport			
School District: Egg Harbor Township School District			
School Name	Type	Distance	MSR
Elementary Schools			
Union Ave Elementary School	Primary	1.52 mi	
Blessed Sacrament Regional School	Elementary	1.99 mi	
William H Ross Iii Intermediate School	Primary	2.17 mi	
Middle Schools			
Eugene A Tighe Mid School	Middle	2.32 mi	
High Schools			
Ocean City High School	High	2.77 mi	
Mainland Regional High School	High	3.22 mi	
Charter-Tech High School	High	3.52 mi	

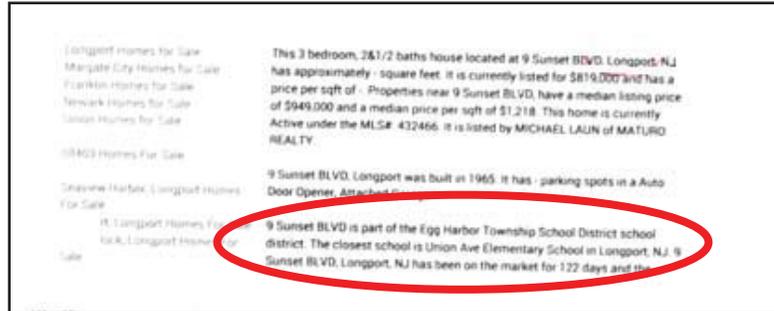
Page 4: lists restaurants in proximity to the Subject that do not exist.

Nearby Points of Interest for 9 Sunset BLVD, Longport		
Name	Address	Distance (mi)
Coffee Shops		
Seashell Coffee House	Margate City	2.00
Sweetmagnolia A Tea Room and More	8409 Ventnor Ave, Margate City	2.00
Groceries		
Wawa Food Market	9300 Ventnor Ave, Margate City	1.32
More		
Gormley Jas W Rev	3 N 29th Ave, Longport	0.61
Joseph Emery	49 N Pelham Ave, Longport	0.62
Heron Francis X Rev	8 N Pelham Ave, Longport	0.65
Stainton's Gallery of Shops	810 Westbury Ave, Ocean City	0.84
Boardwalk Bank	9312 Ventnor Ave, Margate City	1.29
Restaurants		
Shore Club	303 Longport Blvd, Longport	0.13
Islander Restaurant	Longport	0.16
Shore Club Crab House Bar and Grill	301 Longport Somers Point Blvd, Longport	0.22
Romanelli's By the Sea	303 Longport Somers Point Blvd, Longport	0.28
Summerwood	1501 Atlantic Ave, Longport	0.39



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Page 5: names the Closest School as the Union Avenue in Longport (it is in Margate)

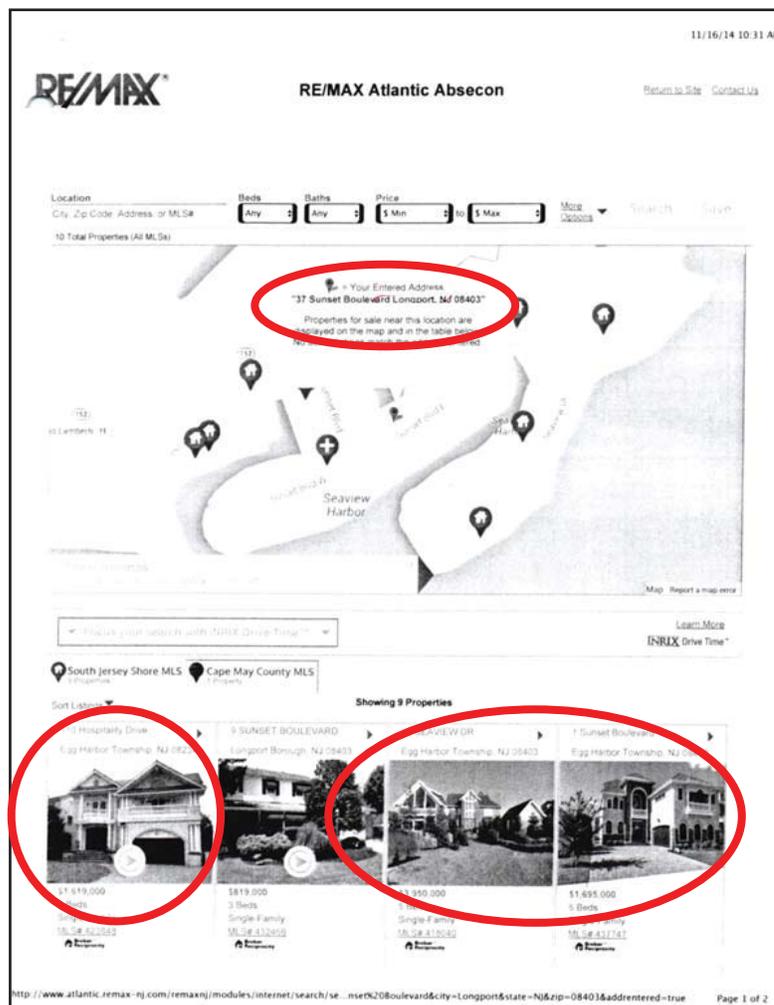


Page 1: Subject listed with a "Longport" address but lists additional properties as:

110 Hospitality Drive
Egg Harbor Township,
NJ 08234

22 Seaview Dr.
Egg Harbor Township,
NJ 08403

1 Sunset Boulevard
Egg Harbor Township,
NJ 08403



Additionally, the map on the listing depicts Seaview Harbor both in its correct location and as part of Longport, depicts Seaview Drive on the island in Longport and pin-maps the listings in Seaview Harbor, in Egg Harbor Township outside of Seaview Harbor and on the island in Longport.



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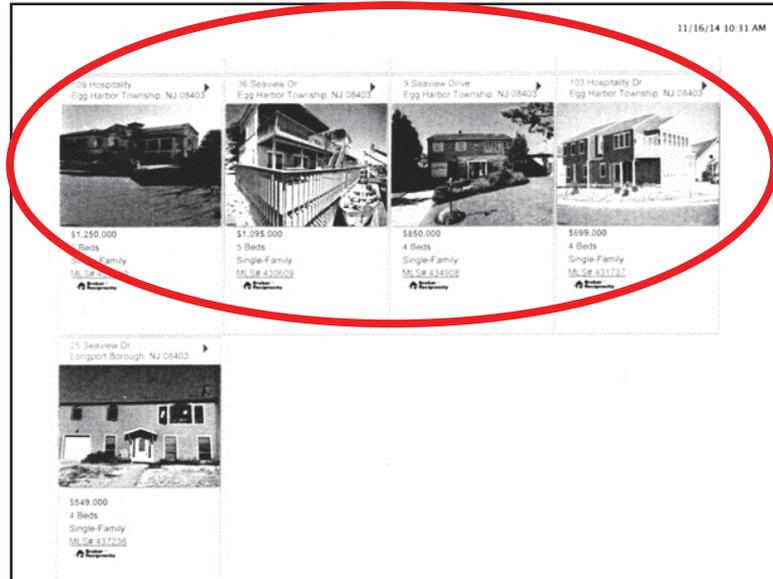
Page 2: Includes listings for additional sales properties as:

109 Hospitality
 Egg Harbor
 Township, NJ 08403

36 Seaview Dr.
 Egg Harbor
 Township, NJ 08403

9 Seaview Drive
 Egg Harbor
 Township, NJ 08403

103 Hospitality Dr.
 Egg Harbor Township,
 NJ 08403



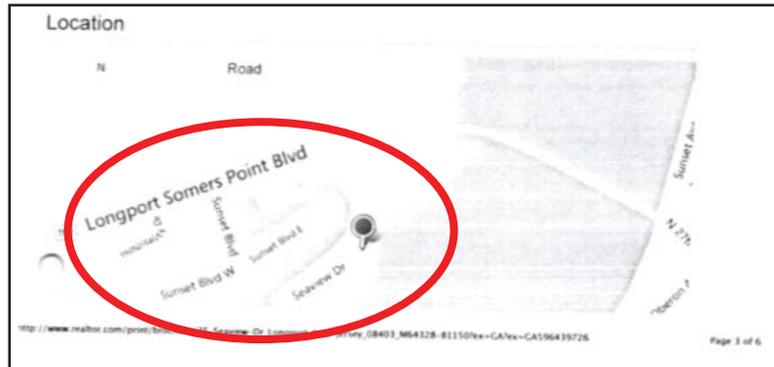
Page 1: Subject listed with a "Longport" address.



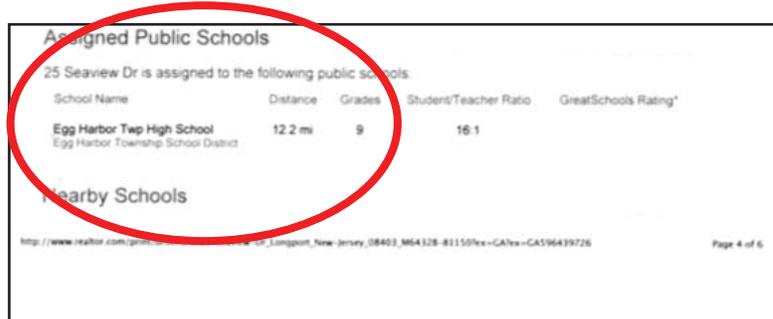


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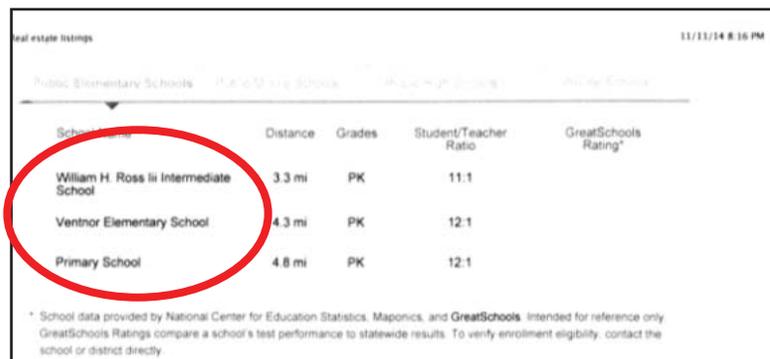
Page 3: The map on the listing depicts the property on the island in Longport.



Page 4: Listing details Subject as being assigned to the Egg Harbor Township School District, and indicates that students attend the Egg Harbor Township High School while...



Page 5: names the nearby Schools as the Ross Intermediate School (which is located in Margate) and the Ventnor Elementary School (in Ventnor).





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One listing for 36 Seaview Drive states its location in "Egg Harbor Township NJ 08234"...

Jeff Quintin | Real Estate Super Team
We put the Real in Real Estate.

36 Seaview Drive Egg Harbor Township, NJ

Price: \$1,000,000
MLS: 411312
Address: 36 Seaview Drive Egg Harbor Township, NJ 08234
Type: Single Family

Listing: Residential
Bedrooms: 5

Call 24hr for more info
1.800.789.4352 ext. 2781
Call Us: 609.398.JEFF (5333)
Your South Jersey, Ocean City
New Jersey Real Estate Specialist
jquintin@jeffquintin.com

Description
Location location location, one of the best views in South Jersey along this amazing bayfront. Perfect for your future dream home or development opportunity, huge 6 bedroom, 3 1/2 baths, over 4000 square-foot home, on huge lot 52 x 150 with another 150 foot riparian Grant. Two 70 ft deep water boat slips, upside down living, gas heat, central air, huge bayfront decks, updated kitchen, awesome ocean views down the street to Longport, and, sunset, sunrise views and easy access to the inlet. A boaters dream. Recent huge reduction, motivated seller. (reduction in consideration for taxes)

...while a second listing from the same realtor during the same time period lists the same property as "Egg Harbor Township NJ" but maps the property in the Marmora section of Upper Township.

Finally, several of the listings include a disclaimer to the effect that the information contained in the listings 'is deemed to be accurate but is not guaranteed', suggesting that prospective purchases are to conduct their own due diligence and calling into question the validity of the document for exhibit purposes.



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E. It would appear that difficulties faced by Seaview Harbor residents obtaining membership or a resident discount at the Township's golf course because their drivers licenses have a Longport address are caused by human error that likely can be ameliorated ~ if not fully rectified ~ by educating golf course employees as to Seaview Harbor's correct municipality and Zip Code. While it may be an inconvenience, the presentation of a utility bill will address the issue for Seaview Harbor's second-home residents.

Similarly, while an inconvenience, issues related to Petitioners difficulty in obtaining firearms permits⁹⁸, insurances or other goods and services where proof of address is required are likely curable with the presentation of additional information. And reminding contractors that permits are required from Egg Harbor Township, while an inconvenience, would appear to be a minor issue.

F. It is recommended that Petitioners' assertions of confusion as to Seaview Harbor's host municipality during real estate closings and on mortgage documentation are not credible given the volume of recordable information required for such transactions, including Property Surveys and Title Searches.

3.1.4 RVW RECOMMENDATIONS

While the testimony and Exhibits ~ taken as a whole ~ support Petitioners' assertion of confusion over the municipality in which Seaview Harbor is located, the individual difficulties cited are relatively minor in nature and likely easily ameliorable, if not curable. It is therefore recommended that they do not rise to the level of "long term, structural, and inherently irremediable 'detriment' that... the Legislature had in mind" when it adopted the Deannexation Statute."⁹⁹

⁹⁸ Two freeform response to the Public Opinion Survey (Exhibit S-14) stated [Emphasis added]:

Gun permit. It was a nightmare when purchasing a gun because the permit was for EHT and my licenses was from Longport. I spent hours proving and explaining the relationship between the two.

When I purchased a gun I had to show my fire arms permit which I obtained from the Township, but when I presented my driver's license it has a Longport address. the store employe stated the fire arm's permit must match my driver's license address for me to purchase a gun. After numerous delays and confusion I finally got my gun.

⁹⁹ Avalon Manor



3.2 SOCIAL INJURY

Numerous Petitioners cited their affinity with and connection to Longport that they do not share with Egg Harbor Township as a reason for desiring to become part of Longport. Responses to the Public Opinion Survey indicated:

- A. 2.67% reported "primarily food shopping" in Egg Harbor Township.^{100,101}
- B. 1.33% reported attending Church in Egg Harbor Township. 65.33% reported attending in Longport.¹⁰²
- C. 13.33% reported "normally" going to restaurants in Egg Harbor Township.^{101,103}
- D. 4% reported "normally" going for social activities in Egg Harbor Township. 56% reported socializing in Longport.¹⁰⁴
- E. 1.33% reported utilizing medical services in Egg Harbor Township.^{101,105}
- F. 1.33% reported utilizing Egg Harbor Township parks and recreation facilities and the Township branch of the County Library system.¹⁰⁶

Additionally, several freeform responses to the Survey¹⁰⁷ indicated that Seaview Harbor residents ~ including their school-aged children ~ faced social injury due to the distance

¹⁰⁰ Total responses exceed 100%, suggesting that residents patronize food stores in multiple municipalities.

¹⁰¹ Longport was not an option in the Survey (although "other" was a choice).

¹⁰² Total responses exceed 100%, suggesting that residents worship in multiple municipalities.

¹⁰³ Total responses exceed 100%, suggesting residents dine in multiple municipalities.

¹⁰⁴ Total responses exceed 100%, suggesting residents socialize in multiple municipalities.

¹⁰⁵ Total responses exceed 100%, suggesting residents utilize medical services in multiple municipalities.

¹⁰⁶ No query was made as to whether or not residents use the Longport branch of the County system.

¹⁰⁷ Exhibit S-14



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between Seaview Harbor and the Township's schools and the time children would have to spend riding the school bus.¹⁰⁸

3.2.1 PETITIONERS' TESTIMONY

A. In addition to the responses to the Public Opinion Survey, Petitioners testified that they:

1. "Always considered themselves Longport",¹⁰⁹ that they identify as part of Longport and they always thought they lived in Longport.¹¹⁰
2. Feel Longport and Seaview Harbor to be the same community and do not feel that they are a part of the Egg Harbor Township community".¹¹¹
3. "Don't connect with Egg Harbor Township residents but do connect with the barrier island and coastal communities". The Survey confirms that 'nobody' participates in Township community activities.¹¹²

¹⁰⁸ • One respondent stated their grandchildren attend school in EHT, which required them to drive for 20 minutes from Seaview Harbor to get to their school or house.... It seems to them far away even though they are in the same Township.

- One respondent (presumably Petitioner John Seiverd) stated his children go to St. Joseph's Regional School. He wanted them to attend Margate public schools "where all their friends go", but that was outside of the Egg Harbor Township School district. When he approached EHT, he was informed that the children could not go to Margate and had to go to EHT. As a result, his children "do not have any friends in EHT because it is too far away to do activities".

This respondent stated that his children "would be the first children picked up for school and the last dropped off (EHT school district purportedly indicated that his children "would be picked up at 6:45 a.m. and dropped off at 4:00 p.m...., resulting in a 2½- hour daily commute and a 9¼-hour school day. This was considered too onerous for his children, so he enrolled them in private school.

This has resulted in an "alienation of friends". All his children's friends are from Margate, Longport and Ventnor. "They do not have many friends from EHT because it is too far away". As such, "not being able to have [his] children attend Margate [schools] has hurt their childhood friendships.

¹⁰⁹ Non-Petitioner but Seaview Harbor resident Kevin Kohler

¹¹⁰ Non-Petitioner but Seaview Harbor resident Renee Bunting.

¹¹¹ Petitioner William McMenamin, who moved from Longport to Seaview Harbor. Other Petitioners and resident non-Petitioners echoed this sentiment.

¹¹² Non-Petitioner but Seaview Harbor resident John Dabek, part time resident of Seaview Harbor since 2010 and became a full-time resident in 2014

Mr. Dabek further testified that the residents of Seaview Harbor "feel they have a loss of identity [given] their Longport address" and that the "identity of Seaview Harbor is more like Longport than Egg Harbor Township". This sentiment is reinforced since residents "must pass through other towns to get home" (the reference being the necessity to travel through Somers Point or Margate and Longport to access Seaview Harbor from the Mainland).



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4. Frequent Longport's Beaches, playgrounds and Places of Worship, dine in Longport or Somers Point and socialize in Ventnor, Margate, Longport and Somers Point.
 5. Were motivated to secession by the love of the shore of Seaview Harbor as a community but not the larger Township. Does not think of Egg Harbor Township as a seashore community. Does not think Anchorage Poynte as the same as Seaview Harbor. Accordingly, "within the boundary of Egg Harbor Township, Seaview Harbor is unique".¹¹³
 6. Focus their lives on / around Margate, Longport and Ocean City and do nothing in Egg Harbor Township.¹¹⁴ Their lifestyles are in Longport¹¹⁵ and Egg Harbor Township has nothing to do with the Seaview Harbor community. "They are just too far away".¹¹⁶
- B. Petitioners' affinity to Longport is reinforced by Ms. Cuiello, who states in her report:

The residents of Seaview Harbor find themselves as part of the community fabric in Longport. This is in the most part due to their proximity and their similar community attributes.¹¹⁷

To this day the residents and businesses in Seaview Harbor are assigned a Longport mailing address and rely on Longport for many of their social and emergency services.¹¹⁸

To support this assertion, Ms. Cuiello cites¹¹⁹ the Public Opinion Survey which purports to inform the Planning Board as to "where the [Seaview Harbor] residents participate in social activities... as a guide in understanding the struggles and challenges faced by the residents as a community in EHT". Ms. Cuiello cites Survey responses indicating that the residents of Seaview Harbor:

¹¹³ Petitioner Ed McGlinchey

¹¹⁴ Petitioner Scott Kinney & Non-Petitioner but Seaview Harbor resident Andre Khoury.

¹¹⁵ Non-Seaview Harbor but Egg Harbor Township resident Jim Frazer

¹¹⁶ Non-Petitioner but Seaview Harbor resident Sandra Redding.

¹¹⁷ Exhibit S-64: p. 4

¹¹⁸ Exhibit S-64: p. 12

¹¹⁹ Exhibit S-64: pp. 21-22



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B. In response to Petitioners' assertion that the residents of Seaview Harbor socialize in Longport and see themselves as part of Longport, Township Administrator Miller submitted an article from the Press of Atlantic City¹²² reporting on the minutes from the Seaview Harbor Homeowners Association meeting of October 18, where Non-Petitioner but Seaview Harbor resident Ed McGlinchey "claimed that [Longport Mayor Nicholas] Russo "had advised Seaview Harbor residents to begin socializing more with the residents of Longport". The minutes read "The mayor felt our community [i.e., Seaview Harbor] should mingle with the residents of Longport in an effort to make our presence known i.e., hosting a senior citizen mingle, attending meetings, etc."

In submitting this article, Mr. Miller suggested that if Petitioners actually did socialize, attend civic events and otherwise participate in Longport, their presence would be known and the Mayor would not have made this statement.

3.2.3 RVW FINDINGS

A. Petitioners' assertion that the minimal number of Survey respondents reporting that they did their primary food shopping in Egg Harbor Township somehow demonstrates their affinity for Longport is negated by the fact that there are ***no food markets of any appreciable size*** in Longport.

Similarly, the assertion that the overwhelming number of respondents shopping in Margate and Somers Point reflects a dissatisfaction for Egg Harbor Township is more likely due to the fact that the food stores closest to Seaview Harbor are the ACME and Shop Rite in Somers Point and a WaWa convenience store and Cassel's supermarket in Margate.

The record does not support a contention that the location of food shopping represents a social detriment. People shop where it is most convenient.

Finally, Petitioners' shopping habits will not change should deannexation occur.

¹²² Exhibit B-87



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B. Petitioners' assertion that the overwhelming number of Survey respondents reporting that they attend Church in Longport¹²³ somehow demonstrates their affinity for Longport and/or that the minimal number of Survey respondents reporting that they attend in Egg Harbor Township somehow reflects a dissatisfaction for Egg Harbor Township is more likely due to the present religious makeup of Seaview Harbor's residents than an affinity / lack thereof for a particular municipality.

Places of Worship in Longport are the Roman Catholic 'Church of the Epiphany' and the Episcopalian 'Church of the Redeemer'. Accordingly, only Catholics and Episcopalians can worship in their denomination in Longport.¹²⁴ A (limited) sampling of Places of Worship in proximity to Seaview Harbor finds that individuals of other faiths seeking services would need to attend Places of Worship as follows:

FAITH	ATTEND
Jews	Depending on denomination, Margate, Ventnor, Northfield or Atlantic City
Muslims	English Creek Avenue in Egg Harbor Township or Atlantic City
Presbyterians	Ocean Heights Avenue in Egg Harbor Township, Pleasantville or Ocean City
Baptists	West Jersey Avenue or Ocean Heights Avenue in Egg Harbor Township, Linwood, Northfield, Pleasantville or Atlantic City
Methodists	Zion Road in Egg Harbor Township, Northfield, Pleasantville or Ocean City
Greek Orthodox	Ridge Avenue in Egg Harbor Township or Atlantic City
Hindus	Atlantic City, Absecon or Galloway Township

Report Table B

Accordingly, Survey responses do not demonstrate an affinity for worshiping in Longport as much as they demonstrate that respondents are Catholic or Episcopalian who worship where it is most convenient. In fact, the wording of the Survey question ~ "Where do you attend **Church?**" [**emphasis added**] ~ suggests a lack of expected respondents who may worship in temples, synagogues, mosques, meeting rooms or other Places of Worship. Were Seaview Harbor residents to be of other faiths, different Survey responses would be expected.

¹²³Total responses exceed 100%, suggesting that residents worship in multiple municipalities.

¹²⁴Petitioner Barbara Goldstein, a "long-time resident of Seaview Harbor", testified that she attends Praise Tabernacle Church in Egg Harbor Township.



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While attending Church in Longport might be a significant issue for the current residents of Seaview Harbor, this may not continue as the neighborhood organically transforms over time. While any adjustment of municipal boundaries will be permanent, the impact is only **guaranteed** to favor the current residents ~ and perhaps only the Catholic and Episcopalian residents ~ of Seaview Harbor; and may end up being of no benefit to future residents.

Finally, Petitioners' Places of Worship will not change should deannexation occur.

- C. Petitioners' assertion that the low number of Survey respondents reporting that they frequent restaurants in Egg Harbor Township or that the large percentage of respondents who reported dining in Margate, Somers Point, Atlantic City and elsewhere¹²⁵ is somehow a reflection on Egg Harbor Township is more likely a recognition of the sheer volume and variety of restaurants outside of Egg Harbor Township than it is an expression of affinity / lack thereof for a particular municipality.

The record does not support a contention that the location of restaurants represents a social detriment. People eat where it is enjoyable, and will travel great distances for a good meal.¹²⁶

Finally, Petitioners' dining habits will not change should deannexation occur.

- D. Petitioners' assertion that the large number of Survey respondents reporting that they 'normally socialize' in Longport and the low number of respondents reporting that they socialize in Egg Harbor Township demonstrates an affinity for Longport and not Egg Harbor Township is credible. However, the numbers also support an affinity with Margate (68%), Ocean City (41.33%) and Somers Point (28%) which, when taken collectively, far outnumber Longport.¹²⁷

¹²⁵ Total responses exceed 100%, suggesting residents dine in multiple municipalities.

¹²⁶ Interestingly, Exhibit S-67 notes that New Jersey Magazine's 2010 Summer guide lists the top attraction in Longport as the Caffe Luciano restaurant ~ which is located in Seaview Harbor in Egg Harbor Township.

¹²⁷ Total responses exceed 100%, suggesting residents socialize in multiple municipalities.



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Reasons for favoring municipalities other than Egg Harbor Township include the ability to enjoy their beaches, nightclubs, bicycling opportunities, races and summer activities. While Egg Harbor Township can boast of many, if not all, of these offerings, the amenities offered by southern New Jersey's oceanfront communities are renowned.

Longport Mayor Russo advised Seaview Harbor residents to "**begin** socializing in Longport" [**emphasis added**], combined with Mr. McGlinchey's statement wherein he did not refute the Mayor's sentiment but added that "the mayor felt our community should mingle with the residents of Longport in an effort to make our presence known"¹²⁸ is compelling evidence to suggest that the level of socializing that Seaview Harbor's residents do in Longport may not be as significant as the Board is being asked to believe.

Ms. CuvIELLO's statement that Seaview Harbor residents "primarily rely on Longport" for "amenities, social clubs, entertainment and other similar items"¹²⁹ does not account for Survey responses indicating facilities in Margate, Somers Point, Ocean City, Atlantic City and other neighboring municipalities and is therefore somewhat misleading.

Finally, Petitioners' social habits will not change should deannexation occur.

- E. Petitioners' assertion that a large number of Survey respondents reporting the use of medical facilities in Somers Point and elsewhere¹³⁰ somehow demonstrates a dissatisfaction with Egg Harbor Township is belied by the fact that Shore Medical Center¹³¹ is located in Somers Point, and that medical offices typically locate in proximity to hospitals.

The record does not support a contention that the location of medical offices represents a social detriment. The choice of a medical provider is not location-dependent, and people will travel great distances to see their doctors.

¹²⁸ Exhibit B-87

¹²⁹ Exhibit S-64: pp. 21-22

¹³⁰ Total responses exceed 100%, suggesting residents utilize medical services in multiple municipalities.

¹³¹ Formerly Shore Memorial Hospital



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Finally, as with many of the issues raised by Petitioners', the ability to access medical services will not change should deannexation occur.

- F. Petitioners' assertion that the overwhelming number Survey respondents reporting that they did not utilize the library, parks or recreation facilities in Egg Harbor Township, as well as the testimony that Seaview Harbor residents utilize the Longport and Ocean City Library and that their children participate in sports and recreation programs in Margate and Somers Point as well as in Egg Harbor Township^{132,133,134} demonstrates a lack of affinity for Egg Harbor Township is credible.

However, as with other Petitioners' assertions, the record does not support a contention that the non-Township location of these amenities represents a social detriment. The reasons for favoring municipalities other than Egg Harbor Township for recreation include proximity to Seaview Harbor as well as the particular amenities that are offered.

Again, as with many of the issues raised by Petitioners', access to these amenities will not change should deannexation occur.

- G. Testimony from long-time Seaview Harbor residents as to their feeling a part of Longport but not Egg Harbor Township are credible. Conversely, similar testimony from residents who moved to Seaview Harbor more recently and who therefore could not have developed the deep ties to either Egg Harbor Township or Longport are less credible.
- H. Testimony from Petitioners who testified as to their love of the shore and Seaview Harbor and who do not think of Egg Harbor Township as a seashore community, while credible, would seem to be motivated by a sentimental attachment to their neighborhood. As suggested by the Supreme Court in West Point Island, sentiment is not a valid motivation in the context of municipal deannexation.

¹³² Petitioner Virginia McGlinchey

¹³³ Petitioner John Seiverd.

¹³⁴ Non-Petitioners but Seaview Harbor residents Lynne Fiori & Sandra Redding.



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This same motivation ~ leading to Petitioners' to view Seaview Harbor as "unique within the boundary of Egg Harbor Township" ~ would appear to correlate with the Court's sentiment in Avalon Manor. While specifically addressing the value of the Avalon Manor community, Judge Perskie suggested that deannexation of such a community would have "implications for the Township's 'social diversity' and 'prestige and social standing' such that 'the loss of such a... sector of the municipality of necessity would inflict a significant 'social injury' on the Township and its ability to continue to attract the kinds of residents - desirable in any community ~ that have successfully developed Avalon Manor".

- I. Evidence of the contribution that Seaview Harbor's residents have had on the development and governance of Egg Harbor Township as it transitioned from a rural-to-suburban municipality cannot be underestimated. And while current participation may not equal the levels of past years, this need not continue.

Seaview Harbor boasts a proud tradition of civic involvement, including, but not limited to, successfully lobbying the Township for public sewer;¹³⁵ traffic light at the intersection of Route 152 and Hospitality Drive;¹³⁶ and having trash pickup days moved from Wednesdays to Mondays¹³⁷.

¹³⁵ Testimony of Non-Petitioner but Seaview Harbor resident Kevin Kohler & Petitions' financial expert Steven Ryan.

¹³⁶ Exhibit S-71: 1993 Letter from the Township to the New Jersey Department of Transportation ("NJDOT") requesting increased street lighting on N.J.S.H. 152

Exhibits B-69, B-70, B-71, B-72 & B-73: Packet of correspondence between the Township and NJDOT (dated between 1990 and 1994) regarding the Township's request for a traffic control light at the intersection of N.J.S.H. 152 and Seaview Drive. Includes Township Resolutions 300-1990, 269-1994 and 55-2003 whereby:

- NJDOT initially denied the request, stating that their analysis finds that a light at this location is not warranted.
- The Township repeatedly attempts to persuade NJDOT of this need.
- NJDOT approves the request (2003), with the Township committing to fund the electrical costs for the installation.

Exhibit S-82: 2000 Seaview Harbor Community Association Newsletter stating that "the Club was unsuccessful in getting the Township to put a traffic light at the east entrance to community".

Exhibit S-101:

- 2008 Seaview Harbor Community Club minutes stating "the Township has given authorization to install a light fixture at Sunset and Hospitality", and that "the Club will pick up the cost of same".
- 2009 Seaview Harbor Community Club minutes stating "the Township has installed a streetlight at the intersection of Sunset and Longport Blvd. at no cost to the residents. A letter will be sent to the Township thanking the Mayor and Council for their consideration to the Community."

Exhibit B-85: 2009 Letter from the McGlinchey's thanking the Township for the traffic light.

¹³⁷ Exhibits S-81 & S-101



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Indeed, this deannexation process represents Petitioners participation in the Township's civic affairs and may lead to increased civic involvement into the future.

- J. The sentiment expressed by the Seaview Harbor grandparent that a 20-minute drive to their grandchildren's Township school and home is somehow excessive¹³⁸ may rise to the level of detriment if the child lived in Seaview Harbor and grandparent was the child's primary caregiver. As this does not appear to be the case, it cannot be said that an occasional 20-minute drive to attend a school program constitutes a detriment.
- K. The fact that certain Seaview Harbor children face a difficult situation because they do not live in proximity to their friends and classmates ~ while regrettable and distressing ~ must be viewed within the context of the choices made by the family:
1. Petitioner John Seiverd testified that his daughter attended preschool at the Jewish Community Center ("JCC") in Margate from 6 months to 5 years of age. For kindergarten, he and his wife wanted to send their daughter to the Margate School System, but were informed that Margate is outside of the Township's school district, so this would not be possible.

They then explored sending her to the Dawes Avenue School in Somers Point, but they (or their daughter) "didn't know anyone there". They then explored Ocean City, "but couldn't afford it".

They then explored the Township's Slaybaugh Elementary School. As with the Dawes School, they (or his daughter) "didn't know anyone there". Additionally, the Seiverds viewed the Slaybaugh School as being "too big", with "no chance that their daughter could do an activity in the school". Additionally, given the amount of time they were purportedly told that their daughter would have to spend on the bus, they elected against this school.

As a result, they are sending their daughter to St. Joseph's school in Somers Point. Mrs. Seiverd drives her to school.

¹³⁸ Exhibit S-14



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2. One of ~ if not **the** ~ most important decisions that parents make is the location where they wish to raise their family. Many factors ~ and tradeoffs ~ go into such a decision, including, but certainly not limited to, the physical character of the neighborhood, whether or not the neighborhood contains children or is likely to contain children in the future, whether or not they desire a public or private school education and, if the former, the quality of the public schools within the municipality and the capture area of the neighborhood.

The Seiverds selected a unique waterfront community in which to raise their family. However, this choice came with a tradeoff. Seaview Harbor does not ~ at present ~ contain a larger number of school-aged children and is not in what some would consider 'close proximity' to a school. As a result, the family was forced to make certain choices when it came to educating their children.

- a. Students attend the Margate JCC preschool from throughout the South Jersey region. It was predicable that friendships made during their daughter's tenure there would be interrupted when it came time for her to go to public school.
- b. Children not knowing anyone in a new school is not uncommon and was likely experienced by young Miss Seiverd on her first day at St. Joseph's School in Somers Point.
- c. The size of the Slaybaugh Elementary School and resultant inability for their daughter to engage in activities is not substantiated. While the class sizes in Slaybaugh may not be as small as other local school systems,¹³⁹ there was no testimony as to what activities might have been desired and if-or-how Miss Seiverd may have been excluded.
- d. The time the Seiverds were purportedly told that their daughter would spend on the school bus is countered by Mr. Seiverd's testimony that the Township's

¹³⁹ Slaybaugh class size is generally in the low-to-mid 20s.



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School System does not bus students from Seaview Harbor, electing instead to reimburse parents \$884 annually for expenses in transporting their children.¹⁴⁰

3. Mrs. CuvIELlo includes in her report a MapQuest analysis of the distances from Seaview Harbor to the various Township Schools.¹⁴¹ As relates to children from Seaview Harbor, this analysis demonstrates:

- Distance to Slaybaugh Primary & Elementary Schools ~ Grades K - 3: 7.8 miles.
- Distance to Miller School ~ Grades 4 & 5: 11.3 miles.
- Distance to Fernwood Middle School ~ Grades 6 – 8: 10.8 miles.
- Distance to Egg Harbor Township High School: 9.8 miles.

An inquiry on this matter to Katerina Bechtel, Business Administrator and Board Secretary for the Egg Harbor Township School District, revealed that the Township currently buses students from Anchorage Poynte to Township schools. Reported travel times are:

- Swift Primary & Elementary Schools¹⁴² ~ Grades K - 3: 6:55 a.m. pickup for 7:15 a.m. drop-off: 20 minute travel time.¹⁴³
- Miller School ~ Grades 4 & 5: 8:10 a.m. pickup for 8:30 a.m. drop-off: 20 minute travel time.
- High School: 6:50 a.m. pickup for 7:20 a.m. drop-off: 30 minute travel time.

For Seaview Harbor children, Mrs. Bechtel indicates an additional 5 minute travel time should be added.

¹⁴⁰ Exhibit B-113 / F-1

¹⁴¹ Exhibit S-64: p.30

Distances to the Davenport Primary and Elementary Schools ~ Grades K – 3: 12.1 miles and the Alder Avenue Middle School ~ Grades 6 – 8: 11.7 miles are not relevant since Seaview Harbor children would not be expected to attend these schools.

¹⁴² Presumably, Seaview Harbor students would attend this school and not Slaybaugh. However, since Swift and Slaybaugh are located next to each other, no change in travel time would occur.

¹⁴³ This 40-minute daily bus time (20 minutes to & 20 minutes from school) is considerably less than the 1.5 hour time as testified by Petitioner John Seiverd.



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A MapQuest analysis of the distances / travel times from Seaview Harbor to:

- The Ross Elementary School in Margate: 2.4 miles & 7 minutes.
- The Tighe Middle School in Margate: 2.6 miles & 7 minutes.

Historically, Longport students attended Atlantic City High School. The Borough recently entered into a send / receive relationship with the Ocean City School System whereby families can now chose to send children to either Atlantic City High School or Ocean City High School.

MapQuest reports the distance / travel time from Seaview Harbor to Atlantic City High School as 7 miles and 18 minutes.

There are 2 routes from Seaview Harbor to Ocean City; the closest being via the Ocean Avenue toll bridge¹⁴⁴ and the other being the 9th Street causeway, which has no tolls. A MapQuest analysis of these distances / travel times from Seaview Harbor finds:

- Seaview Harbor to Ocean City High School via Ocean Avenue toll bridge: 3.6 miles & 9 minutes
- Ocean City High School via 9th Street Causeway: 7.2 miles & 13 minutes.

A summary of these travel distances is found on Report Table C.

	EHT SCHOOLS	MARGATE / OCEAN CITY / ATLANTIC CITY SCHOOLS
Elementary School	25 minutes	7 minutes
Middle School	25 minutes	7 minutes
High School	35 minutes	18 minutes to Atlantic City High School
		9 minutes to Ocean City High School via the Toll Bridge
		13 minutes via to Ocean City High School via the 9 th Street Causeway

Report Table C

¹⁴⁴ Tolls are \$1.50 per trip. Discount tickets are available to reduce the per-trip toll to \$1.20 per trip.



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This office concurs that the Township's schools are further away from Seaview Harbor than the schools in Margate / Ocean City / Atlantic City. The impact on the younger children spending longer commute times to school is something that must be weighed by each individual family.

As discussed, proximity to schools is one of the many factors that parents must weight when selecting a home. Such choices often come with tradeoffs. We do not believe that a 25 minute bus ride to/from school is a tradeoff that rises to, in the words of Ms. Cuvillo, a "significant detriment to the social well-being" of Seaview Harbor.

- L. While "cultural" and "intellectual activities" were not specifically addressed during the hearing process, one can extrapolate from Petitioners' testimony that a lack of participation in the Township's social network would extend to these pursuits, and that such lack of participation could be attributed to Seaview Harbor's distance from the Mainland portion of the Township.

3.2.4 RVW RECOMMENDATIONS

In its decision in Ryan, the Court considered the kind of evidence that may be relevant to the issue of 'social detriment' in the context of a deannexation hearing; suggesting that social detriment might be found in:

- a community's being deprived of the petitioner's participation in the religious, civic, cultural, charitable and intellectual activities of the municipality;
- their meaningful interaction with other members of the community;
- their contribution to its [the host community's] prestige and social standing;
- the part they play in general scheme of their municipality's social diversity; and
- (conceivably) the wholesome effect their presence has on racial integration.



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In presenting these factors, the Court stressed that the foregoing:

are, of course, values which undergo change with the times and are accorded different weight depending in part on the composition of the community and its governing body.

With Ryan as context, the following is offered:

A. Petitioners' Participation

1. Egg Harbor Township has not been deprived of Petitioners' participation in the religious, civic, cultural and intellectual activities of the municipality.

Historically, residents of Seaview Harbor have been exceedingly active in the Township's civic affairs. The fact that the residents do not appear interested in participating in the Township's religious, cultural or intellectual activities, while disappointing (and to an extent disturbing), does not rise to the level of detriment.

2. To the extent that Seaview Harbor residents contribute to the Longport Volunteer Fire Company, Longport Ambulance Squad and the Longport Police Department¹⁴⁵ and not the Township's Fire, Ambulance and Police, Egg Harbor Township is being deprived of Petitioners' participation in the charitable activities of the municipality.
3. Petitioners are not being deprived of the ability to participate in the religious, civic, cultural, charitable and intellectual activities of Egg Harbor Township.
 - a. The fact that current residents of Seaview Harbor attend religious services in Longport appears to be more an accident of denomination as opposed to an inherent defect due to proximity or location.
 - b. Currently, Seaview Harbor residents participate in the Township's governing Body, Planning Board and Economic Development Commission. While not at

¹⁴⁵ Exhibit S-14



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the level of prior years,¹⁴⁶ residents desiring to participate could seek appointment if they so desired.

- c. The contributions that Seaview Harbor residents make to Longport's Volunteer Fire Company and Police Department is a recognition that Longport is the first responder to emergency situations at Seaview Harbor under Mutual Aid, and not the result of being deprived of the opportunity to contribute to Township-based charities.
- d. As referenced by numerous Petitioners, Seaview Harbor is an older community that does not contain a large number of school-aged children.¹⁴⁷ As such, any detriment to social well-being experienced by the few families with children, if at all, would not extend to the entire community.
- e. The only references to "cultural" or "intellectual activities" made during the hearing process were comments made by Petitioners regarding their children's / grandchildren's attending / not attending Township schools. Within this context:
 - i. The sentiment expressed by the Seaview Harbor grandparent that a 20-minute drive to their grandchildren's Egg Harbor Township school and home is somehow excessive¹⁴⁸ may rise to the level of detriment if the child lived in Seaview Harbor and grandparent was the child's primary caregiver. As this does not appear to be the case, it cannot be said that an occasional 20-minute drive to attend a school program constitutes a detriment.
 - ii. The fact that certain Seaview Harbor children face a difficult situation because they do not live in proximity to their friends and classmates does constitute a social detriment ~ albeit one based on the choice of

¹⁴⁶The reason that civic participation is less than historical levels may be attributable to a combination of a reduced number of residents making Seaview Harbor their permanent / full-time residence (57.33% of Survey respondents reported that they are not full-time residents of Seaview Harbor) and a lack of desire on the part of the full-time residents to serve.

¹⁴⁷ Ms. CuvIELLO reports 9 children in 5 households. (Exhibit S-64: p. 19)

¹⁴⁸ Exhibit S-14



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neighborhood and schools made by the children's parents, and one that will not change should deannexation occur.

4. Petitioners' testimony suggests that they are not being deprived of their ability to participate in the religious, cultural, charitable or intellectual activities of Longport. However, their Egg Harbor Township residency does prohibit them from voting in Longport's elections and from participating in certain of the Borough's civic offerings.
- B. Petitioners' testimony supports their lack of meaningful interaction with other members of the Township community.
- C. In discussing the impact that deannexation would have on the 'contribution to prestige and social standing' of the host municipality, the Avalon Manor Court found that the loss of the "intangible enhancements to the municipality of one of its nicest areas constituted a "significant injury" to the well-being of the Township.

The record is replete with Petitioners' statements and exhibits regarding the uniqueness of Seaview Harbor.¹⁴⁹ Conversely, with the exception of the restaurant, Seaview Harbor's amenities are not open to the public and the lone public event in testimony is the use of the community's private beach for lifeguard races in 2014.¹⁵⁰

At issue for the Board is whether or not the loss of Seaview Harbor will constitute a loss of the "intangible enhancements" of the Township.

¹⁴⁹ Non-Petitioner but Seaview Harbor resident Ed McGlinchey testified with pride that all Seaview Harbor homes have boat slips.

Petitioner Joseph Stewart testified:

- That residential living is permitted at the Seaview Harbor Marina between April and October, and that residents use the marina as second home and resort.
- That he believes that there is only one other marina in Egg Harbor Township.

Petitioners' Exhibit S-67 includes statements from Township Mayor and Seaview Harbor resident Mayor James "Sonny" McCullough pointing to the uniqueness of Seaview Harbor

It's wonderful... it's the best of both worlds.... A lot of people don't understand. They think Egg Harbor Township is an inland community, but we have more waterfront than any other municipality in South Jersey.

It's great living in Seaview Harbor,... and I think people living in Anchorage Poynte feel that way as well. West Atlantic City is the same way "People out there powersail, fish and have beautiful sunsets. Egg Harbor Township is very lucky".

¹⁵⁰ Exhibit B-81



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D. As detailed in Report Table D, Seaview Harbor residents are older, less racially diverse and more affluent than their Township counterparts. Accordingly, while Seaview Harbor does not exert, in the words of the Ryan Court, a “wholesome effect on racial integration”, it does play a part in “the Township's economic diversity”.

ESTIMATED MEDIAN AGE	EGG HARBOR TOWNSHIP (Less Seaview Harbor)	CENSUS TRACT 135, (Blocks 1065, 1066 & 1067 Only = Seaview Harbor)
Total / Both Sexes	40.4	55.5
Male	40.8	55.2
Female	41.1	56.3

ESTIMATED MEDIAN HOUSEHOLD INCOME	EGG HARBOR TOWNSHIP (Less Seaview Harbor)	CENSUS TRACT 135, (Entire Tract Including Seaview Harbor ¹⁵¹)
	\$70,875	\$84,671

RACE ¹⁵²	EGG HARBOR TOWNSHIP (Less Seaview Harbor)		CENSUS TRACT 135, (Entire Tract Including Seaview Harbor ¹⁵³)	
	#	%	#	%
Total:	42,720		170	
White Alone	28,978	67.8%	126	74.1%
Black or African American Alone	4,479	10.5%	44	25.9%
American Indian & Alaska Native Alone	112	0.3%	0	
Asian Alone	4,074	9.5%	0	
Native Hawaiian & Other Pacific Islander Alone	85	0.2%	0	
Some Other Race Alone	2,502	5.9%	0	
Two or More Races:	2,490	5.8%	0	
Two Races Including Some Other Race	905	2.1%	0	
Two Races Excluding Some Other Race, & Three or More Races	1,585	3.7%	0	

Report Table D¹⁵⁴

¹⁵¹ Census data for this analysis is not available at the Block level. Accordingly, this figure includes the entirety of Census Tract 135 and therefore, based on the assumption that Median Household Income in Census Tract 135 is less than that of Seaview Harbor (derived from visual survey of Seaview Harbor and other areas of Census Tract 135), suggests an underestimation of Seaview Harbor's Median Household Income.

¹⁵² 2008-2012 American Community Survey 5-Year Estimates: RACE (B02001). Percentages manually calculated.

¹⁵³ Census data for this analysis is not available at the Block level. Accordingly, this figure includes the entirety of Census Tract 135.

¹⁵⁴ Census Bureau mapping of Atlantic County is included herein as Report Exhibits R-1 & R-1A. Detailed Census statistics are included herein as Report Exhibit R-2.



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E. Finally, non-Petitioner but Seaview Harbor resident Ed McGlinchey, when testifying as to social injury, stated:

Social injury? Can't say "injury". But our connection is with Longport, not Egg Harbor Township.

At issue before the Planning Board is whether or not Seaview Harbor's connection with Egg Harbor Township is 'detrimental to the... social wellbeing of a majority of the residents' of Seaview Harbor. Petitioners contend that it is, and to support their contention have testified at length and submitted numerous Exhibits.

This office finds and recommends that certain testimony and Exhibits presented by Petitioners evidences issues that negatively impact their lives. Other testimony and Exhibits presented by Petitioners however, either bear no connection to Seaview Harbor being a part of Egg Harbor Township or represent impacts that would in no way change should deannexation be granted.

The various elements of purported social detriment presented by Petitioners ~ while fully within the framework established by the New Jersey Supreme Court in Ryan ~ may be, individually, irritations and inconveniences. Taken collectively, these elements may work to negatively impact Petitioners' lives. However, it is recommended that they do not establish the kind of long-term, structural, and inherently irremediable "detriment" the legislature had in mind when enacting the Deannexation Statute.



3.3 ECONOMIC INJURY

Petitioners assert they are harmed economically due to their Egg Harbor Township address.

3.3.1 PETITIONERS' TESTIMONY

A. The increases in taxes experienced by Petitioners in Egg Harbor Township represents an economic injury to the property owners. Their property tax bills, both prior-to and after the Township's 2013 property tax reevaluation, are too high.¹⁵⁵

A more in-depth discussion of taxes is presented in §3.7 herein.

¹⁵⁵ Eight of the 64 freeform responses to the Public Opinion Survey (12.5%) included taxes among their reasons for seeking deannexation.

Petitioner John Dabek testified that if his home were located in Longport, he would save \$13,000 in taxes.

Petitioner Virginia McGlinchey testified:

- her house is assessed at \$801,600 and her taxes are \$22,500, which represents a 208% increase from prior to the revaluation.
- there are "many homes in Seaview Harbor are in foreclosure. "Even the Mayor has to sell his house"... Taxes are too high...."

Exhibit S-39, submitted by Mrs. McGlinchey, states that "Trying to sell our homes is going to be extremely difficult with the fact other buyers might be reluctant to buy homes with such high taxes, especially when they can go to other beach / shore towns like Longport, Ocean City, Somers Point, Margate and most other shore communities and pay less and get more services for their taxes".

An undated resolution presumably of the Seaview Harbor Community Association (Exhibit S-81) stated that Seaview Harbor residents pay highest taxes in the Township but receive least amount of services.

Minutes from the Seaview Harbor Community Club (Exhibits S-10, S-82 & S-101) link high taxes, lack of services and a desire to deannex from Egg Harbor Township.

March 2011 minutes from the Seaview Harbor Community Club (Exhibit S-101) included a desire to have taxes lowered by 75% and for the provision of free water and sewer service.

Exhibit B-86 purports to be notes from a phone conversation between Petitioner Ed McGlinchey and Township Administrator Peter Miller wherein Mr. McGlinchey confirmed that high taxes post-revaluation were the motivation for seeking deannexation.

Non-Petitioner but Seaview Harbor resident Dian Debek cited an increase in taxes and a lack of services as reasons she is supporting the deannexation petition.

Non-Petitioner but Seaview Harbor resident Dave Filarski cited an increase in taxes as the reason he is supporting the deannexation petition.

Non-Seaview Harbor but Township resident Lucy Bird cited her belief that Petitioners are seeking deannexation "to obtain a more favorable tax rate".

Non-Petitioner but Seaview Harbor resident Larry Berkowitz stated that taxes "are out of hand" and that this is "not good for land values".

Non-Petitioner but Seaview Harbor resident Linda Berger stated that deannexation "is about taxes, to a point" as a reason she is supporting the deannexation petition.



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- B. The tuition that residents are forced to pay to send a child to a private school because the Township Schools are too far away represents an economic injury to parents with school aged children.¹⁵⁶
- C. Address confusion causes financial harm.¹⁵⁷
- D. Egg Harbor Township does not participate in the Federal Community Rating System ("CRS") program whereby property owners receive flood insurance premium discounts at various thresholds depending on the level of flood mitigation and other efforts by their municipality.¹⁵⁸

To demonstrate that the Township is one of very few New Jersey municipalities participating in the CRS program, Petitioners submitted an undated map purportedly from a CRS website depicting municipal participation in New Jersey¹⁵⁹ as well as other tables from CRS-related websites¹⁶⁰ evidencing the Township's lack of CRS participation.

Petitioners assert that, as a result of Egg Harbor Township's non-participation in the CRS program, Township residents pay an average flood insurance premium of \$968.45,¹⁶¹ which is considered by Petitioners as being too high. Conversely, Longport does participate and has achieved a 25% discount rating (the average Longport flood insurance premium was not included in Petitioners' Exhibits).

¹⁵⁶ Petitioner John Seiverd testified that (2013) tuition for St. Joseph's School in Somers Point was \$7,550 and \$15,600 for St. Augustine School in Richland (Exhibit S-16).

¹⁵⁷ Respondents to the Survey indicated:

- They were denied a Macy's Credit Card because they used the Longport address and zip code and were told "the address did not exist".
- They received a "hasty" notice from the Sewerage Authority regarding non-payment of a sewer bill that was never received because it was sent to an Egg Harbor Township address.

¹⁵⁸ Petitioner Scott Kinney testified that he would pay 25% less in Flood Insurance premiums if his house were in Longport.

Petitioner Amy Frick testified that the new FEMA flood insurance rates "are going to hit 2nd homeowners [such as a number of Seaview Harbor owners] dramatically".

Additional documentation demonstrating the benefits of the CRS program were submitted as Exhibit S-76 & Exhibit S-77.

¹⁵⁹ Exhibit S-61

¹⁶⁰ Table 3: Community Rating System Eligible Communities: Effective May 1, 2014 (Exhibit S-78) & Table 3: Community Rating System Eligible Communities: Effective October 10, 2014 (Exhibit S-88)

¹⁶¹ Exhibit S-87



3.3.2 TOWNSHIP RESPONSE

- A. In response to Petitioners' assertion that the increases in taxes experienced by Petitioners represents an economic injury to the property owners, Township Administrator Peter Miller noted simply that seeking lower taxes is not a permissible justification for deannexation.¹⁶²
- B. Mr. Miller did not address the issue of resident tuition payments for private schools.
- C. Issues related to address confusion and the impact on mail delivery are detailed at length in §3.1 herein.
- D. Flood Insurance
1. In response to Petitioners' assertions that the Township did not participate in the CRS program, Mr. Miller submitted an October 2014 FEMA Community Status Book Report¹⁶³ which shows the Township participating in the National Flood Insurance Program ("NFIP"). While not providing the subsidized / discounted flood insurance rates of the CRS, the NFIP "aims to reduce the impact of flooding on private and public structures... by providing affordable insurance to property owners and by encouraging communities to adopt and enforce floodplain management regulations. These efforts help mitigate the effects of flooding on new and improved structures. Overall, the program reduces the socio-economic impact of disasters by promoting the purchase and retention of general risk insurance, but also of flood insurance, specifically".¹⁶⁴
 2. Mr. Miller testified that the Township's participation in the CRS program was first raised as one of the recommendations of the Township's July 2000 Master Plan and again as part of the November 2000 Township-wide Flood Mitigation Plan.¹⁶⁵

¹⁶² Ryan

¹⁶³ Exhibit B-39

¹⁶⁴ www.fema.gov/national-flood-insurance-program

¹⁶⁵ Exhibits B-2 & B-94 respectively



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Mr. Miller testified that the legends and explanatory notes on Exhibit B-42 indicate participation in the NFIP ~ **not the CRS** ~ program, and that testimony based on S-91 suggesting that Egg Harbor Township's lack of CRS participation ~ when viewed against the number of participating New Jersey coastal municipalities ~ somehow evidences the Township's negligence toward Seaview Harbor is misleading at best.

Further, B-42 depicts the top 50 CRS-participating municipalities based upon flood insurance policies [then] in place; ranging from 17,000 to 1,034 CRS participants. Accordingly, Egg Harbor Township, with its 400 eligible properties, would not have been included on this map. The fact that only 59 municipalities out of New Jersey's 565 municipalities [then] participated in the CRS Program demonstrated that Egg Harbor Township is not unique in its level of CRS participation. Conversely, the fact that non-coastal municipalities participated in the CRS Program proves that you don't need to have intimate knowledge of the needs of coastal homeowners to participate.

Mr. Miller testified that this information demonstrates that Seaview Harbor is not being treated differently than other sections of other municipalities in the State. Again, Petitioners' interpretation of S-61 as evidencing the Township's negligence toward Seaview Harbor is misleading at best.

Finally, Mr. Miller testified that the complete version of S-91 / B-42 supports his testimony that the Township participates in FEMA's NFIP program ~ further clarifying that the Township, while historically not participating in the CRS program, does recognize the need to address flood insurance for its property owners.

4. Returning to the CRS program, Mr. Miller testified that the Township's CRS calculus had changed between 2008 and 2012. The combination of:
 - General increases in flood insurance premiums of about \$50.00 to \$60.00 on average", resulting in an average premium of \$690.00 a year;



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- The advent of the Biggert-Waters Flood Insurance Reform Act of 2012 (“Biggert-Waters”), which, while extending the National Flood Insurance Program for 5 years, required the elimination of federal flood insurance subsidies; thereby effectively removing flood insurance discounts from structures built prior to the first Flood Insurance Rate Maps (1983±) that had not been substantially damaged or improved and bringing flood insurance premiums to market pricing.¹⁶⁸ Premiums ascribed to Biggert-Waters were projected to be \$6,000.00 or \$7,000.00 if the Township did not participate in the CRS Program.
- Superstorm Sandy in 2012, which profoundly changed the flood insurance universe for coastal communities.

Mr. Miller testified that these events changed the impact of the CRS program such that it became beneficial for the Township to pursue.

¹⁶⁸ Under Biggert-Waters, and pertinent to Egg Harbor Township / Seaview Harbor:

- Commencing January 1, 2013, subsidies and discounts for homeowners with subsidized insurance rates on non-primary residences would see a 25% flood insurance premium rate increase until the rates achieved full-risk rate status.
- Commencing October 1, 2013, subsidies and discounts for owners of:
 - business properties with subsidized premiums;
 - severe repetitive loss properties consisting of 1-4 residences with subsidized premiums;
 - any property that has incurred flood-related damage in which the cumulative amounts of claims payments exceeded the fair market value of such property;
 - Not insured as of the date of enactment of Biggert-Waters;
 - With a lapsed NFIP policy;
 - That has been purchased after the date of enactment of Biggert-Waters;

would see a 25% flood insurance premium rate increase until the rates achieved full-risk rate status.

- Commencing late-2014, subsidies and discounts for other property would see a 20% flood insurance premium rate increase for 5 years until the rates achieved full-risk rate status.

Biggert-Waters was substantially amended by the Homeowner Flood Insurance Affordability Act, adopted in or about March 2014, which, in pertinent part:

- Limits yearly premium increases to an average of 15% per year for each of the 9 property categories listed by FEMA while stipulating that no individual policyholder pay an increase of more than 18% per year.
- Reinstates the flood insurance program's grandfathering provision, meaning homes that complied with previous flood maps would not face large increases when new maps show greater risk of flooding.
- Ends a provision that required an immediate increase in actuarial levels when a home changes ownership, and thereby slowing home sales in communities designated 'high risk' by FEMA flood maps.
- Provides refunds of premiums for people who purchased homes after Biggert-Waters became law and subsequently found that the change in ownership marked a sudden end to subsidized flood insurance premiums -- resulting in dramatic increases when policy renewals were due.

However, in Biggert-Waters to eventually make the NFIP self-sufficient by moving toward actuarial rates remain.

(NOLA.com | Times-Picayune March 13, 2014)



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Beginning in October 2013, the Township, through its municipal Engineer, commenced the process to have the municipality entered into the CRS program. This included having the engineer become a Certified Floodplain Manager, making the appropriate applications to the Federal Emergency Management Agency (“FEMA”), coordination with NJDEP and efforts to bring non-complying structures into conformance with FEMA regulations. Since that time the Township has been diligently pursuing CRS Certification.¹⁶⁹

3.3.3 RVW FINDINGS

- A. The property taxes paid by each Petitioner are based on the tax assessment of their individual lots multiplied by the municipal tax rate for a given year. Tax Assessments, in turn, are (generally) based on the sales prices of comparable properties in proximity to the property being assessed (adjusted for certain physical features such as size of lot, number of bedrooms, age, etc.) while municipal tax rates are a combination of the municipal Local Purpose Tax, School Tax, County Tax, and in Egg Harbor Township, the Local Open Space Tax, County Library Tax, County Health Tax and County Open Space Tax. Finally, tax rates are a simple mathematical formula of the amount of funds a public entity requires to operate (factoring fees, grants and other non-tax revenue) divided by the number of taxable properties within a particular jurisdiction.¹⁷⁰

While a user-fee and not a tax (per se), Township property-owners also pay the Egg Harbor Township Municipal Utilities Authority for the transmission of sanitary sewer effluent. Seaview Harbor residents also pay the Seaview Harbor Water Company¹⁷¹ for potable water.

¹⁶⁹ Exhibits B-40, B-91, B-92, B-93 & B-94

At the Deannexation hearing of March 2015, Mr. Miller’s testified that CRS designation was expected by May 2015. An inquiry to Mr. Miller attendant to this Report of Findings revealed that the Township is “currently on track for May 2016 according to FEMA. It turns out they [FEMA] were overwhelmed with applications for the CRS program following Biggert-Waters and Superstorm Sandy”. Mr. Miller stated that he “would not be surprised if they [FEMA] pushed us back to October 2016 due to their current volume. They only approve entry in or an upgrade in May or October annually.”

¹⁷⁰ Leon Costello, CPA, RMA of Township Auditor Ford-Scott & Associates LLC

¹⁷¹ Recently sold to Aqua New Jersey (Exhibit S-109)



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While an in-depth discussion of taxes is presented in §3.7 herein, testimony and Exhibits demonstrate that the substantial increase in Petitioners' property taxes occurred after the 2013 Township-wide revaluation,¹⁷² and that such increase far outpaced the 7.4% increase in the Township's Local Purpose Tax and the 2.9% increase in the Township School Tax between 2009 and 2015.¹⁷³ As such, the tax increases seen by Petitioners is more attributable to an increase in Seaview Harbor assessments than increases in tax rates. Since tax assessments are based on market conditions, the properties in Seaview Harbor (and the Township as a whole) are ~ theoretically¹⁷⁴ ~ now assessed at true market value.

The cause of the tax increase notwithstanding, Petitioners will see a decrease in their property tax bills if they were to deannex from Seaview Harbor and annex to Longport.¹⁷⁵
As such, Petitioners' Egg Harbor Township residence ~ as opposed to a Longport residence ~ does result in economic injury.

- B. As detailed in §3.2.3 K herein, while the tuition paid by at least one Petitioner to send his child to private school may be an economic burden, such burden has more to do with an individual family's choice of schooling than the Egg Harbor Township location of Seaview Harbor.

- C. It would appear that confusion over Seaview Harbor's address does result in some measure of difficulty that relates to bills and other economic issues. While such difficulties are no-doubt annoying and inconvenient and perhaps embarrassing, no evidence of financial harm has been submitted. As detailed elsewhere in this Report of Findings, such issues likely can be ameliorated ~ if not fully cured ~ by educating individuals as to Seaview Harbor's correct municipality and Zip Code.

¹⁷² Exhibit B-116: p. 23

¹⁷³ Exhibit B-116: p. 9

¹⁷⁴ Market conditions are ever-changing, making "true market value" a snapshot in time. Property owners are therefore permitted to appeal their assessments annually to adjust for changes in market value.

¹⁷⁵ Exhibit B-116: pp. 4 & 7



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D. In their attempt to portray the Township as negligent with respect to its understanding of the needs of seashore / coastal communities, Petitioners misrepresent the Township's status vis-à-vis FEMA flood insurance programs. The Township does participate in the federal National Flood Insurance Program and was, at the time of the filing of the Petition and relevant testimony, actively pursuing CRS Certification. Accordingly, Petitioners' assertion that Egg Harbor Township does not participate in the CRS program, while technically correct, tells only half the story.

Prior to the Biggert-Waters legislation and Superstorm Sandy, CRS was not viewed by the Township as being cost effective and was not raised as an issue by Seaview Harbor residents¹⁷⁶. When substantial increases in flood insurance premiums became [what was then considered] inevitable, the Township commenced the process for CRS Certification.

Petitioners assert that the Township's average flood insurance premium of \$968.45¹⁷⁷ causes economic injury, and suggest that Longport's 25% CRS discount¹⁷⁸ would cure that injury. However, no evidence has been submitted indicating the actual flood insurance premiums paid by Seaview Harbor residents, the actual premiums paid by the residents of Longport or if deannexation would result in a premium reduction below the \$968.45 level.

Exhibit S-87 (containing the \$968.45 average flood insurance premium for Egg Harbor Township) is a partial download of FEMA report *Policy Statistics, New Jersey as of 08/31/2014*. S-87 includes Egg Harbor Township but not Longport. A download of the report for this Report of Findings (updated by FEMA to 10/31/15) is presented as Report Table E.

¹⁷⁶ According to Mr. Miller, the only request for the Township to participate in the CRS Program originating from residents came from residents of West Atlantic City.

¹⁷⁷ Exhibit S-87

¹⁷⁸ Exhibit S-88



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POLICY STATISTICS NEW JERSEY AS OF 10/31/2015 ¹⁷⁹				
County Name	Community Name	Policies In-force	Insurance In-force whole \$	Written Premium In-force
ATLANTIC COUNTY	ABSECON, CITY OF	152	\$40,691,600.00	\$130,451.00
	ATLANTIC CITY, CITY OF	8,714	\$1,543,912,900.00	\$7,854,408.00
	BRIGANTINE, CITY OF	7,334	\$1,667,847,700.00	\$5,049,457.00
	BUENA VISTA, TOWNSHIP OF	26	\$5,941,200.00	\$25,712.00
	BUENA, BOROUGH OF	4	\$923,600.00	\$4,743.00
	CORBIN CITY, CITY OF	31	\$7,478,900.00	\$30,231.00
	EGG HARBOR CITY, CITY OF	21	\$4,958,900.00	\$14,403.00
	EGG HARBOR, TOWNSHIP OF	846	\$196,514,200.00	\$775,341.00
	ESTELL MANOR, CITY OF	7	\$1,884,000.00	\$3,921.00
	FOLSOM, BOROUGH OF	17	\$4,122,400.00	\$19,425.00
	GALLOWAY, TOWNSHIP OF	152	\$43,235,300.00	\$77,075.00
	HAMILTON, TOWNSHIP OF	203	\$47,330,400.00	\$221,000.00
	HAMMONTON, TOWN OF	68	\$12,231,000.00	\$63,635.00
	LINWOOD, CITY OF	287	\$83,676,900.00	\$209,785.00
	LONGPORT, BOROUGH OF	1,456	\$380,015,500.00	\$1,420,330.00
	MARGATE CITY, CITY OF	5,749	\$1,380,570,100.00	\$5,377,339.00
	MULLICA, TOWNSHIP OF	138	\$33,514,300.00	\$159,175.00
	NORTHFIELD, CITY OF	97	\$26,570,300.00	\$59,766.00
	PLEASANTVILLE, CITY OF	169	\$32,414,100.00	\$151,967.00
	PORT REPUBLIC, CITY OF	39	\$9,218,500.00	\$36,382.00
	SOMERS POINT, CITY OF	997	\$223,785,900.00	\$824,890.00
	VENTNOR CITY, CITY OF	5,001	\$1,061,310,800.00	\$4,674,808.00
	WEYMOUTH, TOWNSHIP OF	19	\$5,749,100.00	\$15,783.00

Report Table E

Report Table F adds a column to Table E to calculate average annual premiums for each municipality.

¹⁷⁹ bsa.nfipstat.fema.gov/reports/1011.htm#njt



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POLICY STATISTICS NEW JERSEY AS OF 10/31/2015 ¹⁷⁹					
County Name	Community Name	Policies In-force	Insurance In-force whole \$	Written Premium In-force	Average Annual Policy
ATLANTIC COUNTY	ABSECON, CITY OF	152	\$40,691,600.00	\$130,451.00	\$858.23
	ATLANTIC CITY, CITY OF	8,714	\$1,543,912,900.00	\$7,854,408.00	\$901.36
	BRIGANTINE, CITY OF	7,334	\$1,667,847,700.00	\$5,049,457.00	\$688.50
	BUENA VISTA, TOWNSHIP OF	26	\$5,941,200.00	\$25,712.00	\$988.92
	BUENA, BOROUGH OF	4	\$923,600.00	\$4,743.00	\$1,185.75
	CORBIN CITY, CITY OF	31	\$7,478,900.00	\$30,231.00	\$975.19
	EGG HARBOR CITY, CITY OF	21	\$4,958,900.00	\$14,403.00	\$685.86
	EGG HARBOR, TOWNSHIP OF	846	\$196,514,200.00	\$775,341.00	\$916.48
	ESTELL MANOR, CITY OF	7	\$1,884,000.00	\$3,921.00	\$560.14
	FOLSOM, BOROUGH OF	17	\$4,122,400.00	\$19,425.00	\$1,142.65
	GALLOWAY, TOWNSHIP OF	152	\$43,235,300.00	\$77,075.00	\$507.07
	HAMILTON, TOWNSHIP OF	203	\$47,330,400.00	\$221,000.00	\$1,088.67
	HAMMONTON, TOWN OF	68	\$12,231,000.00	\$63,635.00	\$935.81
	LINWOOD, CITY OF	287	\$83,676,900.00	\$209,785.00	\$730.96
	LONGPORT, BOROUGH OF	1,456	\$380,015,500.00	\$1,420,330.00	\$975.50
	MARGATE CITY, CITY OF	5,749	\$1,380,570,100.00	\$5,377,339.00	\$935.35
	MULLICA, TOWNSHIP OF	138	\$33,514,300.00	\$159,175.00	\$1,153.44
	NORTHFIELD, CITY OF	97	\$26,570,300.00	\$59,766.00	\$616.14
	PLEASANTVILLE, CITY OF	169	\$32,414,100.00	\$151,967.00	\$899.21
	PORT REPUBLIC, CITY OF	39	\$9,218,500.00	\$36,382.00	\$932.87
	SOMERS POINT, CITY OF	997	\$223,785,900.00	\$824,890.00	\$827.37
	VENTNOR CITY, CITY OF	5,001	\$1,061,310,800.00	\$4,674,808.00	\$934.77
	WEYMOUTH, TOWNSHIP OF	19	\$5,749,100.00	\$15,783.00	\$830.68

Report Table F

Longport's annual average insurance premium ~ including the 25% CRS discount ~ is \$59.02 **more** than that of Egg Harbor Township ~ which does not yet enjoy a CRS discount. Including the 5% discount that Township residents will receive upon the Township's entry into the CRS program finds the average Township resident paying \$104.84 **less** in annual flood insurance premiums than the average Longport resident.¹⁸⁰

¹⁸⁰ \$975.50 - (\$916.48 - [\$916.48 x 0.05])



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- E. Related to fire insurance but not part of the NFIP / CRS program are the relative Insurance Service Office (“ISO”) ratings for Egg Harbor Township, Seaview Harbor and Longport.

ISO is a for profit organization that provides statistical information on property / casualty insurance risk. Through its Public Protection Classification (“PPC”) program, ISO evaluates municipal fire-protection efforts in communities throughout the United States. A community's investment in fire mitigation is a proven and reliable predictor of future fire losses, so insurance companies use PPC information to assist in establishing fair premiums for fire insurance ~ generally offering lower premiums in communities with better protection. Many communities use the PPC as a benchmark for measuring the effectiveness of their fire-protection services.

The PPC program is also a tool that helps communities plan for, budget, and justify improvements.

The ISO (PPC) rating system ranges from 10 – 1, with ‘1’ being the best. Ratings are based on ISO inspections of a municipality against a preset checklist, with points assigned based on everything from the training aids a fire department owned to the number of sprinklered buildings to the distance between fire hydrants.¹⁸¹

Township Fire Official Donald Stauffer testified that Egg Harbor Township has an ISO rating of ‘5’ except for Seaview Harbor, which is an ‘8B’. While Chief Stauffer did not testify as to Longport’s ISO rating, he did say that limited fire hydrant capacity in Seaview Harbor (§3.5.1 herein) was a significant factor when ISO established Seaview Harbor’s rating.

Mr. Stauffer further testified that since the Longport Fire Department is First Responder for Seaview Harbor, the community’s ISO rating won’t change upon deannexation.

¹⁸¹ www.fireserviceinfo.com/iso.html & www.isomitigation.com/index.php/about-iso



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3.3.4 RVW RECOMMENDATIONS

- A. Petitioners' Egg Harbor Township residence ~ as opposed to a Longport residence ~ does result in economic injury.
- B. The economic impact faced by the residents of Seaview Harbor attributed to private school tuition payments is the result of choices made by individual families resulting in a self-imposed condition that does not rise to the level that would justify deannexation.
- C. While confusion over Seaview Harbor's address does result in difficulty, no evidence of financial harm that cannot be ameliorated ~ if not fully cured ~ by educating individuals as to Seaview Harbor's correct municipality and Zip Code has been submitted.
- D. While it is not possible to conclusively determine if the residents of Seaview Harbor would pay less for flood insurance if their address was Longport, Township's delay in pursuing CRS Certification, while understandable, does result in an economic impact for the residents of Seaview Harbor.

While the testimony and Exhibits ~ taken as a whole ~ support Petitioners' assertion of economic impact, such injury is limited to taxes and the cost of flood insurance:

- ***“Tax shopping” and “avoidance of assessments” have been ruled “frivolous considerations” and therefore improper motives for deannexation.¹⁸²***
- ***No conclusive evidence has been submitted to support Petitioners' assertion that the Township's lack of participation in the CRS program has caused economic injury that would be cured by deannexation from Egg Harbor Township and annexation to Longport.***

Accordingly, it is recommended that Petitioners have not met their burden of proof that refusal to consent to annexation would be detrimental to the economic well-being of the majority of the residents of the affected land.

¹⁸² Ryan



3.4 PUBLIC WORKS SERVICES

Petitioners assert that Seaview Harbor is not well served by the Township's Department of Public Works.

52 of the freeform responses to the Public Opinion Survey¹⁸³ included some form of dissatisfaction with the Township's Public Works Services. Of these:

- 7 Respondents registered general dissatisfaction with the Township's Public Works services without reference to a specific service.
- 9 Respondents registered dissatisfaction with Township trash pickup services;¹⁸⁴
- 14 Respondents registered dissatisfaction with the Township's purported lack of public area maintenance (street cleaning / lawn mowing);¹⁸⁵

¹⁸³ Exhibit S-14: Question 18 "Describe any issues that you may have had with Egg Harbor Township services; (please list as many as you can remember)"

Since individual respondents addressed dissatisfaction with multiple service areas across multiple Survey questions, a percentage of dissatisfied respondents was not calculated.

¹⁸⁴ "Trash pick-up is irregular for no apparent reason. In fact, pickup on Monday Aug. 19th at all, pickup occurred on Tuesday the 20th."

"In the past the trash men would routinely skip our home and not pick up the trash. When I would call the township they would say "that home usually does not have trash at the curb because it is seasonally used." I would remind them that if the trash is at the curb on trash day regardless of the use of the home they are to pick it up. Their job is to pick up the trash at the curb and NOT monitor the occupancy of the home."

"Until the community fought EHT we paid for private trash collection."

"Time delays for pick-up of mitigation debris post Sandy. Garbage remained in front of houses.

¹⁸⁵ "Neighbors have tended to the Grass Areas along Rt#152 from Marina to Foot of Kennedy Bridge since EHT will not accept their responsibility to keep all areas that they are responsible for in our Development. There could be trash blown from RT#152 onto Longport Blvd. in front of those houses, EHT never cleans our areas."

"When I first moved into the community 2003 I quickly realized the Township was not maintaining the grass-median area at the main entrance along Sunset Blvd. I took it upon myself to cut the grass approximately 500-600' long and 10' wide on a weekly basis as the Township never showed up to address this area. A few years back the community realizing EHT was going to do nothing spent our own money to remove the grass, put weed matting down; and replace with mulch all at the communities expense. In addition over the past few years we have planted additional trees and constantly maintain the two main entrance ways as well as the median area."

"On numerous occasions I have registered my complaints with reference to a dilapidated split rail fence within the municipal right of way along Seaview Drive approximately 600' in length along the open waterway, these complaints were sent via e-mail and official forms on the Township web site. Once again no action and no response."

"I routinely have to call the township to sweep the street in front of our home. When they do sweep the truck only makes one pass and the street requires at least three passes because of the width of the street in front of my home. Therefore I have to personally sweep the street to have it look decent."



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- 5 Respondents registered dissatisfaction with the Township's purported lack of street maintenance; and
- 17 Respondents registered dissatisfaction with the Township's snow removal services;¹⁸⁶

3.4.1 PETITIONERS' TESTIMONY

A. Non-Petitioner but Seaview Harbor resident Kevin Koehler testified that, in the late-1960s / 1970s, storms damaged Seaview Harbor's bulkheading and clogged the internal lagoons, resulting in stagnant standing water at the then-undeveloped portion of the original subdivision. The residents requested help from the Township but were refused.¹⁸⁷ Residents then tried to open the waterways and do other storm protection measures themselves, but were unsuccessful. The community finally self-funded a concrete breakwater and the marina operator agreed to keep the Seaview Harbor waterways open.

Non Petitioner but Seaview Harbor resident Sandra Redding testified that the ability to utilize the canals (lagoons) are "very much a part of the wealth of the area".

Petitioners contend that other municipalities dredge on behalf of their homeowners¹⁸⁸ and that the Township's refusal to provide this service for Seaview Harbor is evidence of neglect and a lack of understanding of the needs of a seashore community.

¹⁸⁶ "Plowing after snowstorms; unable to drive out of community due to unplowed roads although I could see that the main road was cleared."

"Vividly recall a winter snow storm with heavy accumulation and drifting snow. The county plowed the highway early in the morning but no one plowed Seaview streets. I started calling EHT early in the day as I had to leave my home to go work that evening. Multiple promises of service never produced any results after numerous calls to no avail. Lo and behold Mr. Stewart fired up a steam shovel from the marina and plowed the entire neighborhood. Thankfully, for his good deed I was able to go to work. EHT never came till 2 days later...."

"December 19th - 20th, 2009 snow storm. Streets in entire community were plowed by Joe Stewart using the Marina's back-hoe for a width of approximately 12' of the 30' cartway. On December 22nd I came to my home and using a F-350 4-wheel drive equipped with a snow plow. I opened the streets to the curb line and cleared the three cul-de-sacs [sic] of the remaining snow. Under that snow was packed ice that remained for at least 12 days until it melted. Egg Harbor Township never showed up. The snowfall amount for this particular event was approximately 12" - 14". Many other less significant storms before and after this event had very minimal or no response as well. I'm lucky to have snow removal equipment at my disposal and find myself cleaning up the streets from accumulating snow that is the responsibility of Egg Harbor Township."

"In the big snow storm of 2003, even though the mayor of EHT lives in here, we had to call him to get a snow plow over here the next day. NO ONE came for three days, our neighbor Joe Stewart came around with his snow plow and plowed our driveway and the road out to the light."

¹⁸⁷ Exhibit S-80

¹⁸⁸ Exhibits S-10, S-105, S-106 & S-107.



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B. Mr. Koehler testified that Seaview Harbor required private trash pickup in the 1960s. The Township only started to pick up trash in the (approximately) mid-1970s.

C. Non-Petitioner but Seaview Harbor resident John Dabek testified that:

1. "Other than accommodating Seaview Harbor by moving trash pickup days from Wednesday to Monday, there has been no improvement in Township services".¹⁸⁹
2. Egg Harbor Township picks up recyclables every 2 weeks while Longport has weekly pickup of recyclables in the summer, when increased population results in a greater volume of recyclables.

D. Snow Removal

1. Petitioner Joseph Stewart testified that there is no snow removal into the marina section of Seaview Harbor and "very seldom is snow removal seen in the community".
2. Non-Petitioner but Seaview Harbor resident Ed McGlinchey testified that "the Township is not able to clear the Seaview Harbor streets of snow in a timely manner" and that "the Township is not equipped to handle the snow. Its Department of Public Works is undermanned and the Township can't afford the manpower necessary". As a result, Seaview Harbor "does not get the service that it should receive".

E. Superstorm Sandy

1. Mr. McGlinchey testified that during Superstorm Sandy, Seaview Harbor was underwater and that N.J.S.H. 152 was shut down. Seaview Harbor homeowners who evacuated their homes were eventually able to return, but via Longport and not N.J.S.H. 152.

¹⁸⁹ The request was made by full-time Seaview Harbor residents so that trash would not be left out from Sunday (when weekend residents leave) until Wednesday pickup and thereby attract seagulls and lead to blowing trash impacting the neighborhood.



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2. Petitioner Scott Kinney testified that after Hurricane Irene in 2011 and Superstorm Sandy in 2012, the Township's Public Works personnel "never arrived to clean out storm drains" or otherwise service Seaview Harbor.

- F. Petitioner Donald Burger testified that the roads in Seaview Harbor are "in deplorable condition" (with potholes, cracked blacktop and ponding¹⁹⁰) and that there is a lack of municipal street cleaning in Seaview Harbor.¹⁹¹ Non-Petitioner but Seaview Harbor resident Linda Berger testified that the "condition of streets is disgusting and dangerous".

- G. Seaview Harbor residents are forced to take care of their own community with regard to landscaping and beautification.¹⁹²

3.4.2 TOWNSHIP RESPONSE

In response to the foregoing, Township administrator Miller stated his belief that the foregoing is "a pretext" for deannexation, and that "a lack of services does not exist".

With respect to many of the specific issues raised by the Petitioners, Mr. Alan Simerson, CPWM¹⁹³, Township Director of Public Works, testified that Seaview Harbor residents have registered complaints with his department in the past related to mowing the weeds in the right-of-way, erosion issues, potholes and drainage issues, but that these complaints are routine issues that are addressed during the normal course of business. He stressed that he promotes a "heavy reliance on customer service" for the Department of Public Works, and that the Department provides "adequate attention" to all of the neighborhoods in the Township. "Every part of the Township is treated equally, whether contiguous or not".

¹⁹⁰ Mr. Berger testified that a sink hole developed in 2011 in storm drain near his house and it took over 3 months for the Township to repair. The repair failed and it had to be repaired again.

Exhibits S-50, S-54, S-55, S-56, S-57 & S-120 were submitted to demonstrate these conditions.

¹⁹¹ Exhibits S-51, S-52 & S-101 were submitted to demonstrate these conditions.

¹⁹² Exhibits S-80 & S-101 were submitted to demonstrate that this is a longstanding issue.

¹⁹³ Certified Public Works Manager



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A. In response to Petitioners' assertion that other municipalities dredge lagoons on behalf of their homeowners, Township Administrator Miller stated that he was not aware of any municipality that dredges for private property-owners and submitted a letter from the Margate City Clerk¹⁹⁴ stating that that City does not dredge their lagoons or back bay areas.

B. Trash & Recycling

1. Solid waste is collected by the Township via automated trucks on a weekly basis. Recycling is collected by the Atlantic County Utilities Authority (under contract with the Township) every 2 weeks on Mondays. The Township and ASCUA accommodated the residents of Seaview Harbor by changing collection scheduling for the community from Wednesdays to Mondays.
2. Bulk and other collections is available as noted on the Township website.

C. Snow Plowing¹⁹⁵

1. The Township is responsible for 200 miles of municipal roadways.¹⁹⁶ This figure translates into 400 miles when considering that Township roads [typically] require 2 plowings to make a road passable. It takes a plow 3 passes to clear a typical street curb-to-curb.
2. For snow events, DPW can deploy 10 pieces of heavy equipment, 17 medium and heavy duty trucks equipped with snow plows and salt application equipment. The deployment of this equipment depends on the need at the time.

¹⁹⁴ Exhibit B-15

¹⁹⁵ Exhibit S-118

¹⁹⁶ During Mr. Simerson's testimony, the number of miles of Township roads became the subject of intense debate, with references made to newspaper articles and Township documents that quoted different mileage figures (Egg Harbor Township Planning Board meeting minutes of 5/5/15).

Despite the various mileage figures debated, it is submitted that a precise mileage figure ~ whatever that may be ~ is not relevant to the impact of deannexation on Seaview Harbor and Egg Harbor Township. At issue is not the number of miles of Township roads for which the Department of Public Works is responsible. At issue is whether or not Seaview Harbor is negatively impacted by the Township's ability or inability to service that community. Petitioners contend it is while Mr. Simerson testified that Seaview Harbor is treated no differently than any other residential neighborhood in the Township.



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3. During weather events, the priority for DPW is to insure that the Township's primary high traffic roads are passable for police, fire, ambulance and other emergency responders. Such roads include West Jersey, Ridge, Tremont, Delaware and Hingston Avenue and Blackman and Robert Best Roads. Once the primary roads are addressed, DPW will address main streets into developments and, lastly, smaller streets and culs-de-sac. The plowing of internal streets in residential neighborhoods ~ including those in Seaview Harbor ~ falls into the latter categories.

4. During a 'standard storm'¹⁹⁷, the Township's goal is to have all roads clear with 24 to 36 hours **from the end of the storm** when possible. For larger / more significant storms plowing is "dictated by the events on the ground". Additionally, Mr. Simerson noted that "there are times when different parts of the Township are impacted differently by a storm. A coastal storm such as a nor'-easter will typically impact the eastern portion of the Township worse than the western portion. Conversely, a storm associated with a frontal system moving west to east will typically have the opposite effect".

5. In response to Petitioners' assertion that the Township does not plow Seaview Harbor in a timely manner ~ if at all, Mr. Simerson provided a matrix depicting the Township's plowing efforts for Seaview Harbor for 19 weather events between December 2009 and March 2015.¹⁹⁸

Report Table G reorients Mr. Simerson's matrix from date to snowfall order.

REPORTED SNOWFALL (Twp. Avg.)	STORM DURATION (days)	TIMES SEAVIEW HARBOR PLOWED	COMMENCEMENT OF OPERATIONS TO 1 ST PLOWING	1 st TO 2 ND PLOWING	2 nd TO 3 RD PLOWING
			(hours)		
1"	1	1	6		
2"	2	N/A (ICE EVENT)			
2.5"	1	1	6		
3"	1	1	5		

¹⁹⁷ "10+" storms being the exception not the norm".

¹⁹⁸ Exhibit B-98



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REPORTED SNOWFALL (Twp. Avg.)	STORM DURATION (days)	TIMES SEAVIEW HARBOR PLOWED	COMMENCEMENT OF OPERATIONS TO 1 ST PLOWING	1 st TO 2 ND PLOWING	2 nd TO 3 RD PLOWING
			(hours)		
3"	1		N/A (ICE EVENT)		
3.5"	1	1	15.5		
3.9"	1	1	1		
4"	1	1	6.5		
4.5"	1	1	4		
5.5"	2	2	1.5	20	
5.9"	1	1	8		
6"	1	1	11		
7"	2	1	10		
7.3"	1	1	6		
7.5"	2	1	9		
5" - 8"	2	1	9		
16" - 20"	2	1	5		
25"	4	3	13.5	14	9
25"	5	3	4	10.5	36.5

Report Table G

While no clear pattern of snowfall and response times emerges from this analysis, Mr. Simerson did concede that:

- Neighborhood streets do not get plowed **during** a storm; the goal being to keep the main roads passable for emergency responders until the storm wanes"; and
- Public Works had adjusted its planned allocation of resources in order to address Seaview Harbor more quickly than it had previously. Such adjustment is evident when the matrix is viewed in chronological order.

6. Finally, both Mr. Simerson and Township Administrator Miller candidly acknowledged their incentives to insure that Seaview Harbor is plowed, since "their boss [Mayor McCullough] lives there".



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D. Rights-of-Way

In testifying that Public Works “gives adequate attention to all neighborhoods in the Township” and that “every part of the Township is treated equally, whether contiguous or not”, Mr. Simerson detailed the services provided by his Department Township-wide:

1. Street sweeping occurs twice per year or as needed to clean storm-related debris.
2. Grass strips between the public properties and rights-of-way are mowed twice per month between April and November. Tree trimming occurs as needed.
3. In response to Petitioners' testimony that Seaview Harbor is somehow neglected because residents are forced to take care of their own community with regard to landscaping and beautification:
 - a. Mr. Miller submitted a list of 12 Residential and 3 Commercial developments in the Township that have landscaped Islands¹⁹⁹ and testified that the Township doesn't landscape, beautify or otherwise maintain islands in any development in the municipality. Accordingly, Seaview Harbor is treated the same as all developments in the Township.
 - b. Mr. Simerson testified that the Township originally planted grass in the center island of Hospitality Boulevard. Over time, this was found unacceptable to the residents of Seaview Harbor, who desired more intense landscaping. The level of treatment as desired by the residents could not be maintained by the Township. Accordingly, **Mr. Simerson and the residents agreed** that the Township would maintain the grass areas but that the residents would install and care for the more intense landscaping.

¹⁹⁹ Exhibit B-17



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- c. The minutes of the Seaview Harbor Community Club include a comment indicating satisfaction with the Township's efforts in this regard.²⁰⁰

Mr. Simerson also testified that he once received calls from Seaview Harbor residents asking permission to remove dead trees in the right-of-way.²⁰¹ While permission was denied, Public Works removed the trees at no cost to the residents.

4. Mr. Simerson rejected the assertion that there is a lack of responsiveness regarding pothole patching and other repairs and testified that such repairs are made by DPW staff on an as-needed basis. Where repairs are beyond the ability of DPW, the issue is referred to the Township Engineer or others for action.

In addition to all Public Works vehicles having forms to report street conditions, the Township maintains an online reporting service on its website. Reports of potholes are also accepted via phone.

Mr. Simerson conceded that ~ from time-to-time ~ Seaview Harbor resident complaints have been deemed, upon inspection of issue, not as serious as reported. In such instances, residents are informed of reasons why no action is taken.

5. While acknowledging Petitioner Berger's assertion that some of the streets in Seaview Harbor exhibit conditions of deterioration and damage, Mr. Simerson testified that the "alligating" of the pavement is consistent with the condition of other streets in the Township. Further, the location and type of damage depicted in Exhibits S-50, S-54, S-55, S-56 and S-57 leads him to believe that these conditions are the result of recent residential construction and/or substandard repair work by Seaview Harbor's (private) water utility.

²⁰⁰ Exhibit S-101 (Winter 2010)

There have been complaints about the high grasses and low maintenance associated with the Seaview Drive exit area. After numerous calls, it was determined that this area belongs to the County. They do not cut/clean the area in a timely manner as does the Township....
[emphasis added]

²⁰¹ Trees planted by the residents as part of the enhanced landscaping detailed in C.2).



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6. For the past 15 years the Township has participated in the "Clean Shores & Clean Communities" program whereby municipalities partner with volunteers and State Agencies for litter abatement along shore areas and causeways. In Egg Harbor Township, this includes the Longport ~ Somers Point Boulevard. The Township provides equipment, receptacles, transport and disposal, including tipping fees, while manpower comes from volunteers and the New Jersey Department of Corrections.

E. Superstorm Sandy

1. Mr. Simerson testified that, in the aftermath of Sandy, Public Works was under "continuous operations to assist in the cleanup effort. Crews worked 16 hour days, 7 days per week for the first 2 weeks after the storm. Thereafter, crews were given Sundays off and worked 6-day weeks until such time as the situation no longer required extended work hours.
2. In Seaview Harbor, curbside collection of storm debris began once residents were permitted to return to their homes. This included storm debris, damaged structural materials (drywall, siding, wood, etc.) and damaged household items. "Everything placed at the curb was taken, without limitation".
3. The Township provided its fleet of trash trucks, front-end loaders, and other pieces of equipment to load materials into roll-off containers, which were then transported to a staging area pending eventual transportation to the landfill. Mr. Simerson calculated that 850 tons of storm related debris was removed from the Seaview Harbor and West Atlantic City sections of the Township, at a cost of \$70,000.00 ~ which costs were absorbed by the Township and not passed on to residents.

Mr. Simerson calculated that storm-related costs could be attributed as 60% West Atlantic City and 40% Seaview Harbor. Based on this analysis, the Township disposed of some 340 tons of Seaview Harbor material at a cost of \$28,000.00.



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4. Mr. Simerson testified that all of the assistance provided residents after Sandy was done with in-house staff and that "there was no need for the Township or residents to hire private contractors". Conversely, Longport ~ which contracts with Atlantic County Utilities Authority for refuse pickup and therefore does not have the manpower or equipment that is available to Egg Harbor Township for such purposes ~ needed to hire outside contractors with heavy equipment for storm-related cleanup.
5. Finally, Mr. Simerson was very proud of the fact that Public Works personnel manually assisted Seaview Harbor residents with the cleanup efforts.

F. Impact of Deannexation

In discussing the impact of deannexation on the Township's Public Works Department and on his responsibilities, Mr. Simerson testified that:

1. Travel to service Seaview Harbor "is not too much of a big deal in the scheme of things" since other parts of Township "are farther away and harder to get to" (from the Township's centralized Public Works facility on Mill Road just east of English Creek Avenue).
2. Should Deannexation occur, the Township would see minor savings in:
 - a. Fuel costs due to vehicles not being required to service this section of the Township (although the additional 3 to 4 miles from Anchorage Poynte to Seaview Harbor (x2 for the return trip) "does not amount to that much".
 - b. Tipping fees related to the reduction in refuse deposits to the landfill; and
 - c. Incidental maintenance due to equipment not being required to service this section of the Township.
3. Depending on the storm, snow might be removed sooner if Seaview Harbor were part of Longport.



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4. Deannexation would have a negative impact on the Township's Public Works operations since the loss of ratables would result in a smaller DWP budget, which, in turn, "would probably" result in a loss of manpower.
5. He "doesn't see how services would be improved if Seaview Harbor was part of Longport".

3.4.3 RVW FINDINGS

A. Dredging

In response to Petitioners' assertion that other municipalities dredge on behalf of their homeowners, a 'fact' that somehow evidences that these municipalities possess an understanding of the needs of coastal communities that Egg Harbor Township does not, and that the Township therefore neglects the residents of Seaview Harbor, Township Administrator Miller stated that he was not aware of any municipality that dredges lagoons for private property-owners and submitted a letter from the Margate City Clerk²⁰² stating that that City does not dredge their lagoons or back bay areas.

To counter Mr. Miller's statement, Petitioners point to dredging projects undertaken by Avalon and Middle Township (and the State of New Jersey) as evidence that these municipalities possess an understanding of the needs of coastal communities that Egg Harbor Township does not, that they appropriately service their coastal residents and that the Township, by not dredging, neglects the residents of Seaview Harbor. To support this position, Petitioners submitted an article from the Shore News Today.com website detailing Ocean City's efforts to dredge its lagoons and bays²⁰³ and an excerpt and map that appeared on the Avalon Borough website detailing their (joint) dredging project.²⁰⁴

²⁰² Exhibit B-15

²⁰³ Exhibit S-105

²⁰⁴ Exhibits S-106 & S-107



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While S-105 indicates that Ocean City was attempting to dredge lagoons, it is not clear from this article whether such lagoons are owned by the City or by private property owners. The fact that the article states “the City has all the permits it needs to dredge the back bay and lagoon” suggests that the project was to be on City-owned waterways.

Exhibits S-106 and S-107 are **portions** of a webpage on Avalon’s website. A full reading of the webpage ~ including the specific section that S-106 was extracted from ~ reveals that “Avalon [was to] dredge **various waterways** along the back bay regions of the community, and through a partnership with Middle Township, Sterbeck Harbor in Avalon Manor” [**emphasis added**]. Private boat slips were **expressly not included** in the project ~ although private slip owners were afforded the opportunity to negotiate the dredging of their properties at their own expense but under the Borough’s dredging permit.²⁰⁵

Unlike the dredged channels that were dredged by Avalon and likely Middle Township and Ocean City, the Seaview Harbor lagoons are **privately owned** by either the residents of Seaview Harbor or the Seaview Harbor Marina.²⁰⁶

B. Trash & Recycling

1. No context has been provided to support the reasons why Seaview Harbor required private trash pickup until the (approximately) mid-1970s. At present, solid waste is collected by the Township via automated trucks on a weekly basis. Similarly, Richard Dovey, President of the Atlantic County Utilities Authority, reports that the ACUA collects solid waste in Longport (under contract with the Borough) weekly.

²⁰⁵ Report Exhibit R-3 (for brevity, the portion of the text included herein is limited to prior to April 20, 2015, the date S-106 was submitted into evidence).

²⁰⁶ Exhibit S-101 (5/23/09)

The Marina does not want to get involved with additional dredging due to restrictions imposed by the State that could jeopardize their permit... The Marina Board would not object if those residents affected took on the study and cost to amend the existing dredging permit to include the additional dredging which would require technical information such as existing depth of water, soil samples, etc. This could be an expensive proposition.



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The Township responsively accommodated the request of Seaview Harbor residents by changing collection scheduling for the community from Wednesdays to Mondays.²⁰⁷

2. Recycling is collected by the ACUA (under contract with the Township) every 2 weeks on Mondays. This was also changed to Wednesdays at the request of Seaview Harbor residents.

ACUA president Dovey confirms that the Authority collects recycling in Longport (under contract with the Borough) every 2 weeks between September 9 and May 18 and weekly between May 19 and September 8.

3. Mr. Dovey reported that voluntary²⁰⁸ trash / recycling container valet service is offered in Ventnor, Margate, Longport and Brigantine and that ACUA would provide this service to Seaview Harbor²⁰⁹ if requested. No request from Seaview Harbor has ever been made.

C. Snow Plowing²¹⁰

1. The number of road miles in the Township is of no moment to this Petition. At issue is whether or not the Township can adequately service Seaview Harbor in a snow event.
2. For snow events, Egg Harbor Township can deploy 27 pieces of equipment Township-wide. While no equipment inventory for Longport was reported, Mr. Simerson's testimony that Longport relied on private contractors for Sandy cleanup while the Township was able to address its needs in-house suggests that Longport does not possess the same level of resources that are available to the Township. This should not come as a surprise given the relative sizes of these communities.

²⁰⁷ Exhibit S-101 (4/4/09 & 5/23/09)

²⁰⁸ Whereby a participating homeowners pay ACUA directly

²⁰⁹ Recycling containers only since ACHUA does not pickup up solid waste in Seaview Harbor.

²¹⁰ Exhibit S-118.



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The above notwithstanding, the relative equipment inventories for Egg Harbor Township and Longport are of no moment to this Petition. Again, at issue is whether or not the Township can adequately service Seaview Harbor in a snow (or other severe weather) event.

3. Petitioner Stewart's contention that there is no snow removal into the marina section of Seaview Harbor is likely correct. The Marina is a commercial operation and, as with trash removal, municipalities typically require commercial operations to provide for their own plowing.
4. The validity of non-Petitioner but Seaview Harbor resident Ed McGlinchey's assertion that "the Township is not able to clear the Seaview Harbor streets of snow in a timely manner" depends on one's perception of "timely".

Conventional wisdom holds that nobody thinks their streets are plowed quickly enough. Mr. Simerson testified that the Township's priority in snow events is to insure that primary high traffic roads are passable for emergency responders and that internal streets in residential neighborhoods ~ including those in Seaview Harbor ~ are plowed last. He further testified that the Township's goal is to have all roads cleared within 24 to 36 hours from the end of a storm.

In light of these policies, the response times reflected in Exhibit B-98 appear reasonable.

5. Mr. Stewart's contention that "very seldom is snow removal seen in the community" is not supported by Mr. Simerson's manpower log.²¹¹ Further, Seaview Harbor is fortunate to have access to the Marina's heavy equipment, including equipment that can plow snow²¹². Given the Survey responses and testimony of Messrs. Stewart and McGlinchey, it is likely that Seaview Harbor streets are plowed by private efforts before the Township is able to arrive. If this is the case, the perception that the Township does not plow the snow is understandable.

²¹¹ Exhibit B-98

²¹² As well as equipment available to Mr. McGlinchey



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6. In light of the foregoing, Mr. McGlinchey's testimony that "the Township is not equipped to handle the snow, its Department of Public Works is undermanned and the Township can't afford the manpower necessary" is not supported by facts.

D. Rights-of-Way

1. With respect to street cleaning, pothole repair and general maintenance, Mr. Simerson's testimony that Public Works "gives adequate attention to all neighborhoods in the Township" and that "every part of the Township is treated equally, whether contiguous or not" is credible. Further, Mr. Simerson's incentive to insure that Seaview Harbor's needs are addressed ~ "his boss [Mayor McCullough] lives there" provides compelling evidence that this neighborhood is not neglected.
2. In addition to reviewing Exhibits S-50, S-54, S-55, S-56, S-57 and S-120, a visual inspection of the roads in Seaview Harbor by this office finds that while some deterioration exists, classifying the roads as being in "deplorable condition" or "disgusting and dangerous" is little more than hyperbole.

E. Superstorm Sandy

1. The nature of Superstorm Sandy, both in its initial impact and in the public sector's response, was an unprecedented and anomalous act of nature. Attempting to ascribe any link between the storm, the Township's response and Seaview Harbor's Egg Harbor Township location ~ including assertions that the Township was somehow ill-prepared or neglectful, or that Longport was somehow better prepared or more responsive because residents were eventually able to return to their homes via the Borough and not N.J.S.H. 152 ~ is overreach.
2. Longport Mayor Nicholas Russo recognized the assistance provided ***by Seaview Harbor to Longport*** during the storm Sandy,²¹³ thereby reinforcing Mr. Simerson's testimony that Longport is not fully equipped to handle the needs of its community.

²¹³ Exhibit S-91: "When we needed help in Hurricane Sandy with a high wheel vehicle, one came over from Seaview Harbor".

Exhibit S-14: "My husband was called upon by Longport to evacuate residents during hurricane Sandy since he has a vehicle to do this".



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F. Impact of Deannexation

Assuming successful deannexation:

1. The Township would maintain its responsibility to service Anchorage Poynte and N.J.S.H. 152 to the Kennedy Bridge. Accordingly, the Township could expect minor savings in fuel, tipping fees and incidental maintenance for equipment not being required to service this section of the Township.
2. Depending on the particular storm, snow might be removed sooner.
3. Whether Public Works services for the balance of the Township would be improved if Seaview Harbor was part of Longport is debatable. Logically, some services may improve while others would suffer.
4. The loss of ratables is likely to result in a smaller Public Works budget, which, in turn, is likely to result in a loss of manpower and equipment purchase and maintenance.

Many variables will affect the budgetary impact of deannexation, and it is possible that the Township Committee will elect to make no cuts in public works funding ~ electing to direct any loss of ratables elsewhere. However, given the recent history of belt tightening during the 2007-2010 period, it is likely that reduced Township revenues will result in the Township further deferring purchases and maintenance.

3.4.4 RVW RECOMMENDATIONS

- A. The fact that the Township elected not to assist private property owners in dredging the lagoon in the 1960s / 1970s is of no moment to this Petition. While viewed by Petitioners' as neglect, the expectation that a municipality will commit significant taxpayer funds to improve private waterfront property is misguided at best.
- B. The fact that Seaview Harbor required private trash pickup in the 1960s and that the Township "only" commenced municipal pick up in the (approximately) mid-1970s is



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- of no moment to the current Deannexation discussion. Egg Harbor Township has, as have many once-rural municipalities in New Jersey, added services over time as it has transformed from rural to (generally) suburban in character. Non-Petitioner but Seaview Harbor resident John Dabek's testimony that the Township was responsive to Seaview Harbor's request to move trash pickup days from Wednesday to Monday indicates responsiveness to the residents' desires.
- C. Longport's public policy decision to fund weekly recycling pickup in the summer months when increased population results in a greater volume of recyclables is clearly more frequent than the Township's bi-weekly recycling contract with ACUA and would be beneficial for Seaview Harbor.
- D. Exhibit B-98 demonstrates that, contrary to Petitioners' assertions,²¹⁴ the Township does plow snow in this community. While the timeliness of this service may be debated, the fact remains that the Seaview Harbor neighborhood is plowed as needed along with the other residential communities in the Township. Further, the fact that the Township has elected to prioritize its plowing efforts is a reflection of public policy and not neglect.
- E. The fact that access to Seaview Harbor was available through Longport before it was available via the Longport ~ Somers Point Boulevard after Superstorm Sandy is of no moment to the current Deannexation discussion. In the immediate aftermath of Sandy, access to the barrier islands was prohibited. As such, the Black Horse Pike, the Downbeach Express [formerly Margate Bridge] Causeway and the Longport ~ Somers Point Boulevard were all closed east of (effectively) Shore Road. Different roadways were reopened at different times based on their ability to permit safe travel, and the fact that access to Seaview Harbor was obtainable through Margate and Longport while utility crews were working to clear the Longport ~ Somers Point Boulevard is no indication that Township services were less than adequate, that Township actions were less than appropriate or that access would have been provided any differently if Seaview Harbor were part of Longport and not Egg Harbor Township.

²¹⁴ Including a statement from Virginia McGlinchey that "after our petition was submitted, we then saw a snow plow come into our community, my first sighting", suggesting that the Township's efforts had only begun after the Petition was filed.



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Further, had Sandy made landfall a little earlier or a little later or a little north or a little south than She did, had a tree fallen a little left instead or a little right than it did, or had any number of events occurred differently, it is entirely possible that the Longport ~ Somers Point Boulevard could have been cleared before access to Longport would have been provided.

Finally:

- As a State Highway, the Longport ~ Somers Point Boulevard is under the jurisdiction of the New Jersey Department of Transportation;
- The entities responsible for utility repairs are the private Utilities themselves, who are answerable to the New Jersey Board of Public Utilities and not local governments; and
- A State of Emergency had been declared.

The municipality to which Seaview Harbor belonged was irrelevant to providing access to Seaview Harbor in the immediate aftermath of Sandy and will continue to be irrelevant for future storm events.

- F. Non-Petitioner but Seaview Harbor resident Ed McGlinchey testified that the Township's Public Works department "is undermanned" and that it "cannot afford the manpower to service this community". Without conceding this point, the logic of this position compels the conclusion that any reduction in ratables leading to a reduction in Public Works funding will create a hardship for the remaining portion of Egg Harbor Township.

Based on the totality of the foregoing, this office finds and recommends that:

- ***Petitioners' assertions that Seaview Harbor is not adequately serviced by the Township's Department of Public Works ~ or that it somehow receives less service less than other (Mainland) residential sections of the Township ~ are not supported by the facts in evidence.***



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- *With the exception of the frequency of recycling and the timeliness of snow removal, nothing has been put on record supporting the contention that the residents would receive better Public Works service if Seaview Harbor was part of Longport. Conversely, testimony has been put on the record that the balance of Egg Harbor Township would be harmed if Seaview Harbor were permitted to deannex to Longport.*
- *With respect to Petitioners' assertion that little attention is paid to Seaview Harbor, this office is impressed by Mr. Simerson's statement that his boss (Mayor McCullough) lives in Seaview Harbor, and if he [Mr. Simerson] wasn't providing proper service to this neighborhood, he "wouldn't be around for too long". Mr. Simerson has been a Township employee since 1992 and the Director of Public Works since 1994.*



3.5 EMERGENCY SERVICES

Petitioners assert that Seaview Harbor is not well served by the Township's (911) Dispatch, Police, Fire and Ambulance / Emergency Medical Technician ("EMT") Services. 75 Of the freeform responses to the Public Opinion Survey²¹⁵ included one or more references to dissatisfaction²¹⁶ with these services. Specifically:

- 55 Respondents registered dissatisfaction with the Township's Police, indicating that Longport Police respond to their needs and the Township's Police either never respond or respond too late to be of material assistance.
- 24 Respondents registered dissatisfaction with the Township's Fire Services, indicating that the Longport Fire Department responds to their needs and the Township Fire Services either never respond or respond too late to be of material assistance.
- 26 Respondents registered dissatisfaction with the Township's Ambulance Service, indicating that the Longport Ambulance Service responds to their needs and the Township Ambulances either never respond or are cancelled before arrival.²¹⁷
- 7 Respondents indicated that the emergency responders did not know where Seaview Harbor was or that it was located in Egg Harbor Township.
- 1 Respondent indicated that the ambulance responder did not know how to get from Seaview Harbor to Shore Memorial Hospital [now Shore Medical Center].
- 2 Respondents expressed their dissatisfaction as a choice that they make (i.e., preference) to utilize Longport Police, Fire and/or Ambulance services.

²¹⁵ Exhibit S-14:

- Question 18 "Describe any issues that you may have had with Egg Harbor Township services; (please list as many as you can remember)"
- Question 20: "Describe any issues you may have had with obtaining emergency services from Egg Harbor Township or would you like to shares any issues or stories regarding your experience with emergency services? (Police, Fire, Ambulance)"

Since individual respondents addressed dissatisfaction with multiple service areas across multiple Survey questions, a percentage of dissatisfied respondents was not calculated.

²¹⁶ 15 Respondents referenced Longport as the emergency responder without indication of satisfaction or dissatisfaction.

²¹⁷ In which case the callers self-transport to the hospital.



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3.5.1 PETITIONERS' TESTIMONY

A. Petitioners testified that the Township's 911 dispatch and emergency responders either don't know where Seaview Harbor is or believe that it is located in Longport, thereby jeopardizing response times for medical and other emergencies.²¹⁸

B. Police

1. Non-Petitioner but Seaview Harbor resident Kevin Kohler testified that the Township has historically not provided police services "to this day", and that the community relied on the State Police for protection.
2. Non-Petitioner but Seaview Harbor resident John Dabek and Petitioner Scott Kinney testified that there are no regular Township Police patrols in Seaview Harbor, only after-the-fact / follow-up responses. When requests for Police are made, Longport responds first. Egg Harbor Township Police arrive later.

Mr. Dabek further testified that Police services often don't respond to calls for service,²¹⁹ resulting in "significant service and safety issues" for the community.

3. Petitioner Sharon Gordon and Non-Petitioner but Seaview Harbor resident Ivan Tancredi testified that Longport Police respond much quicker than Township Police. Other Petitioners echoed this sentiment.

²¹⁸ Petitioner Steven Kline testified about a May 2003 medical emergency called to 911. After multiple calls for assistance wherein it was alleged that the 911 Dispatcher did not know where Seaview Harbor was. After explaining, and after waiting what was perceived to be an extended time, the Petitioner transported the individual to the hospital himself.

Petitioner John DeRose testified that an Egg Harbor Township police officer once told him that he did not know that Seaview Harbor was part of Egg Harbor Township. Petitioners Catherine Stanley and Scott Kinney reiterated this sentiment.

Similar sentiments are provided in a number of freeform responses to the Public Opinion Survey.

Exhibit S-81: "The Police dispatcher was unable to locate in the system the identity of one of the three streets in the Seaview Harbor community".

²¹⁹ Petitioner Yvonne Burns testified that in early-1990 a neighbor started building but did not continue. The house became an attractive nuisance for neighborhood children. She called the Police but they never responded.

Mrs. Burns testified that "Over the years she has called police many, many times. Longport was the first responder each time. Township Police "almost never come".

Similar sentiments are provided in a number of freeform responses to the Public Opinion Survey.



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4. Mr. Tancredi further testified that he “always sees” Longport Police in Seaview Harbor but not Egg Harbor Township Police.
5. Petitioners’ testified as to their belief that the relative size of the Township and the manpower of the Police Department results in Seaview Harbor not receiving the patrols that it warrants because Township Police are busy elsewhere.²²⁰

C. Fire Service

1. Mr. Kohler testified that the distance from the Mainland portion of the Township to Seaview Harbor results in "deficient" fire services. Similar testimony from other Petitioners support this sentiment.

Petitioners testified that the Township fire station closest to Seaview Harbor is Scullville Station No.1, which is approximately 7 miles from the community, translating into a 10 minute arrival time from time of dispatch.²²¹ Conversely, the Longport fire station is located just over the Kennedy Bridge ~ less than 1 mile from Seaview Harbor. As a result, response to an incident in Seaview Harbor is much quicker from Longport than it can be from Scullville.

Incident Reports were submitted to substantiate fire response times.²²²

2. Mr. Kohler further testified that while Longport and Somers Point Fire Departments are the First Responders to Seaview Harbor, Egg Harbor Township is limited to being a backup responder.²²³

²²⁰ Exhibit S-121

²²¹ Exhibits S-127, S-128, S-129 & S-131

²²² Exhibits S-47 & S-130

²²³ Petitioner Malcolm Brown testified that the July 2014 boat fire was his boat. He tried to call 911 on his cell phone but the call would not go through. A passer-by had to call. Longport fire department was the first to arrive on scene. Egg Harbor Township Fire apparatus "showed up 10, 15, 20 minutes later".



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3. Non-Petitioners but Seaview Harbor residents Larry Berkowitz and Renee Bunting testified that the Longport Fire Department responds much quicker than does the Township Fire Service. Based on this, Mrs. Bunting feels that Seaview Harbor would be safer if a part of Longport.²²⁴
4. Seaview Harbor's fire suppression system (i.e., fire hydrants) is fed from a well with limited capacity. Questions as to the adequacy of this system date at least to 2010.²²⁵

Petitioners assert that the Township's refusal to address the lack of water supply is evidence that the Township neglects the community when it comes to fire safety.

To support this assertion, Petitioners submitted a number of exhibits²²⁶ regarding the efforts of former Township Fire Chief William Danz to have Atlantic County install a dry stand pipe on the Kennedy Bridge as part of the County's 2013 bridge reconstruction project. The purpose of this pipe was to connect Seaview Harbor's hydrants to Longport's water system to provide proper water pressure to the community in the event of emergency.

²²⁴ Similar sentiments are provided in a number of freeform responses to the Public Opinion Survey.

²²⁵ Exhibit S-101:

- March 2011 minutes of the Seaview Harbor Community Club:

...the recent fire at the Marina raised a lot of questions and concerns as to the water volume Seaview Harbor Water Company is able to supply our community... the current system is fifty years old. There are two wells and one pump. There is no backup if the system goes down and would take a couple of weeks to repair if the system should go down. The Township should therefore be involved as an obligation of public safety to this community as well.

- May 2011 minutes of the Seaview Harbor Community Club:

Ed McGlinchey attended a Township Meeting on March 23rd to put on public record our water concerns. The governing body appeared receptive to these concerns... a follow-up letter was addressed to the Mayor and Township Committee Members requesting their assisting in setting a meeting with EHT, Longport Borough, Seaview Water Company and Seaview Harbor Community Association. To date, there has been no response to this request.

- Winter 2011 minutes of the Seaview Harbor Community Club:

Serious consideration needs to be given to a long-term solution to our water supply and it was requested this situation be evaluated and other alternatives be looked into such as a permanent connection to either New Jersey American Water or the Borough of Longport's water system."

²²⁶ Exhibits S-132, S-133, S134, B-74 & B-106



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Petitioners suggest that the pipe was not installed because the Township was unwilling to pay the cost of installation. A conclusive determination of the reason that the pipe was not installed was not determined during the course of the Deannexation hearings.

D. Ambulance / EMT

1. Mr. Dabek testified that, as with Police, Township Ambulances often don't respond to calls for service, resulting in "significant service and safety issues" for the community. Longport is the First Responder for Seaview Harbor.
2. Testimony revealed that the Township's Ambulance Service is based on Fire Road, approximately 9.7 miles from Seaview Harbor. Conversely, the Longport fire station is located just over the Kennedy Bridge ~ less than 1 mile from Seaview Harbor. As a result, response to a medical emergency in Seaview Harbor is much quicker from Longport than it can be from Egg Harbor Township.
3. Petitioner John DeRose testified that his wife was injured July 2013. Township Emergency (911) Dispatch was called and the ambulance arrived 20 minutes later. Upon requesting that his wife be transported to Shore Medical Center [formerly Shore Memorial Hospital], the ambulance driver indicated that he didn't know how to get there from Seaview Harbor.

One freeform response to the Public Opinion Survey stated "Every time my mother in law who lived at 407 Longport Blvd. in Seaview had to get rushed to the hospital we had to tell the medics and ambulance drivers and even police how to get there!! They didn't know where it was!"

Petitioner Steven Kline testified that in May 2003, his mother had a medical emergency. They were told an ambulance was dispatched. After some time without a response, they cancelled the call and transported her to Shore Memorial Hospital [now Shore Medical Center] themselves.²²⁷

²²⁷ Exhibit S-100.



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- E. Mr. Dabek testified that, as a result of the foregoing, Seaview Harbor is "at the mercy of Longport for First Responders", who are "not obligated" to service Seaview Harbor.

Seaview Harbor resident but non-Petitioner Joseph Stewart testified that the community "will never be satisfied with Egg Harbor Township being their First Responder".

An undated Resolution (presumably) of the Seaview Harbor Community Association²²⁸ stated that "the geographic location of Seaview Harbor does not permit the Township to properly and efficiently respond to emergency needs" and "when emergencies arise during the height of the summer season, services are hindered even more so due to the amount of traffic necessary to reach Seaview Harbor from [mainland] Egg Harbor Township".

- F. Weather Emergencies

Petitioner Scott Kinney testified that, in terms of emergency services, in the days leading up to Hurricane Irene in 2011 and Superstorm Sandy in 2012, Seaview Harbor was contacted by Longport Emergency Services from Longport via paper notices, personal visits and a drive-by with a public address system. Petitioners assert the lack of similar service from the Township is evidence of a lack of public safety services to and neglect of the community.

3.5.2 TOWNSHIP RESPONSE

- A. Any meaningful discussion of emergency services to Seaview Harbor must be predicated upon an understanding of the concept of Mutual Aid, a philosophy whereby municipalities will assist each other in when emergency situations arise. Mutual Aid is well-described in the preamble to the Atlantic County Mutual Aid and Assistance Agreement between Participating Units (i.e., Municipalities) ~ of which Egg Harbor Township and Longport are signatories ~ which states, in pertinent part:²²⁹

²²⁸ Exhibit S-81

²²⁹ Exhibit S-113 (January 2014) [*emphasis added*]



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...The State of New Jersey adopted the "Fire Service Resource Emergency Deployment Act"²³⁰ to establish a mechanism for the coordination of fire services resources throughout the State to facilitate a quick and efficient response to any emergency incident or situation that requires the immediate deployment of those resources in order to protect life and property from the danger or destruction of fire, explosion or other disaster.

...The Director of the Division of Fire Safety in the [New Jersey] Department of Community Affairs promulgated rules commonly referred to as the "Fire Service Resource Emergency Deployment Regulations" N.J.A.C. 5:75A et seq., and N.J.A.C. 5:75A-2.2 specifically requires each municipality or fire district to adopt a local fire mutual aid plan.

...the Participating Units recognize that entering into an agreement for mutual aid and assistance with each other to protect against loss, damage or destruction by fire, catastrophe, civil unrest, major emergency or other extraordinary devastation and to address those situations when additional aid and assistance is needed to protect the best interests of the persons and property in each individual jurisdiction.

1. *Mutual Aid and Assistance. Upon the request as provided herein, the Participating Units shall provide mutual aid and assistance to each other. Mutual Aid and Assistance shall include the following:*
 - a. *Rendering of aid and assistance, including pre-established immediate response by one or more Participating Units to an emergency scene under the control and/or jurisdiction of another Participating Unit, said emergency may include but not to be limited to fire, civil unrest, major criminal or emergency events, natural and man-made disaster or catastrophe affecting the environment.*
 - b. *Rendering of aid and assistance by one or more Participating Units to another Participating Unit to serve as supplemental reserve protection in the Requesting Unit's jurisdiction while the Requesting Unit is on an emergency call and/or otherwise currently unable to address the emergency service needs in its jurisdiction.*
2. *a. Each local jurisdiction shall develop a Municipal Mutual Aid Plan to include mutual aid assistance to the levels they deem acceptable when measured against potential risks.*

²³⁰ N.J.S.A. 50:14E-11 et. seq.



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4. a. No Participating Unit shall bill a Requesting Unit *for wages, salaries or use of equipment in making mutual aid and assistance responses, except as is provided for by a pre-existing separate agreement and/or as permitted within the regulations of the Stafford Disaster and Emergency Assistance Act...*

While this County Agreement is a 2014 document, Township Administrator Miller submitted Township Ordinance No. 44 of 1990 which provided for Mutual Aid for police.²³¹ Although not Mutual Aid in the strict sense of the service, the Egg Harbor Township 911 Communications Center handles public safety calls via inter-local service agreements with the municipalities of Linwood and Northfield and, as of October 2015, Longport.

The general philosophy underpinning the concept of Mutual Aid was well-stated by Longport resident and Petition supporter John Stroebele, who, along with being a volunteer fireman in Longport since 2001, is a former Public Safety Director and Mayor of the Borough. During his testimony, Mr. Stroebele stated:

“Public safety is paramount regardless of boundaries.”
***“People in the Public Safety Service are committed to safety,
not petty boundary issues.”***

Mutual aid is not limited to neighboring or nearby municipalities, assistance when one municipality cannot respond to a call for service in a timely manner or assistance when a local agency is overwhelmed by a particular incident. It also extends to specialized assistance when a local municipality does not possess a capability within its own agency.²³²

B. 911 Dispatch

1. Township Police Chief Raymond Davis, who oversees the Township’s 911 dispatch function, testified that, under Mutual Aid, the Township’s Communications Center regularly provides service to Longport when the

²³¹ Exhibit B-65

²³² Report Exhibit R-4

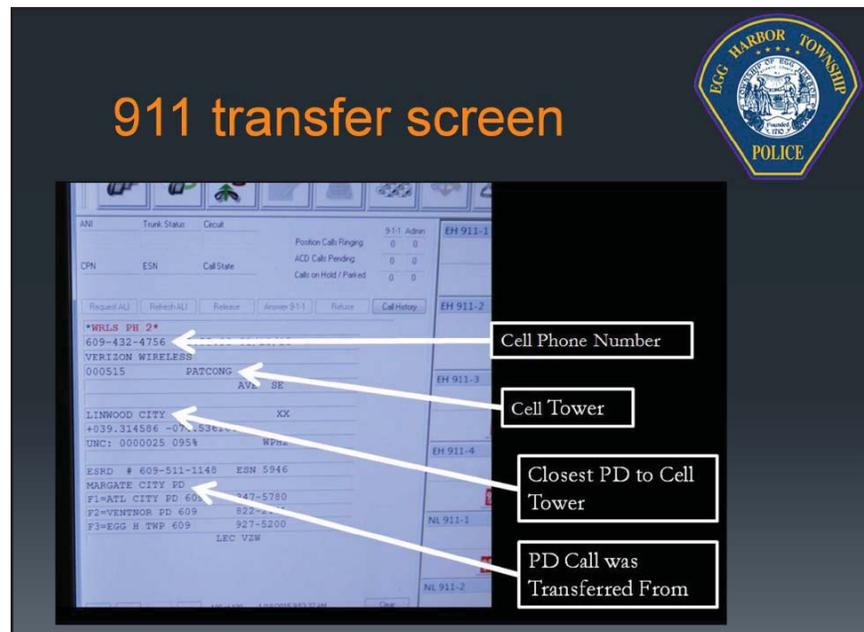


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Borough's dispatch system is overwhelmed or inoperable.²³³ With the new inter-local arrangement, this will no longer be necessary.

2. In response to Petitioners' assertion that Township's 911 Dispatchers and EMS responders either don't know where Seaview Harbor is or believe that it is located in Longport, Chief Davis testified:
 - a. The Township's Communications (911 Dispatch) Center is staffed by 3 to 5 nationally-certified Dispatchers and a nationally-certified Supervisor on each of 3 shifts. Manpower can be augmented during peak call times as the need arises. Staffing is expected to increase under the inter-local agreement with Longport.
 - b. The Communications Center operates with a Computer Aided Dispatch system that includes a coordinates-based mapping element and an Enforsys program that includes an address lookup element. When a call is made to the Communications Center, a computer-generated record of the call is created for the Dispatcher which includes:²³⁴

The telephone number of the person reporting the incident;



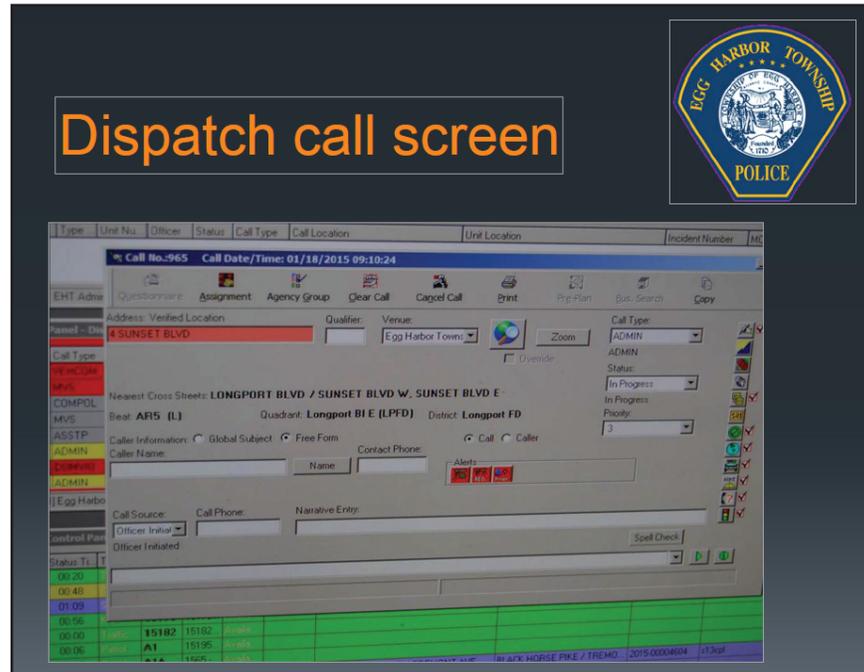
²³³ Exhibit B-68

²³⁴ Exhibit B-100: pp. 22-29. *Example provided was a test call made from Seaview Harbor*

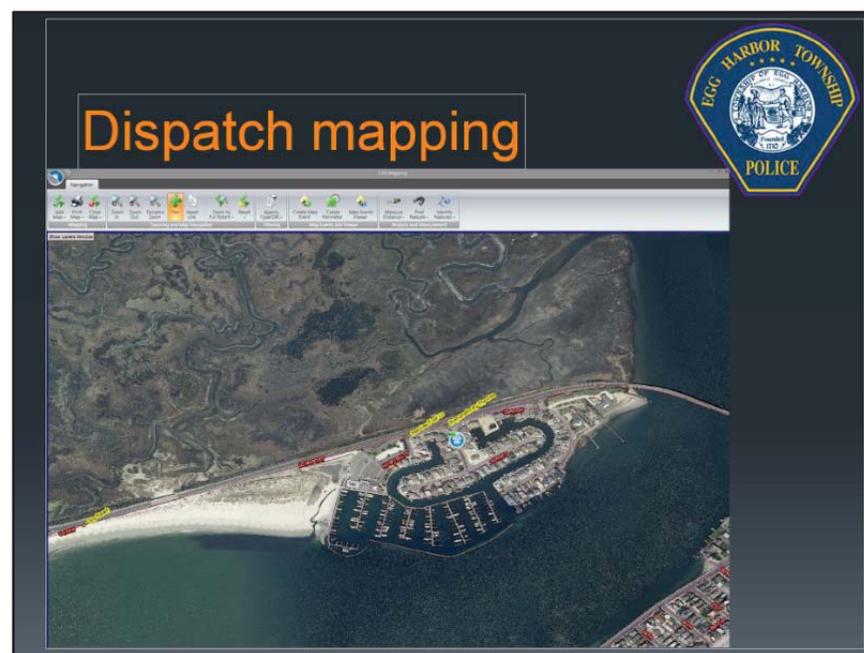


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The street address of the incident along with the nearest cross-street to that address and the priority assigned to the incident by the Communications Center;



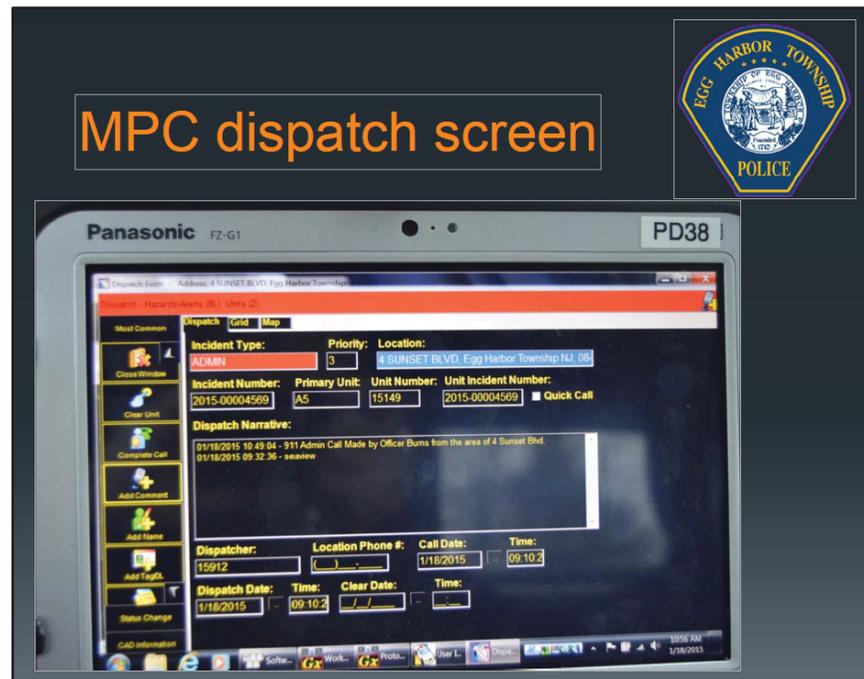
A map of the section of the municipality the incident is located, with labels for the subject address, surrounding streets and nearby businesses;



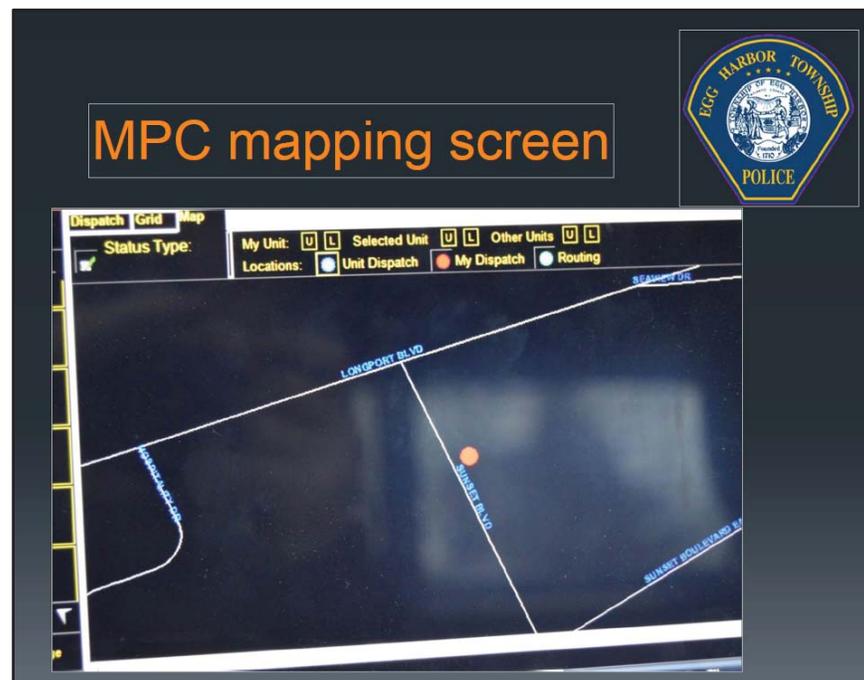


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This information is transmitted to a responding police patrol unit in the area of the call in the form of a screen detailing the incident type, priority, location and pertinent information; and



A routing map of the subject location.





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3. Chief Davis testified that this system will alleviate any address confusion as to Seaview Harbor's location.
4. In response to Petitioner Kline's testimony regarding his family's May 2003 medical emergency called to 911 where, after multiple calls for assistance, the family transported the individual to the hospital themselves, Township Administrator Miller submitted the dispatch Incident Inquiry from that call which included the statement "no chest pain or trouble breathing at this time", indicating that the dispatcher either was not informed or did not believe the call to be a medical emergency.²³⁵

C. Police

1. Chief Davis testified that it is the policy of the Township's Police Department to "honor its moral and legal responsibility to provide assistance" to other municipalities under the Mutual Aid program. And while "most times" the Township **provides** Mutual Aid, it does **accept** Mutual Aid when another Police department can respond more quickly. Chief Davis advised that the mission of the Department is to "provide our best service, protecting our public"... and if [Mutual Aid] is the beneficial way, then we will do this".
 - a. The Egg Harbor Township Police Department provides specialized services to the Longport Police Department. Such services include, but are not limited to, forensic accident analysis, K-9 assistance and Spanish interpreter services.
 - b. Longport Police provide Mutual Aid to Seaview Harbor when incidents represent an immediate threat to life and property or where Township Police cannot respond in an appropriate timeframe given the nature of the call. Protocol dictates that the Township Communication Center is to take all calls and decide when to request assistance from Longport. As such, calls made to the Longport dispatch system for incidents in Seaview Harbor or on N.J.S.H. 152 are to be routed by Longport to the Township for review and evaluation.

²³⁵ Exhibit B-51



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- c. Chief Davis reported²³⁶ that Township Police provided Mutual Aid to Longport on 30 occasions between January 2011 and June 2015. Petitioners assert that their review of this report finds that only 10 such calls support that actual assistance was provided to Longport.²³⁷ No conclusive information was offered to determine as to how often the Longport Police provided Mutual Aid to Egg Harbor Township.
2. Both Township Administrator Miller and Petitioner (and former State Trooper) Robert Lowery testified that the Township did not operate its own Police Department until 1974²³⁸. Prior to that date, the New Jersey State Police provided police services as required by law. Accordingly, Mr. Kohler's assertion that the Township has historically not provided police services to Seaview Harbor misrepresents the nature of how the Township provided services to the community over time.
 3. In response to Petitioner's assertions that Township Police do not respond to calls in Seaview Harbor ~ that they "never show up" ~ Chief Davis indicated that the Township is the "primary responder" for police issues and, as such, they will respond. The Chief explained that "if the nearest responding officer is tied up for a moment because he is doing something else, we may ask [Longport] to start a car [to Seaview Harbor] to assess the situation for us... just to provide a quicker police response, **but ultimately that officer is still going.**
 4. In response to Petitioners' assertions that there are no regular Township Police patrols in Seaview Harbor and Petitioners' assertion that the relative size of the Township and the manpower of the Police Department results in Seaview Harbor not receiving the patrols that it warrants because Township Police are busy elsewhere, Chief Davis' testified that each neighborhood in the Township, including Seaview Harbor, is patrolled at least once per shift ~ unless activity warrants increased Police presence. Such conditions, in turn, are processed via

²³⁶ Exhibit B-100: p.30

²³⁷ Exhibit S-124 (marked for identification but not entered into evidence)

²³⁸ Chief Davis testified that the year was 1968.



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the Departments DDACTS computer system²³⁹ which employs crash, crime, calls for service and enforcement data to establish effective and efficient methods for deploying police resources. According to the Chief, DEDACT Zones are monitored “continually”, and no changes have been required “recently”.

Egg Harbor Township is divided into 5 Police Patrol Areas, with a patrol car assigned to each Area. Area 5, which includes Seaview Harbor, while the largest such Area,²⁴⁰ can be subdivided into 2 subareas if manpower is available and needs dictate.

Additionally, the Township requests response from the Longport Police under Mutual Aid when Township Police are not available or when the nature of the call dictates.

5. To address testimony that Longport Police respond much quicker to Seaview Harbor calls for service than does the Township Police, Chief Davis testified that Township Police are “the first to arrive on calls ‘almost exclusively’”. Longport Police are not normally dispatched, and only arrive if “they [Longport] pick up the call **on their own**”.

When queried as to what would cause the Township to ask for Longport’s assistance, Chief Davis stated this would occur if the Area 5 officer was busy with another call or if it was a non-priority call such as a burglar alarm, wherein the Communications Center would ask Longport Police to check the homeowner.

This testimony resulted in considerable debate as to whether or not Longport actually patrols Seaview Harbor, the relative response times of Township and Longport Police to incidents in Seaview Harbor and N.J.S.H. 152 and the methodology used to calculate these times. To support their position, Petitioners submitted a number of Police Incident (Detail Call for Service) Reports²⁴¹ which indicate, among other things:

²³⁹ “Data Driven Approach to Crime & Traffic Safety” was enacted in 2013.

²⁴⁰ Although much of this Area is wooded and undeveloped, necessitating less police attention.

²⁴¹ Exhibits S-124 (marked for identification but not entered into evidence) & S-135



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- Longport Police routinely observe traffic violations occurring as motorists are leaving Longport over the Kennedy Bridge. In this case, Longport Police pursue the violators over the bridge until they can be safely stopped on N.J.S.H. 152. Such situations are considered to be under the jurisdiction of the Longport Police since the violation occurred in Longport.
- Longport's dispatchers that receive calls for service from or relating to Seaview Harbor or N.J.S.H. 152 are supposed to notify Egg Harbor Township's Communications Center of the incident and await a request to dispatch Longport Police under Mutual Aid. Longport Police, however, appear to be responding prior to a request from the Township. In such cases, Longport Police can (and apparently do) arrive on scene before Township Police.
- Longport Police Officers self-initiate reports of incidents in Seaview Harbor and on N.J.S.H. 152 when they personally observe activity necessitating a response.

While Chief Davis has no issue with Longport Police operating on the west side of the Kennedy Bridge to address violations which occurred in Longport or Longport dispatchers forwarding calls to the Township Communications Center, he does object to Longport Officers responding to calls in Seaview Harbor or N.J.S.H. 152 **without being requested** and officers self-initiating calls on the west side of the Kennedy Bridge **without Township authorization** ~ the latter leading Chief Davis to conclude that the Longport Police Department may have operated outside of its jurisdiction.²⁴²

6. As relates to Petitioners' contention that the various Incident Reports submitted into evidence support their assertion that Longport Police respond to incidents in Seaview Harbor quicker than Township Police, Chief Davis questioned the methodology employed by the Petitioners. His conclusion is that "when you

²⁴² The Chief did note that it would be acceptable for a Longport Police Officer who was on N.J.S.H. 152 ("either going to the mainland or coming back") to move a road obstruction "instead of just driving by and calling" Township Police or checking on a disabled motor vehicle, although most times they "call us to let us know".



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equalize the methodology,²⁴³ Longport Police have similar response times to Seaview Harbor as do the Township's Police".

In support of this testimony, Chief Davis cited data²⁴⁴ that demonstrate average response time by Township Police to Seaview Harbor was 11 minutes 45 seconds compared to an average response time of 4 minutes 57 seconds Township-wide. However, the data may not paint an accurate picture in that certain calls for "may not have dictated an immediate response depending upon what is being said..." For example, an assault will be a call of service for an assault, however, if the caller indicates the assailant has already left the area it will still show up as this type of call because it is a call for service, however, the expediency will be removed from it (i.e., it will be assigned a lower priority response).

By contrast, the Chief testified that the average response time to Seaview Harbor by Longport Police (for priority calls under Mutual Aid) was 11 minutes 39 seconds. The Chief also testified as to the travel times / distances from Township Hall to the various edges of the Township, ranging from a low of 9 minutes to travel the 4.6 miles to Margate to a high of 17 minutes to travel the 7 miles to Westcott Road and West Atlantic City.²⁴⁵ At 14 minutes / 6.8 miles, Seaview Harbor is 4th in this 8-item sample.

Finally, the Chief testified that "typically there are only 2 Longport Police Officers on patrol at any one time and if they are busy, there would be nobody available" to respond.²⁴⁶ Accordingly, the ability of the Longport Police to respond anywhere, including Seaview Harbor, is dependent upon whether or not that

²⁴³ As calculated by Chief Davis

- Citizen initiated calls with a response time of less than 2 minutes were defined as outliers and excluded from this calculation. If an officer responds to a call in less than 2 minutes, it is not a true representative of response time to a citizen initiated call, as the officer would have had to have already been in the vicinity of the location.
- Citizen initiated calls with a response time of greater than 20 minutes were defined as outliers and excluded from this calculation. If an officer takes more than 20 minutes to respond to a call it was not a true priority call if no one rushed to the location.

²⁴⁴ Exhibit B-100: pp.44-45

²⁴⁵ Exhibit B-100: p. 47. The Atlantic City Airport (under the jurisdiction of the New Jersey State Police), the Air Gate (under the jurisdiction of the New Jersey National Guide) and the Chief's home were removed from this analysis.

²⁴⁶ While Petitioners challenged this claim, no evidence or testimony was submitted to the contrary.



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officer is occupied when the need arises. Further, the time to respond is dependent upon the officer's location when a call is made.

7. While not conceding that Township Police do not respond to calls in Seaview Harbor, Chief Davis testified that Petitioners' observations that Township Police arrive "only after-the-fact for follow-up response and paperwork" is due to Seaview Harbor (and N.J.S.H. 152) being in Egg Harbor Township and under the jurisdiction of Township Police. Accordingly, all incident paperwork must be prepared by Township Police.
8. Chief Davis' testimony included his belief that "Seaview Harbor is a stable, safe neighborhood". The basis for his belief is the data compiled for his presentation²⁴⁷ that demonstrate that citizen initiated priority calls from Seaview Harbor were 0.05%²⁴⁸ of the total number of citizen initiated priority calls made to the Township between January 1, 2011 and July 1, 2015.
9. Chief Davis testified that, due to budgetary considerations, the Township's Police Department is undermanned,²⁴⁹ and that deannexation would result in a financial loss to the Police Department of \$175,000 to \$200,000 each year. In his opinion, such a loss would mean:
 - Less police officers ~ leading to an increase to response times because there would be less officers on patrols ~ leading to an increase in Crime;
 - A reduction or elimination of Community Policing and school programs such as D.A.R.E. and Adopt-A-Cop; and
 - Increased motor vehicle incidents as the Police divert resources devoted to traffic control to other Police matters.

²⁴⁷ Exhibit B-100: pp.44-45

²⁴⁸ Of the 27,775 such calls received by the Township, 13 were from Seaview Harbor.

Expanding this analysis to include 2009 and 2010 resulted in a total of 16 citizen initiated priority calls from Seaview Harbor. Since the total number of citizen initiated priority calls for these years was not provided, a percentage could not be calculated.

²⁴⁹ Authorized strength = 92 (Exhibit S-136 indicates 96 in 2007). Current manpower = 84 officers (Exhibit S-136 indicates 95 in 2007)



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Chief Davis based his opinion on the impact of the Great Recession²⁵⁰ on the Township, when economic conditions necessitated a reduction in the number of officers in the Department. The Chief testified that “we lost officers and the crimes went up”.²⁵¹ Accordingly, the Chief testified that deannexation would result in “the average citizen of Egg Harbor Township seeing a reduction / contraction of service based on loss of revenue and corresponding Police Department funding”.

D. Fire Services

1. Township Fire Chief Robert Winkler and Township Fire Official (and former Scullville Fire Station Chief) Donald Stauffer testified that, under Mutual Aid, the Longport Fire Department is the established First Responder for Seaview Harbor. Accordingly, in terms of levels of service and response times, Seaview Harbor will see no change in response should deannexation occur.
2. The fact that Egg Harbor Township is not the First Responder for Seaview Harbor does not relegate the Township’s Fire Department to backup role as Petitioners suggest. The Township Department in general, and the Scullville Fire Station in particular, remain responsible for Seaview Harbor. With this in mind, the Scullville Station purchased a \$200,000+ fire boat in April 2015. Chief Stauffer testified that “one of the things that prompted the purchase of the boat was Seaview Harbor.”²⁵²

Additionally, the Departments have trained together in Longport and at Seaview Harbor, the latter to insure that appropriate protocols are in place and that firefighters know how to respond to the challenges of this community.²⁵³

²⁵⁰ Generally considered to be December 2007 to June 2009

²⁵¹ Exhibit B-100: p. 40

²⁵² Exhibit B-112

²⁵³ Exhibits S-101 & B-102

Petitioner Joseph Stewart testified that the May 2008 joint training exercise and protocols put in place after a 5 alarm fire at boat in the Marina resulted in a plan being implemented “that he is satisfied with”.



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The Chief testified that it is a 10 minute drive for the fire boat from its dock to Seaview Harbor. Factoring 10 minutes from the time the call goes out to the time the firefighters arrive at the dock results in a 20 minute response time from dispatch to arrival.

3. Addressing Petitioners' contention that Mutual Aid is somehow voluntary and that Longport is not obligated to service the Township ~ despite the contractual obligation evidenced by Exhibit S-113 ~ Chief Stauffer stated that he "never had a fire company say they could not respond to mutual aid request".

It was also noted that the Township's Fire Department provides Mutual Aid to Longport when required. Examples include the June 2012 fire at the Church of the Redeemer.

4. Addressing the sentiment of some Petitioners that reliance on Mutual Aid results in substandard service, Chief Stauffer stated that "the new generation of Fire Department officers has gotten away from the parochial attitude of old guard. They want to provide protection regardless of the town that is in need".
5. Chief Winkler testified that, although the Township's Fire Service is 100% Volunteer, they rely on Township funding for the purchase of apparatus and for equipment and building maintenance. By Statute, such funding is limited to \$15,000 per fire station for new equipment and \$15,000 per station for maintenance. This funding has not been increased since (approximately) 1990.²⁵⁴

Chief Winkler indicated that budget requests are increasingly not being fully funded, causing the Department to purchase less ~ and less capable ~ equipment. Additionally, the Township has reduced its capital purchases for large pieces of equipment (i.e. Fire Engines) from annually to every two years. As such, the Chief is concerned that the loss of ratables upon deannexation "will affect the fire service for the entire Township".

²⁵⁴ Exhibit B-105



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6. Township Response to Seaview Harbor Fire Hydrant Issue:

- a. Under testimony, Township representatives could not clarify why former Fire Chief Danz' recommendation to install a dry stand pipe on the Kennedy Bridge as part of the County's 2013 bridge reconstruction project was not implemented, but deny that Township budget issues were the reason.

To support this position, Mr. Miller submitted a letter from County Executive Levinson which raised a number of issues that needed to be explored before a decision on installation of the pipe could be made. While cost was included among the issues, nowhere did the Executive mention that the Township would be expected to share in the cost.²⁵⁵

- b. To support its position that the Township did not neglect Seaview Harbor on this issue, Township Administrator Miller submitted a letter from Mayor McCullough to Non-Petitioner but Seaview Harbor Resident Ed McGlinchey²⁵⁶ advising that he was setting up a meeting with representatives of the Seaview Harbor Water Company and Longport Mayor Russo.
- c. Mr. Miller testified as to a conversation he had with Mr. Ralph Henry, a principal in the Seaview Harbor Water Company, wherein Mr. Henry informed him that "the fire hydrants in Seaview Harbor did not provide sufficient water for firefighting purposes". Based on this conversation, Mr. Miller, via correspondence, informed Mr. Henry, in pertinent part, that "the Township's Fire Department had "deemed the fire hydrants useless for their intended purpose" and, therefore, the Township would no longer pay the Water Company the service fee for the use of the hydrants. Mr. Miller did communicate that the Township would resume payment "if the hydrants are upgraded to provide sufficient flow for firefighting purposes".²⁵⁷

²⁵⁵ Exhibit B-106

²⁵⁶ Exhibit B-46

²⁵⁷ Exhibit S-37



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- d. As part of his testimony, Township Fire Official Stauffer testified that Aqua New Jersey, the successor to the Seaview Harbor Water Company, was [at the time] removing the existing, above-ground hydrants in Seaview Harbor because the system is not considered adequate for fire suppression. The hydrants are being replaced by new, in-ground, “flush-hydrants”²⁵⁸ intended for water system maintenance ~ **and not for firefighting purposes.**

While not intended for firefighting, Mr. Stauffer stated that the new hydrants “are available for whatever level of fire protection can be obtained”. As such, he was [then] in the process of coordinating the use of the new hydrants with the Scullville, Longport, Margate and Somers Point Fire Departments, and had ordered new, specialized hydrant wrenches for distribution to these Departments.

- e. Mr. Stauffer testified that, from an operational perspective, the Fire Departments are “worse off” in trying to utilize these new hydrants”. The in-ground units will be covered by ice and snow in the winter ~ necessitating firefighters to shovel and chop into the hydrant vault; once inside, access in the vault is awkward, and vaults fill with water, mud, sludge and debris, and thereby making work inside the vault more difficult.²⁵⁹

From a water supply perspective, Mr. Stauffer testified that there will be no change between the old and new systems; hydrants are a means of accessing water, they do not change the amount of water available.

- f. Mr. Miller testified that he raised the issue of fire hydrant water pressure at Seaview Harbor with a staff person at the New Jersey Board of Public Utilities (“BPU”) who was processing the Seaview Water Company’s application to the BPU for approval of the sale of the Company to Aqua Water. During a phone conversation ~ confirmed via email²⁶⁰ ~ Mr. Miller was advised that “fire protection services is the [BPU’s] main issues for this sale to go through”.

²⁵⁸ Exhibit B-110

²⁵⁹ Exhibit B-111

²⁶⁰ Exhibit B-48



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Mr. Miller testified that he subsequently raised the water pressure issue as part of his testimony before the BPU at the Board's public hearing attendant to the sale,²⁶¹ where he advised the Board of the Township's concern "that the fire fighting system has been inadequate for years", and requested, on behalf of the Township, that Aqua provide "some type of quick connect type of device so when the fire truck shows up we have a way to access that structure so that we can still take whatever water that may be available for fire fighting purposes".

7. Overall, Chief Winkler and Mr. Stuafter testified that fire protection in Seaview Harbor will not change post-deannexation. "All will operate the same".

E. Ambulance / EMT

1. Unlike the Township's Ambulance Service, Longport's Ambulances are part of the Borough's Fire Department. Chief Davis testified that the ambulances are dispatched through the Township's Communications Center.
2. William Higbee, Jr, the Township's Director of Ambulance Services, testified that the Township has 5 ambulances in the fleet. The Ambulance Service operates "24 / 7", with 2 units on duty between 7:00 a.m. and 11:00 p.m., and one in service between 11:00 p.m. to 7:00 a.m. Each ambulance is staffed by 2 Emergency Medical Technicians ("EMTs") per shift. The Township's EMTs are part-time, paid employees who receive no benefits or pension. Longport's EMTs are volunteers.
3. As with Police and Fire, the Ambulance Service operates under a Mutual Aid Agreement with all of the Township's surrounding communities.²⁶² The Township's Communications Center monitors surrounding communities, and the Township will provide Ambulance / EMT assistance if necessary, as will the surrounding communities to the Township if the need arises.

²⁶¹ Exhibits S-109 & B96

²⁶² Mr. Higbee testified that the Mutual Aid Agreement with Longport was in place when he started with the Township in 1988.



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Mr. Higbee testified that, under Mutual Aid, Longport’s ambulances are responsible “from Cooper Bridge eastward, and Somers Point is responsible from the Cooper Bridge to that community”.

4. As relates to Seaview Harbor, Longport’s ambulances are dispatched first, with the Township providing additional assistance if needed. This protocol supports Chief Davis’ testimony that “the ambulances are dispatched through the Communications Center, and Longport’s ambulance service will go out [to Seaview Harbor] initially”.

With regard to Longport’s ability to respond to an incident in Seaview Harbor, Mr. Higbee noted that all of Longport’s Fire volunteers are EMTs. So if they are on another call, they may not be able to respond to Seaview Harbor as fast as proximity might suggest.

5. Mr. Higbee testified that the inter-local agreement under which the Township dispatches for Longport “will cause no change” for Ambulance Service.
6. Mr. Higbee testified that, in New Jersey, the municipal ambulance services provide basic emergency medical response, with contracted providers providing Advanced Life Support (“ALS”).²⁶³ Accordingly, with no change in dispatch, Mutual Aid / First Responder and ALS services, Mr. Higbee testified that there will be no change in Ambulance response times or service to Seaview Harbor should deannexation occur. Similarly, deannexation will have no effect as to Emergency Medical Services on the balance of the Township.

3.5.3 RVW FINDINGS

A. Dispatch

1. The Township’s Computer Aided Dispatch system, combined with Enforsys program, would appear to greatly reduce, if not totally eliminate, the address confusion of the type asserted by Petitioners.

²⁶³ Locally, AtlanticCare, via its MedicOne service, provides ALS for both Egg Harbor Township and Longport.



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2. According to Police Chief Davis, the Egg Harbor Township Communications Center, not Longport, was always the dispatcher of emergency services to Seaview Harbor. The inter-local agreement whereby the Township is dispatching Longport's public safety services renders moot Petitioners' assertion that they would be better off if Longport dispatched their emergency services.
3. In response to Petitioner Kline's testimony regarding his family's May 2003 medical emergency call to 911 where, after multiple requests for assistance, the family transported the individual to the hospital themselves, Township Administrator Miller submitted the dispatch Incident Inquiry from that call which included a notation that the patient had Congestive Heart Failure, as well as the statement "no chest pain or trouble breathing at this time"; thereby indicating that the dispatcher either was not informed or did not believe the call to be a medical emergency.²⁶⁴

B. Police

The extended colloquy between Petitioner's Attorney and Township Police Chief Davis regarding distance and relative response times of Township and Longport Police to Seaview Harbor, while interesting, did not fully explore the complexity of the issues involved. We find:

1. Longport is geographically closer to Seaview Harbor than is the Mainland of Egg Harbor Township. However, the suggestion that the location of the Township's Police Department plays a role in Police response to Seaview Harbor discounts the fact that Police affirmatively patrol the Township and, unlike Fire and Ambulance, are not based in their stations awaiting a call. As with Fire and Ambulance, however, the Township's Police Department has a relationship with Longport Police, via Mutual Aid, whereby Longport will respond to an emergency if Township patrols cannot respond in a timely manner.

Additionally, Longport Police are not positioned at the base of the Bridge waiting for a Seaview Harbor call.

²⁶⁴ Exhibit B-51



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2. In addition to Seaview Harbor, Township Police Area 5 includes Anchorage Poynte and N.J.S.H. 152. Calls for service answered by a Township Patrol at Anchorage Poynte would be expected to have an equivalent response time to Seaview Harbor as a Longport Patrol would have if responding from the Seaview Condominiums in the Borough, and a Township Patrol at the traffic light on N.J.S.H. 152 would be expected to have an equivalent response time to Seaview Harbor as a Longport Patrol would responding from the base of the Kennedy Bridge.²⁶⁵

3. A Township Patrol in certain locations on the Mainland will have a longer response time than a Longport Patrol at the southern end of the Borough.²⁶⁶

4. Chief Davis' testimony that "one of the Township's Police squads equals the entire Longport Police Department", while not mathematically correct, is a reasonable approximation.²⁶⁷ However, such manpower superiority it is likely to be of little comfort to Seaview Harbor if Patrols from Police Areas 1, 2, 3 and 4 are not assigned to their community.

5. Recognizing the distance between Longport and Seaview Harbor and the relative manpower allocations at any particular time, the Township, under Mutual Aid, will dispatch a Longport patrol unit to Seaview Harbor if the situation dictates.

²⁶⁵ A MapQuest search found drive times / distances to be:

- 3 minutes / 2.5 miles from Stern Drive at Anchorage Poynte to Seaview Harbor and 4 minutes / 1.4 miles from S. 16th Avenue in Longport to Seaview Harbor.
- 1 minute / 0.8 miles from the intersection of N.J.S.H. 152 and Ocean Drive to Seaview Harbor and 1 minutes / 0.6 miles from the intersection of Ventnor and 28th Avenues in Longport to Seaview Harbor.

Times presuppose that the Police units are able to respond immediately and are not impaired by traffic.

²⁶⁶ A MapQuest search found drive times / distances to be 8 minutes / 4.6 miles from intersection of Blackman Road and Ocean Heights Avenue to Seaview Harbor and 5 minutes / 1.6 miles from Point Drive in Longport to Seaview Harbor.

Times presuppose that the Police units are able to respond immediately and are not impaired by traffic.

²⁶⁷ Synopsis of manpower levels for the Egg Harbor Township and Longport Police Departments:

TOTAL POLICE EMPLOYEES	2009	2010	2011	2012	2013
Egg Harbor Township	125	115	105	111	115
Longport	19	18	17	16	13

Report Table H

Source: New Jersey Municipal ~ County Offense & Demographic Data. New Jersey State Police



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Within this context, the practice of having both Longport and Township Police respond to an emergency may, as Petitioners contend, double the effort needed and take Township police away from other portions of the municipality. However, Chief Davis has testified that there are times when the Township will permit Longport Police to respond to a call on the west side of the Kennedy Bridge without Township assistance. Further, additional Police units backing up responders ~ either of the same department or a separate department ~ when necessary is common practice. And Mutual Aid will address emergencies on the Mainland should Township Police be unavailable “due to the remote location of Seaview Harbor”.

6. In responding to Chief Davis’ statistics supporting his belief that Seaview Harbor is “stable and safe”, Petitioners’ Attorney submitted reports from the New Jersey Department of Law and Public Safety that contain crime data for Egg Harbor Township and Longport for “Jan - Dec 2013 vs. Jan - Dec 2014”.²⁶⁸ Utilizing the data on these reports and the crime statistics for Seaview Harbor presented by the Chief, Petitioners assert that Seaview Harbor has a crime profile more reflective of Longport than the balance of the Township.

The fact that Longport has less, and less serious, criminal activity than does other parts of Egg Harbor Township in no way negates the Chief’s comment that Seaview Harbor is “stable and safe”. Nor does it present a justification for deannexation. What it does demonstrate is that crime in Longport is so low that a single incident can result in a drastic change in the Borough’s crime statistics.²⁶⁹

7. Petitioners’ assertions that they are not well-served by Township Police are countered by the testimony of Petitioner Virginia McGlinchey, who, while noting that the community has been “targeted by people who have come in here several times since I had lived here and robbed people's cars”, did admit:

²⁶⁸ State of NJ Department of Law and Public Safety, Division of State Police, Uniform Crime Reporting Unit, Crime Trend Feedback (Exhibit S-123)

²⁶⁹ Exhibit S123 reports the total number of crimes in Longport as 11 in 2013 and 12 in 2014, resulting in a 9.1% increase in crime in the reporting period.



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*Speaking of police, the one thing I felt living in this community was safe, I could go out at night and walk about and not feel threatened.*²⁷⁰

Similar sentiments were expressed by the Seaview Harbor Community Club minutes, which stated:

*On July 21st several cars were broken into and contents robbed. The men responsible have been arrested. Although we feel this is a very safe community, we should also be aware that our community is not exempt from these kinds of things. [emphasis added]*²⁷¹

and

*The year 2010 brought two separate occasions where thieves hit our community. It appeared unlocked vehicles were targeted. We all feel comfortable and relaxed in this community however, beware our unwelcome criminals could hit at any time. [emphasis added]*²⁷²

8. Petitioners' assertions that they are well-served by Longport Police are countered by Non-Petitioner but Seaview Harbor resident Ed Kohler, who testified that "...there is not decent police response from the Township" but "we don't see Longport either".
9. While Chief Davis testified that he has made "no efforts to identify / better understand the concerns of Seaview Harbor regarding Police services" and has made no changes in Police Department policies after the filing of the Petition for deannexation, he did say that his experience before the Board in this matter "[had] been enlightening just by speaking with some of the public here". Through this process he learned that residents' "fear of crime is higher than the statistical numbers are showing" and that while Seaview Harbor is a low crime area "if the citizens are fearful for whatever reason, perception becomes their reality". Accordingly, the Police Department "needs to do a better job at figuring out why that is and respond appropriately". Toward this end, Chief Davis indicated that he "would like to speak with the citizens of Seaview Harbor directly".

²⁷⁰ Exhibit S-3

²⁷¹ Exhibit S-101 (August 2009)

²⁷² Exhibit S-101 (Winter 2011)



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Significantly, non-Petitioner but Seaview Harbor residents Renee Bunting and Linda Berger testified that they have seen more police in the neighborhood in past months than in the previous time living there.

10. As with other services, many variables will affect the budgetary impact of a successful deannexation on the Township's Police Department, and it is possible that the Township Committee will elect to make no cuts in Police ~ electing to direct any loss of ratables elsewhere. However, given the recent history of belt tightening during the 2007-2010 economic downturn, it is likely that reduced Township revenues will result in the Township not backfilling vacant Police positions and eliminating what are considered discretionary Police programs.

C. Fire Services

1. Since, under Mutual Aid, the Longport Fire Department is considered the First Responder for Seaview Harbor, the distance from the Township's firehouses to Seaview Harbor and the relevant times required to travel from the Egg Harbor Township Mainland or from Longport to the community are irrelevant.
2. Mutual Aid from Longport is a contractual relationship that cannot be denied to Seaview Harbor. Accordingly, in terms of levels of service and response times, Seaview Harbor will see no change in Fire response should deannexation occur.
3. The assertion that the distance between Seaview Harbor and the Township's Fire Stations "contributes to the inability" of the Township to be the First Responder to the community mischaracterizes the Mutual Aid relationship between the parties. Mutual Aid is not a response to an **inability**, but a **recognition** of distance and an **understanding** that the public safety community assists each other.
4. Township Fire Chief Winkler and Fire Official Stauffer testified that the Township's Fire Department participates in the County's Tanker Tank Force, which is a Mutual Aid resource made up of fires companies throughout Atlantic County.



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With respect to tankers, Mr. Stauffer testified:

- a. All Township Fire Engines carry 1,000 gallons of water. Additionally, the Bargaintown Fire Company has a tanker with a 2,500 gallon capacity and the Scullville Company's tanker has a 3,000 gallons capacity.
- b. **Longport has no tankers**, has **"a problem with water supply in the south end of their town" and, their apparatus "does not carry as much water because there are hydrants on every corner"**. For these reasons, the Township established a Tanker Task Force **for Longport**.

As part of the planning related to this Task Force, the Township's Farmington Fire Company²⁷³ provided a 2,000 gallon per minute pump "supply piece and they tapped into 2 different systems in Longport and ran lines to it". This Task Force is important because "the Township can get to Longport faster than the County Task Force coming from the other end of the County. So when it was mentioned about mutual aid that is something Egg Harbor Township has set up with Longport".

5. While neither Petitioners nor the Township could clarify why a dry stand pipe was not installed on the Kennedy Bridge as recommended by former Fire Chief Danz, the fact remains that the Chief did make this recommendation to the County.
6. The record reflects extensive effort by the Township to address the lack of water pressure to the fire hydrants in Seaview Harbor. Interestingly, while this issue had been a major concern of Seaview Harbor dating to at least 2010, the position of some Petitioners seems to have changed when it was discovered that the issue might impact the sale of the Seaview Harbor Water Company to Aqua New Jersey. Specifically:

²⁷³ According to MapQuest, the Farmington Fire Company is 8.7 miles / 21 minutes from the Longport Borough Hall (via U.S. Route 9, the Downbeach Express [formerly Margate Bridge] causeway and Ventnor Avenue.



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- a. Despite Seaview Harbor’s expressed concerns regarding the sufficiency of the hydrant system,²⁷⁴ Petitioners point to a letter from the Longport Fire Chief²⁷⁵ stating:

In the event of a fire in Seaview Harbor, the Longport Volunteer Fire Department will be utilizing the existing fire hydrants as an initial water supply to fight the fire. The hydrants will be utilized for as long as the water supply will allow. This will buy some time until additional water sources can be obtained or utilized.

as evidence that the hydrants are not useless.

Conversely, Township Administrator Miller however pointed to the same letter²⁷⁶ as evidence that hydrants are insufficient to fight a prolonged fire.

- b. Non-Petitioner but Seaview Harbor resident Ed McGlinchey and Petitioner Joseph Stewart ~ who is also a principal in the Seaview Harbor Water Company ~ testified that responders to the July 2015 fire “tied into Seaview Harbor’s fire hydrants and that was sufficient to quash the fire”. Mr. Stewart also testified that he had consulted with Margate’s Fire Chief, who confirmed that there was sufficient water in the system to fight the fire.
- c. Mr. Stewart testified that the Longport Department of Public Works tested the fire hydrants, and verbally indicated that the hydrants were “ok”. However, no written report was filed ~ either with the Township or Longport Fire Departments or submitted as part of the Deannexation process, and Mr. Stewart further testified the Longport personnel were not operating as Longport employees, but rather were **paid by the Seaview Harbor Water Company**.
- d. The Order of Approval by which the BPU approved the sale of the Seaview Harbor Water Company to Aqua New Jersey stated:

²⁷⁴ §3.5.1 herein

²⁷⁵ Exhibit S-38

²⁷⁶ Exhibit B-107



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...There are eight fire hydrants in the system which are currently used to provide public fire service. According to paragraph 5.6 (b) [of] the Agreement [of sale], the Seller is presently providing fire protection service, but the water system is not fully capable of doing so due to the limited water storage capacity of the water system. The Agreement also provides that: (1) the Seller and Aqua will jointly petition the Board; (2) the asset purchase will not take place until the Board authorizes the termination of the provision of public fire protection service; and (3) Seller provides timely written notice to the residents of the Township and the municipal fire department of the abandonment of public fire protection service. Therefore, the Seller should cease charging the municipality for public fire protection service under its current tariff. According to a statement made by Joe Stewart, Managing Partner of Seaview Harbor in an email dated December 31, 2014, the fire protection system meets the minimum criteria of an insurance service office standard Class 8B rating. There is a Mutual Aid Agreement which the Township is a party to in Atlantic County. This Mutual Aid Agreement is comprised of the neighboring towns of Longport, Somers Point and Margate to act as first responders in the event of a fire in [Seaview Harbor]. While the existing fire hydrants are not capable of providing adequate water volume to meet complete fire protection needs, they are capable of providing flows of 350 gpm for a period of 20 to 30 minutes. [Aqua New Jersey] intends to remove the existing eight fire hydrants from the system, as soon as practicable and install flush mount hydrants instead. [emphasis added]²⁷⁷

These statements support the historic concerns of Seaview Harbor residents ~ and the Township's testimony during this deannexation hearing ~ regarding the adequacy of the system, and call into question the motives of certain Petitioners who testified that the system was indeed adequate.

- e. Mr. McGlinchey, who raised this issue to the Township in 2010,²⁷⁸ testified in favor of the sale during the BPU hearing.²⁷⁹

²⁷⁷ Exhibit B-97

²⁷⁸ Exhibit B-45

²⁷⁹ Exhibit B-97



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- f. Non-Petitioner but Seaview Harbor resident Dian Dabek testified at the deannexation hearing that she was “appalled that Township doesn’t care if there is not enough water pressure in hydrants to keep Seaview Harbor safe”.

Based on the foregoing, Petitioners are apparently not all of the same mind regarding the adequacy of fire protection services in Seaview Harbor. However, the record does reflect the Township’s attempts to assist Seaview Harbor regarding the ability to fight fires in the community.

7. Unlike Police, the Township’s Fire Service is 100% volunteer. While a reduction in Township revenue upon a successful deannexation will not have the same impact that it might on the Police Department, it is likely to result in a reduction of funding for the purchase of apparatus and for equipment and building maintenance. Again, many variables will affect the budgetary impact of deannexation, and it is possible that the Township Committee will elect to make no cuts in Fire Service funding ~ electing to direct any loss of ratables elsewhere. However, given the recent history of belt tightening during the 2007-2010 period, it is likely that reduced Township revenues will result in the Township further deferring purchases and maintenance.

F. Ambulance / EMT

1. Since, under Mutual Aid, the Longport Ambulance Service is considered the First Responder for Seaview Harbor, the distance from the Township’s Ambulance headquarters to Seaview Harbor and the relevant times required to travel from the Egg Harbor Township Mainland or from Longport to the community are irrelevant. Accordingly, the fact that the Township’s Ambulance Services is headquartered on Fire Road has no impact on ambulance response times to Seaview Harbor.
2. The fact that Longport may not be able to respond to Seaview Harbor as fast as proximity might suggest if on another call will not change should deannexation occur.



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3. Mutual Aid from Longport is a contractual relationship that cannot be denied to Seaview Harbor. Accordingly, Seaview Harbor will see no change in Ambulance levels of service or response time response should deannexation occur.
4. As with Fire Services, the assertion that the distance between Seaview Harbor and the Township's Ambulance Station "contributes to the *inability*" of the Township to be the First Responder to the community mischaracterizes the Mutual Aid relationship between the parties. Mutual Aid is not a response to an 'inability', but a recognition of distance and an understanding that the public safety community assists each other.
5. Since New Jersey limits the municipal ambulance services to basic emergency medical response, leaving Advanced Life Support ("ALS") to contracted responders, Seaview Harbor will see no change in level of care should deannexation occur.
6. We don't question the testimony of Petitioner Kline regarding his problem with Ambulance Service. While Mr. Miller and Mr. Higbee provided some reasons why the delay could / did occur, such reasons are likely to be of little comfort to the Kline family. Again, however, the Mutual Aid arrangement between Egg Harbor Township and Longport, and other surrounding communities, will not change upon deannexation. Accordingly, Seaview Harbor will see no change in ambulance service should deannexation occur.

Conversely, Petitioner DeRose's testimony that an ambulance driver did not know how to get to Shore Medical Center [formerly Shore Memorial Hospital] from Seaview Harbor is not credible.

7. Township Ambulance Services are funded via a user fee whereby the Ambulance Service bills patients ~ or their insurance companies ~ directly. Accordingly, Mr. Higbee testified that deannexation will have no impact on the Township's Ambulance Service.



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G. Weather Emergencies

Petitioners' assertion that the lack of personal notice of pending Hurricane Irene in 2011 and Superstorm Sandy in 2012 somehow evidences of a lack of public safety services or neglect on behalf of the Township does not recognize the pervasive media coverage in the days leading to these storms. The fact that Longport extended a courtesy to Seaview Harbor is not a reflection on the Township.

3.5.4 RVW RECOMMENDATIONS

- A. Assertions that Seaview Harbor would be better served under Longport's emergency dispatch system are rendered moot by the Township's inter-local agreement with Longport whereby it has assumed dispatch responsibilities for the Borough. ***Accordingly, there will be no improvement in dispatch services to Seaview Harbor should deannexation occur.***
- B. The principle duty of government at any level is to ensure public safety. A government may do this itself or provide for public safety via other means. Recognizing that the Township's Fire and Ambulance stations may be too distant to respond to Seaview Harbor in the case of an emergency, the Township has entered into agreements with Longport and other municipalities to provide Mutual Aid.

Absent Mutual Aid, one would be compelled to agree with the freeform response to Petitioners' Public Opinion Survey²⁸⁰ which stated:

Egg Harbor Township is a considerable distance from us, emergency services are not practical to respond in a timely fashion. By the time EHT shows up the emergency is usually over. EHT supposedly has a mutual aid agreement with Longport for emergency services, but even in the event Longport is responding to an emergency in their Borough, Seaview would have to wait for either some other city to provide emergency service or wait for EHT.

²⁸⁰ Exhibit S-14



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However, as much as Petitioners might disagree, Mutual Aid is a time-honored practice whereby emergency services are handled by the closest or most capable²⁸¹ agency. For Seaview Harbor, Mutual Aid means that Longport is already the First Responder for Fire and Ambulance / EMT emergencies; thereby insuring that these emergencies are handled as quickly as is logistically possible.²⁸² **Accordingly, there will be no improvement in Fire or Ambulance / EMT services to Seaview Harbor should deannexation occur.**

- C. Mutual Aid for Police matters is more complicated than it is for Fire and Ambulance / EMT services because the Township Police retain legal jurisdiction for Seaview Harbor and because the Township Police patrol N.J.S.H. 152 and the community ~ albeit perhaps not as often as Petitioners would like. However, the presence of Mutual Aid does permit the Township to request assistance from Longport Police if Township officers cannot respond in a timely manner, if the situation requires an immediate response or if the nature of the call is simply a property check. **Accordingly, there will be no improvement to Police services to Seaview Harbor should deannexation occur.**

No evidence has been placed in the record to suggest that Seaview Harbor residents have experienced social injury related to emergency services ~ let alone “significant social injury” resulting from the combination of distance from the Township’s Fire, Ambulance and Police Stations and Township size and population.

Based on the totality of the foregoing, this office finds and recommends that Petitioners’ assertions that Seaview Harbor is not adequately served by the Township’s 911 Dispatch, Police, Fire and Ambulance / EMT Services ~ thereby rendering the community unsafe ~ are not supported by the facts in evidence. The record reflects that the community has very little crime and that Longport will provide immediate response should the situation warrant.

²⁸¹ Report Exhibit R-5

²⁸² Seaview Harbor residents are so appreciative of the services provided by Longport’s Fire Department, which includes Ambulance / EMT services, that they have directed their charitable giving to the Longport Volunteer Fire Department.



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While individual instances may have occurred where a response was not as quick as it could have been, this is more likely to do with human error than on a long-term, structural, and inherently irremediable "detriment" of the type the legislature had in mind when enacting the Deannexation Statute. Further, nothing has been put on record supporting the contention that the residents would receive better emergency services if Seaview Harbor was part of Longport. Conversely, testimony has been put on the record that the balance of Egg Harbor Township would be harmed if Seaview Harbor were permitted to deannex to Longport.



3.6 PLANNING

Petitioners engaged Ms. Tiffany CuvIELLO, a Licensed Professional Planner in the State of New Jersey, to undertake a planning analysis of the impact of the proposed deannexation. Her findings were submitted in a document entitled *Seaview Harbor Annexation Report Egg Harbor Township, Atlantic County*.²⁸³ Pertinent to this Report of Findings, Ms. CuvIELLO addressed Seaview Harbor within the context of:

- Land Area
- Zoning
- Demographics
- Social Interactions
- Emergency services
- Municipal Services (Public Works, Governmental Representation)
- Schools
- Township Planning Efforts for the Community

3.6.1 LAND AREA

Issues related to the Land Area of Seaview Harbor are addressed in §1.0 and §2.1 herein.

3.6.2 ZONING

A. Petitioners, alone and via Ms. CuvIELLO assert:

1. The residential section of Seaview Harbor is located within the Township's R-6 Residential Zoning District while the Commercial section of the development (Block 9501, Lot 1) is zoned CRW (Conservation Recreation & Wetlands). This Zoning is incompatible with the neighborhood and is inappropriate for a coastal (seaside) community.

²⁸³ Exhibit S-64 ~ "CuvIELLO Report"



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2. Longport has more appropriate seashore zoning. Ms. CuvIELLO testified that of the 3 Residential Zoning Districts in Longport, the RSF-1 Zone is the most similar to the Township's R-6 Zone for Seaview Harbor.
3. The Township requirement that front-entry garages can only be constructed with a 35' setback from the front property line; thereby mandating side-entry garages where the setback is less than 35'. However, the width of the Seaview Harbor lots are insufficient for side-entry garages. Variance relief is therefore required, which causes a hardship for Seaview Harbor residents.
4. The existing bulk standards for Seaview Harbor under Township R-6 Zoning are not practical for many of the lots in the Seaview Harbor community.²⁸⁴ Specifically:
 - a. R-6 Zoning requires 15' Front Yard Setbacks if a side-entry garage is proposed but requires 35' Front Yard Setbacks where front-entry garages are proposed.
 - b. The Township's Zoning Ordinance permits a minimum lot width of 50' and a substantial number of lots in the community are 50' wide. However, larger lot widths are required in order to accommodate side-entry garages.Accordingly, either a variance or elimination of the garage is required should a property-owner wish to locate a home closer to the street in order to maximize the Rear Yard.²⁸⁵
5. There are many Seaview Harbor homes that were constructed with front-entry garages with a setback of less than 35' which appear to have predated the Township Zoning requirement. Thus the Zoning Ordinance does not permit a development pattern that is consistent with the entirety of the community.²⁸⁴
6. Property-owners that wish to maintain their setbacks if they reconstruct are required to request a variance from the Township. This is a costly and timely process.²⁸⁴

²⁸⁴ Exhibit S-64: pp.9-10

²⁸⁵ Exhibit S-7 was submitted to evidence houses set back from the street and closer to the water.



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7. A Seaview Harbor homeowner could not rebuild a damaged structure in kind given current Zoning Ordinance requirements without variance relief.²⁸⁴

B. Township Response

In addressing Petitioners' assertions, Township Administrator Peter Miller, who has been a Class II member of the Township's Planning Board since 1999,²⁸⁶ testified:

1. Incompatible Zoning

- c. At the time of the original (1957) Seaview Harbor Subdivision, the Township had no established zoning. Lot sizes for the Seaview Harbor community were established by the approved subdivision plat prepared by the original developer and building regulations (i.e. bulk standards) were established by developer's Restrictive Covenants in the Indenture (i.e. Deed) for the property.²⁸⁷ Such Restrictive Covenants provide, in pertinent part:

REGULATION	REQUIREMENT
Front Yard Setback	30'
	1 story attachment: 20'
Side Yard Setback	Minimum: 8'
	Aggregate: 28'
Rear Yard Setback	10' from Bulkhead Line

Report Table I

- d. The Township's 2000 Master Plan Reexamination Report²⁸⁸ includes a section entitled "*Revise Zoning Regulations in Seaview Harbor and Anchorage Poynte*" which states:

²⁸⁶ But recused himself from the Board for these Deannexation proceedings.

²⁸⁷ Exhibit B-18, Exhibit B-19 & Exhibit B-20.

The Restrictive Covenants were established for an initial term of 15 years, automatically renewed in 20-year increments unless modified, in whole or in part, by a majority of the residential owners in the Seaview Harbor community.

²⁸⁸ Exhibit B-21: p. 25

In her review of the Township's planning documents, Ms. Cuvillo makes no mention of this section of the Reexamination or the subsequent actions related thereto.



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In conjunction with the recommendation of the 1994 master plan reexamination report, the Township should modify the zoning in Seaview Harbor to facilitate the intensity of development made possible with public sewer. Many of the applications for residential development in the Seaview Harbor and Anchorage Poynte portions of the Township have required variances from front, side and rear yard setbacks. The zoning in these neighborhoods should be revised to reduce the lot size and minimum required setbacks. Building coverage for lots in these areas should be increased to allow for the reduced lot size and setbacks.

- e. Responding to a request from the Township Committee, the [then] Planning Board Engineer proposed amendments to the Township's Zoning Ordinance to operationalize the recommendations of the 2000 Master Plan Reexamination. In his transmittal memorandum to the Committee,²⁸⁹ the Engineer states:

We have analyzed the applications to the Zoning Board that were not able to meet [R-5] requirements over the past several years... The majority of the variance applications included front, rear and side yard setbacks that have generally been granted. The 25' front setback requirement from any bulkhead has been the most troublesome as it applies to all development including decks, sheds, etc. in the rear yard of the various homes. This requirement significantly restricts the utilization of any yard area that fronts on the lagoon despite this area being most favorable for development of decks, pools etc.

With the proposed bulk requirements, only one (1) of the nine (9) applicants to the Zoning Board since 1997 would require setback variances. These modifications should make development in Seaview Harbor easier to undertake but still keep the character of the community and visibility of the lagoon intact.

- f. The minutes of the Township Planning Board meeting of July 17, 2000²⁹⁰ wherein the 2000 Master Plan and the Zoning Ordinance amendments were adopted reflect that Mayor McCullough and [then] Planning Board Chairman and [now] Petitioner Ralph Henry participated in the discussions.

²⁸⁹ Exhibit B-22

²⁹⁰ Exhibit B-23



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Significantly, the minutes reflect that Petitioners Judy and Ralph LaPorta "would be speaking in favor of the proposed" amendments.

- g. Township Ordinance No. 33 of 2000, adopted September 13, 2000:
 - i. Amended the Township's Zoning Map to change the zoning designations for Anchorage Poynte and Seaview Harbor from R-5 to R-6; and
 - ii. Amended Chapter 225 (Zoning) of the Township Code to institute Use and Bulk Standards for the new R-6 Zone.
- h. Mr. Miller submitted a list of Seaview Harbor building permits²⁹¹ for dwellings which were either newly-constructed (14) or enlarged (12) without variance relief. Notably, 9 permits were issued in the 15 months after Ordinance No. 33 was adopted, and no applications which included variance relief were submitted.

1. Setbacks & Side Entry Garages

- a. Mr. Miller submitted photographs showing 10 separate Seaview Harbor homes with side-entry garages, some being set back 30' or more, as well as photographs of Seaview Harbor homes with front-entry garaged set back 35' or more²⁹² as evidence that housing can be and has been constructed in Seaview Harbor with a variety of setbacks and garage configurations.
- b. Mr. Miller then submitted a photograph of a front-entry garage²⁹³ at what he stated was a 15' setback with a car extending over and blocking the sidewalk as evidence as to why the Township requires enhanced Front Yard Setbacks for front-entry garages. Mr. Miller testified that such conditions represent a danger to pedestrians, including seniors and those with baby carriages, who are required to walk into the street instead of keeping to the sidewalk.

²⁹¹ Exhibit B-25

²⁹² Exhibits B-26 & B-27 respectively

²⁹³ Exhibit B-28



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Exhibit B-28

C. RVW Findings

1. Petitioners' contention that the Township's Zoning for Seaview Harbor is incompatible with the neighborhood and inappropriate for a coastal (seaside) community is not supported by the facts in evidence.

- a. The 1957 subdivision plat for Seaview Harbor²⁹⁴ was established by the original developer for what was later described as "a planned community for the boating family",²⁹⁵ with residential lots extending from the rights-of-way to the lagoon, thereby providing each home with waterfront access and boat docks.

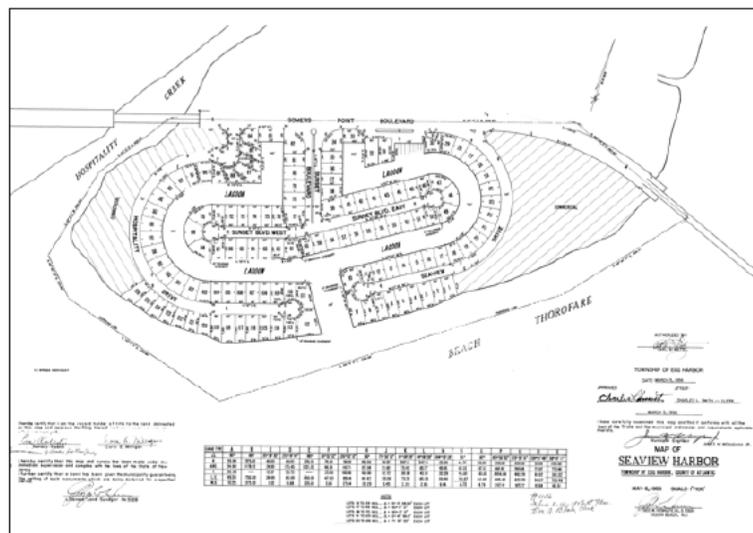


Figure 7 - County Filed Map Creating Lots in 1956

²⁹⁴ Figure 7 to Exhibit S-64 & Exhibit S-5

²⁹⁵ Exhibit S-8



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- b. Similarly, lot sizes and building regulations for Seaview Harbor were established by the original developer via Restrictive Covenants in the Indenture for the property.²⁹⁶ While it is not clear whether the original developer or one of its successors coined the phrase "planned community for the boating family", no changes were made to the subdivision or Restrictive Covenants to suggest that the original development pattern or land use regulations were incompatible or inappropriate for a coastal (seaside) community.

- c. When it became apparent that land use regulations may have, over time, become incompatible or inappropriate for Seaview Harbor, the Township amended the regulations to reflect [then] current community desires.

Report Table J presents the development regulations of the Restrictive Covenants against Seaview Harbor's current R-6 Zoning.

REGULATION	RESTRICTIVE COVENANTS	R-6 ZONING
Minimum Lot Area	Established via Subdivision	5,000 s.f.
Minimum Lot Width		50'
Minimum Lot Depth		N/A

Report Table J

A review of Seaview Harbor's original (1957) subdivision plat²⁹⁷ ~ colorized for this analysis (Report Graphic 15) ~ reveals that 15 of the 91 residential lots (17.5%) located to the east of what was eventually to become Seaview Harbor's marina and commercial uses were approved at a 50' to 55' lot width. Forty-one lots (45%) were approved at a 60' to 65' width and 16 lots (18.6%) were approved at a lot width of 70' or wider.²⁹⁸ All lots were approved at a lot depth of right-of-way to lagoon.

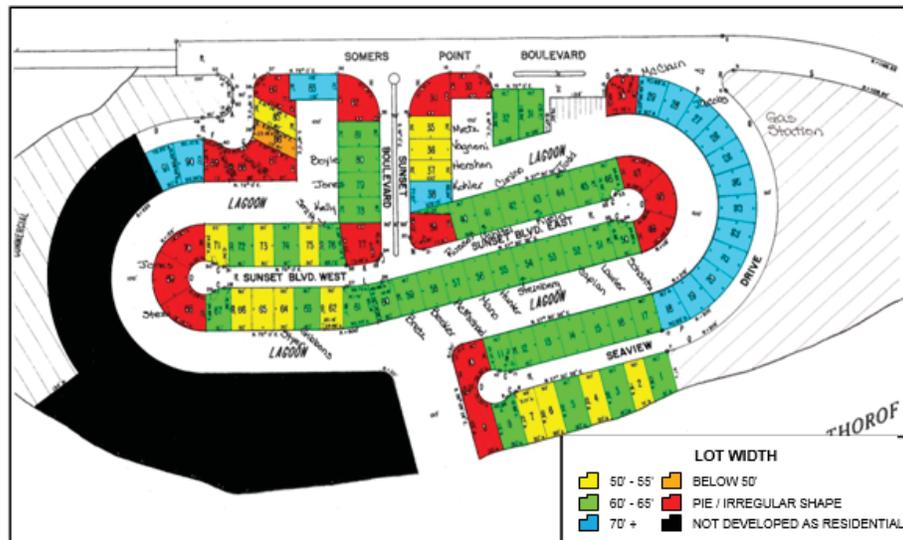
²⁹⁶ Exhibits B-19 & B-20

²⁹⁷ Exhibit S-5

²⁹⁸ 18 lots were approved as pie-shaped or otherwise so irregularly-shaped as to make lot-width calculations inconclusive to this analysis. 1 lot was approved narrower than 50'.



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Report Graphic 15

To the extent that the various geometries of the residential lots in Seaview Harbor lend themselves to a single Zone Plan, Minimum Lot Area, Minimum Lot Width and Minimum Lot Depth established under R-6 Zoning are substantially consistent with the Restrictive Covenants of the community as originally established.

- d. As the Seaview Harbor development evolved, the actual number of residential lots grew to 96²⁹⁹ and certain lot widths were modified³⁰⁰ Currently:³⁰¹

- i. Lot Sizes in the residential section of Seaview Harbor are:

LOT AREA (s.f.)	LOT COUNT
2,702	1
3,598	1
4,501	1

LOT AREA (s.f.)	LOT COUNT
5,999 - 6,102	8
6,134 - 6,197	3
6,335	1

LOT AREA (s.f.)	LOT COUNT
8,837 - 8,855	2
10,325	1
11,206	1

²⁹⁹ The results of the 2013 subdivision are not included on the electronic version of the Township's Tax Maps utilized for this analysis.

³⁰⁰ (Presumably) in an attempt to create larger lots, certain lots appear to have been cannibalized.

³⁰¹ Based on Attribute data associated with the Township's electronic Tax Maps, Figures rounded to whole number.



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LOT AREA (s.f.)	LOT COUNT
4,974	1
5,000 - 5,002	8
5,048 - 5,075	3
5,150	1
5,314	1
5,397 - 5,401	19
5,426 - 5,446	14
5,536	1
5,657 - 5,676	2
5,786	1
5,977	1

LOT AREA (s.f.)	LOT COUNT
6,443	1
6,833	1
6,900	1
6,943 - 6,945	2
6,985	1
7,294	1
7,339 - 7,343	3
7,455	1
7,682	1
7,857	1
8,673	1

LOT AREA (s.f.)	LOT COUNT
12,177	1
13,079	1
13,371	1
13,556	1
13,810	1
14,837	1
19,518	1
24,156	1
82,596	1
171,631	1
258,857	1

Report Table K

Accordingly, 95.8% of the residential lots in Seaview Harbor conform to the Township's R-6 Minimum Lot Size regulations.

- ii. Lot Widths in the residential section of Seaview Harbor are:

LOT WIDTH	LOT COUNT
30'	1
40'	1
48'	1
50' - 55'	17

LOT WIDTH	LOT COUNT
60' - 65'	36
71' - 76'	15
82'	1
110'	1

LOT WIDTH	LOT COUNT
115'	1
135'	1
IRREGULAR	21

Report Table L

Accordingly, 96.9% of the regularly-shaped residential lots in Seaview Harbor conform to the Township's R-6 Minimum Lot Width requirements.

- iii. All of the residential lots in Seaview Harbor conform with the Township's R-6 right-of-way to lagoon Lot Depth requirements.



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- iv. A comparison of the Bulk Standards mandated by the Restricted Covenants against those required under R-6 Zoning finds:

REGULATION	RESTRICTIVE COVENANTS	R-6 ZONING
Minimum Front Yard Setback	30'	15'
Minimum Front Yard Setback: Front Entry Garages	1 story attachment: 20'	35'
Minimum Front Yard Setback: Side Entry Garages		15'
Minimum Rear Yard Setback	10' from Bulkhead Line	10'
Minimum Side Yard Setback (individual)	8'	5'
Minimum Side Yard Setback (aggregate)	28'	15'
Maximum Building Height (Principal Structure)	Not Addressed	30'
Maximum Building Coverage	Not Addressed	45%

Report Table M

(a) At 15', the Minimum Front Yard Setback under R-6 Zoning is less restrictive than the 30' Front Yard Setback required under the 1957 Restrictive Covenants.

(b) The boundary and existing conditions Surveys of each Seaview Harbor property required for precise measurements of Front Yard Setback is beyond the scope of this Report of Findings. However, utilizing Google Earth aerial photography, distances from front property lines to building frontages were *approximated*.

Discounting projecting roof eaves, such analysis finds that all of the Principal Residential structures in Seaview Harbor appear to conform to the Township's R-6 Minimum 15' Front Yard Setback requirements.

2. Petitioners' contention that the Township's requirements for Minimum Garage Setbacks are incompatible with the existing lot sizes in Seaview Harbor and thereby necessitating variance relief is not supported by the facts in evidence.



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- a. While the R-6 (35') setback requirement for front-entry garages is more restrictive than the 20' Setback required for 1 story attachments (presumably intended for garages) under the Restrictive Covenants, the (15') R-6 requirements for side-entry garages is less restrictive than the 20' Setback required for 1 story attachments under the 1957 Restrictive Covenants.
- b. A visual inspection of Seaview Harbor performed for this Report of Findings identified:
- 54 homes with front-entry garages, including one carport;
 - 14 homes with side-entry garages;
 - 17 homes with no garages;
 - 5 homes on corner lots where garages on the side of the structure face a right-of-way.³⁰²



Report Graphic 16

³⁰² The Township's Zoning Code.(§225-3) provides, for Corner Lots, that the smaller of the 2 lot lines coexistent with street lines shall be considered as the "Lot Frontage." In the case of curvilinear lots, a judgment call as to Lot Frontage was made.



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c. While (again) precise conformance measurements are beyond the scope of this Report of Findings, the Google Earth aerial analysis was able to approximate conformance with garage-entry / setback requirements. Such analysis finds:

- 19 homes with front-entry garages (or carport) that appear to conform to 35' Garage Setback requirements;
- 34 homes with front-entry garages that appear not to conform to 35' Garage Setback requirements;
- 14 homes with side-entry garages that appear to conform to 15' Garage Setback requirements; and
- 0 homes with side-entry garages that appear not to conform to 15' Garage Setback requirements.



Report Graphic 17

The foregoing analysis reinforces the Township's contention that housing with front- and side entry garages can and has been constructed (or reconstructed)



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in Seaview Harbor. While it is not known how many of these homes, if any, required variance relief related to the garage setback issue, the fact that building permits were issued for 26 dwellings in Seaview Harbor (2000 to [then] present) that did not require variance relief, and that 9 such permits were issued in the 15 months after R-6 Zone was instituted, **counters Petitioners' assertion ~ although it is possible that the need for such relief deterred homeowners from making application or altered desired designs.**

- d. Mr. Miller's Exhibit B-28 depicts a Seaview Harbor home with front-entry garage at an approximately 15' setback with a car extending over and blocking the sidewalk. This Exhibit was offered as evidence as to why the Township requires enhanced Front Yard Setbacks for front-entry garages.

Report Graphic 18, excerpted from NJDEP Aerial photography, provides additional evidence to support the Township's requirement for enhanced setbacks for front-entry garages.³⁰³



Report Graphic 18

³⁰³ Sunset Boulevard East



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As is depicted, Seaview Harbor homes with more generous setbacks are able to park multiple vehicles on-site while homes with less generous setbacks force parked vehicles to extend over the sidewalk. Such conditions represent a danger to pedestrians ~ including seniors and those with baby carriages, who are required to walk into the street instead of keeping to the sidewalk.

While addressing Emergency Services and not contained in the Zoning section of her report, Ms. CuvIELLO states that “a major part of demonstrating... social injury stems from the purposes of planning as enumerated in the *Municipal Land Use Law*” (“*MLUL*”), and points to several stated purposes of the *MLUL* as a guide to identifying social injury. Among the sections cited is N.J.S.A. 40:55D-2 (a):

To encourage municipal action to guide the appropriate use or development of all lands in this State, in a manner which will promote the public health, safety, morals, and general welfare.
[emphasis added]

Additionally, N.J.S.A. 40:55D-2 (h) provides:

To encourage the location and design of transportation routes which will promote the free flow of traffic while discouraging location of such facilities and routes which result in congestion or blight.
[emphasis added]

and N.J.S.A. 40:55D-2 (i) provides:

To promote a desirable visual environment through creative development techniques and good civic design and arrangement.
[emphasis added]

While the Township’s R-6 setback regulations may not permit conforming designs in all instances, their intent is to encourage / promote *MLUL* purposes (a), (h) and (i).



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3. Remaining Bulk Standards

While not specifically addressed by Petitioners, the following analysis is offered to complete the Zoning analysis.

a. Minimum Rear Yard (Bulkhead) Setbacks

At 10', R-6 Zoning is identical to the Rear Yard (Bulkhead) Setback required under the 1957 Restrictive Covenants. Utilizing Google Earth aerial photography, distances from bulkhead to buildings were *approximated*. Discounting projecting roof eaves, decks and related accessory structures, such analysis finds that all of the Principal Residential structures in Seaview Harbor appear to conform to the Township's R-6 Minimum Rear Yard Setback requirements.

b. Given the innumerable permutations possible for the Individual and Aggregate Side Yard Setbacks, a determination of conformance with these requirements was not considered practicable.

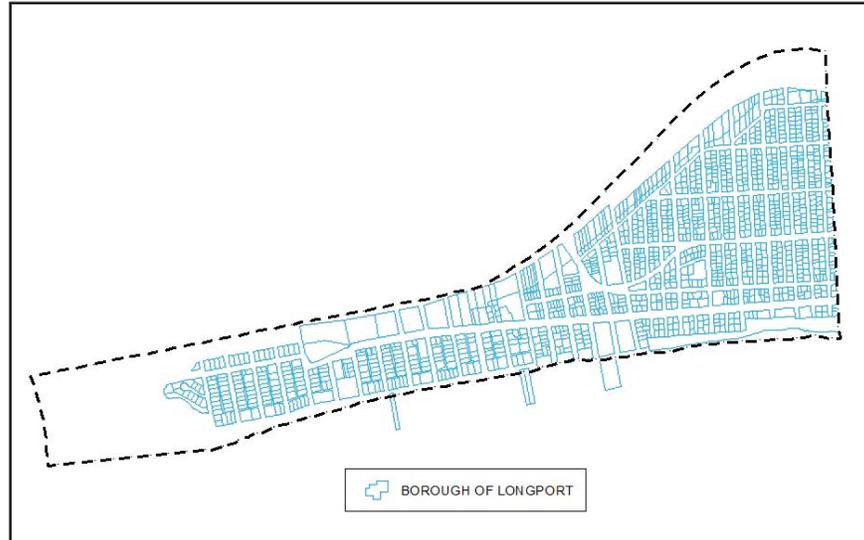
c. The Restrictive Covenants contain no Maximum Building Height or Maximum Building Coverage requirements. A comparison with R-6 standards was therefore not possible.

4. Petitioners' contention that Longport has "**more appropriate**" seashore zoning is a subjective assertion that is not supported by the facts in evidence.

a. The Borough of Longport is a long-established municipality with a traditional grid development pattern (Report Graphic 19)...

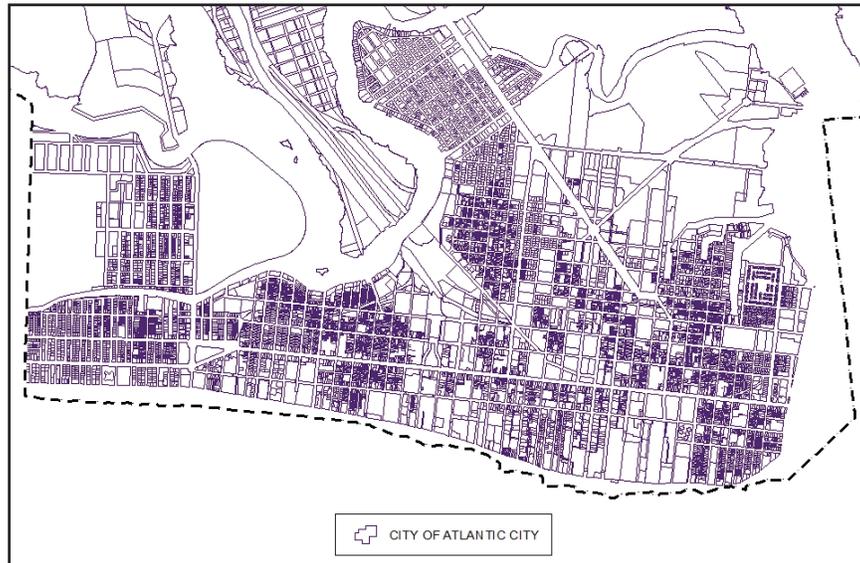


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Report Graphic 19³⁰⁴

...that appears to be an extension of the historical development patterns of Atlantic City, Ventnor and Margate (Report Graphics 20, 21, 22, 23 & 24).



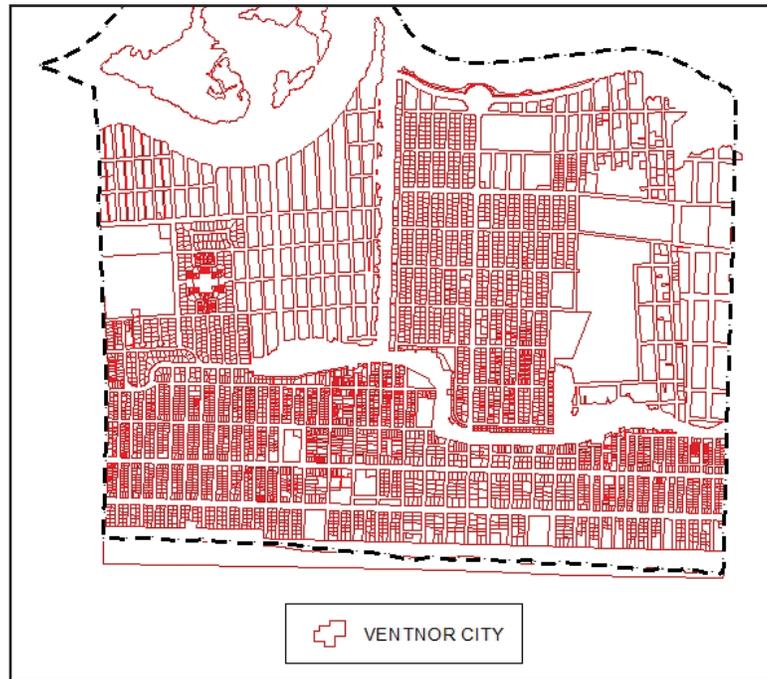
Report Graphic 20³⁰⁵

³⁰⁴ Derived from the electronic version of the Longport Tax Map.

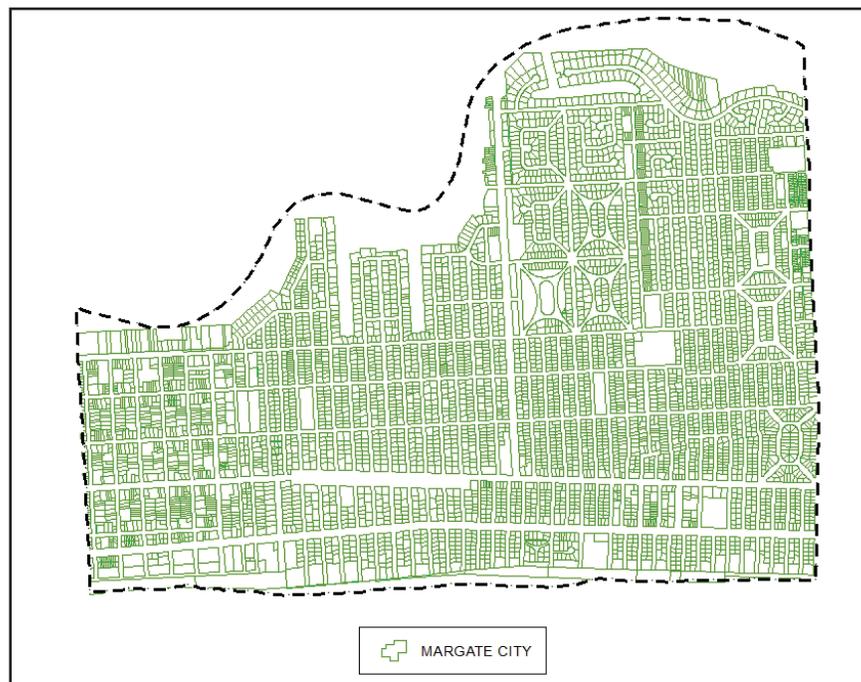
³⁰⁵ Derived from the electronic version of the Atlantic City Tax Maps.



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Report Graphic 21³⁰⁶



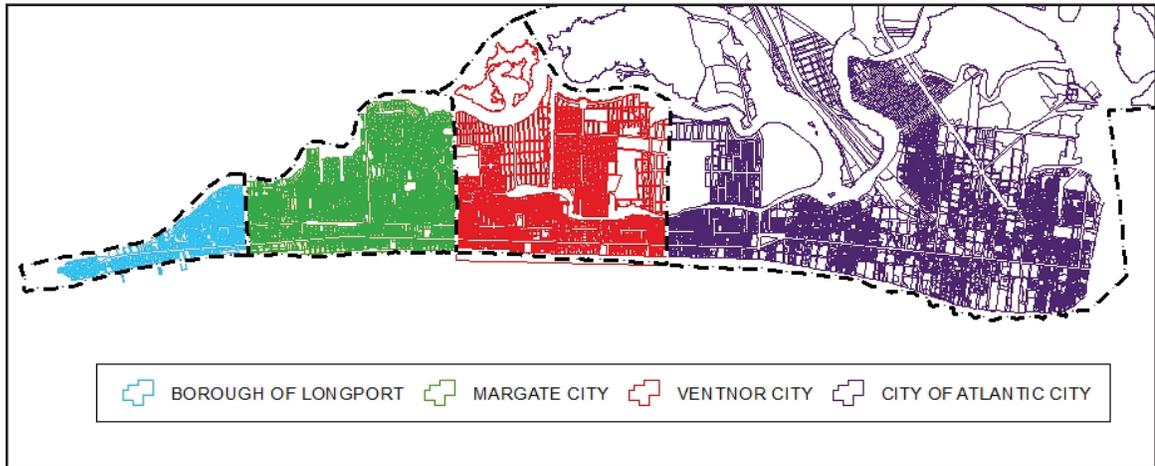
Report Graphic 23³⁰⁷

³⁰⁶ Derived from the electronic version of the Ventnor Tax Maps.

³⁰⁷ Derived from the electronic version of the Margate Tax Maps.



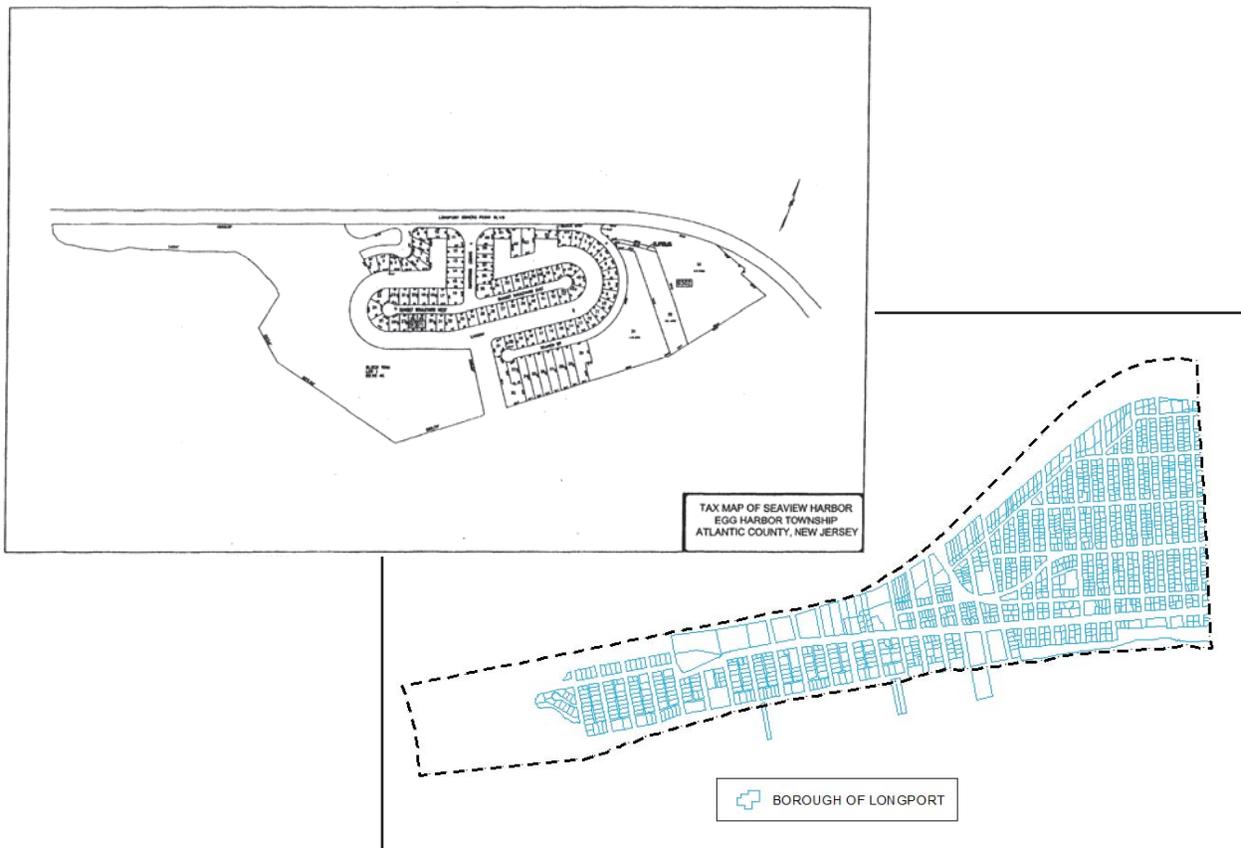
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Report Graphic 24

Conversely, as depicted in Petitioners' Attachment A-1, Seaview Harbor resembles a suburban subdivision, with curvilinear streets and bulb culs-de-sac. Clearly, the geometry of Longport and Seaview Harbor are not comparable.

ATTACHMENT A-1





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5. Utilizing Atlantic County Tax Data available from the State's NJGIN Information Warehouse,³⁰⁸ it was possible to obtain lot attributes, including lot size, width and depth, for each lot in Longport. In order to make a valid comparison between Longport and Seaview Harbor properties, lot data for the approximately 1,188 non-condominium single-family residences in Longport³⁰⁹ were extracted from the dataset. Keying on the Borough's 3 Residential Single Family Zoning Districts, a profile of the lots in each zone was developed.

LONGPORT	RANGE ³¹⁰	MEAN ³¹¹	MEDIAN ³¹²	MODE ³¹³
RSF-1 ZONED LOTS (251 Assessed Line Items)				
LOT SIZE ³¹⁴	0.05 - 0.69 acres	0.14 acres	0.13 acres	0.12 acres
LOT WIDTH ³¹⁵	35' - 133'	56.58'	50'	50'
LOT DEPTH ³¹⁶	50' - 226'	105.64'	110'	110'

Report Table N

RSF-2 ZONED LOTS (36 Assessed Line Items)				
LOT SIZE ³¹⁷	0.04 - 0.13 acres	0.1 acres	0.1 acres	0.1 acres
LOT WIDTH ³¹⁸	30.01 - 77.51'	63.01'	62.52'	60.01'
LOT DEPTH ³¹⁹	60' - 87.51'	65.17'	65'	62.5'

Report Table O

³⁰⁸ njgin.state.nj.us/NJ_NJGINexplorer/IW.jsp

³⁰⁹ Property Class Code '2', condominiums eliminated where readily identified.

³¹⁰ The smallest and largest numbers within a set of numbers.

³¹¹ The mathematical average of all numbers (a.k.a. arithmetic mean).

³¹² The middle number in a sequence of numbers.

³¹³ The number that occurs most often within a set of numbers (rounded).

³¹⁴ Data includes 25 Lots wherein size was not calculated. Such lots were excluded from this analysis.

³¹⁵ Data includes 16 Lots wherein Lot Width was either not calculated or was averaged. Such lots were excluded from this analysis.

³¹⁶ Data includes 36 Lots wherein Lot Depth was either not calculated, was coded as irregular or was averaged. Such lots were excluded from this analysis.

³¹⁷ Data includes 19 Lots wherein size was not calculated. Such lots were excluded from this analysis.

³¹⁸ Data includes 4 Lots wherein Lot Width was either not calculated or was averaged. Such lots were excluded from this analysis.

³¹⁹ Data includes 21 Lots wherein Lot Depth was either not calculated, was coded as irregular or was averaged. Such lots were excluded from this analysis.



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LONGPORT	RANGE ³¹⁰	MEAN ³¹¹	MEDIAN ³¹²	MODE ³¹³
RSF-3 ZONED LOTS (818 Assessed Line Items)				
LOT SIZE ³²⁰	0.04 - 0.99 acres	0.09 acres	0.08 acres	0.06 acres
LOT WIDTH ³²¹	29' - 160'	53.99'	50'	40'
LOT DEPTH ³²²	36' - 220'	71.28'	70'	72'

Report Table P

Comparison statistics³²³ for the residential lots in Seaview Harbor are

SEAVIEW HARBOR	RANGE ³¹⁰	MEAN ³¹¹	MEDIAN ³¹²	MODE ³¹³
LOT SIZE	0.06 - 5.94 acres	0.27 acres	0.12 acres	0.12 acres
LOT WIDTH	30' - 640'	75'	60'	60'
LOT DEPTH	60' - 375'	110'	90'	90'

Report Table Q

- In terms of Lot Size, the statistical Mode of the Lots in Seaview Harbor most closely resemble the Lots in Longport's RFS-1 Zoning District.
 - In terms of Lot Width, the statistical Mode of the Lots in Seaview Harbor most closely resemble the Lots in Longport's RFS-2 Zoning District.
 - No comparison can be made for Lot Depth.
6. As depicted on the Longport Zoning Map (Report Graphic 25 ~ colored for clarity), Borough Zoning is overwhelmingly residential.

³²⁰ Data includes 88 Lots wherein size was not calculated. Such lots were excluded from this analysis.

³²¹ Data includes 21 Lots wherein Lot Width was either not calculated or was averaged. Such lots were excluded from this analysis.

³²² Data includes 101 Lots wherein Lot Depth was either not calculated, was coded as irregular or was averaged. Such lots were excluded from this analysis.

³²³ Manually calculated. Irregularly shaped dimensions included.



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Report Graphic 25

While the details of the Zoning Map are difficult to decipher, it appears that:

- 21 Longport Blocks are Zoned Residential Single Family 1 (RSF-1);
 - 11 Longport Blocks are Zoned Residential Single Family 2 (RSF-2); and
 - 78 Longport Blocks are Zoned Residential Single Family 3 (RSF-3);
- a. An analysis of the permitted uses in each such zone finds no material difference between Longport and Township Zoning as applied to Seaview Harbor.

REGULATION	LONGPORT ³²⁴			EGG HARBOR TOWNSHIP
	RSF-1 (\$167-17.1)	RSF-2 (\$167-17.2)	RSF-3 (\$167-17.3)	R-6 (\$225.33.1)
Permitted Principal Uses	Single-Family Dwellings Essential Services			Single Family Detached Dwellings
Permitted Conditional Uses	Churches, chapels & parish homes			N/A

³²⁴ <http://ecode360.com/10309001> (Note that Schedule of District Regulations Part 1 matrix in ordinance is inconsistent with Ordinance text.)



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REGULATION	LONGPORT ³²⁴			EGG HARBOR TOWNSHIP
	RSF-1 (\$167-17.1)	RSF-2 (\$167-17.2)	RSF-3 (\$167-17.3)	R-6 (\$225.33.1)
Permitted Accessory Uses	Normal residential accessory uses, including home occupation.			Uses & buildings customary & incidental to the principal uses.
	Swimming pools			Docks, sheds, pools & other structures accessory to the principal building whether attached or detached from the principal building.
	Tennis & other game courts			
	Fences, walls & hedges			
	Two private boat slips, not for rental, for only those lots having direct access to Risley's Channel.			
Off-street loading & parking areas				

Report Table R

b. Ms. CuvIELLO testified that Longport's RSF-1 Zone was most similar to Seaview Harbor's R-6 Zoning. An analysis of the bulk lot size standards for the various RSF Zones confirms this assessment.

REGULATION	LONGPORT ³²⁴			EGG HARBOR TOWNSHIP
	RSF-1 (\$167-17.1)	RSF-2 (\$167-17.2)	RSF-3 (\$167-17.3)	R-6 (\$225.33.1)
Minimum Lot Area	4,500 s.f.	4,030 s.f. ³²⁵	3,000 s.f.	5,000 s.f.
Minimum Lot Width	50'	65'	45' ³²⁶	50'
Minimum Lot Depth	90'	62'	60'	N/A

Report Table S

While minimum lot size is more restrictive under Township Zoning than under Longport Zoning, lot size in Seaview Harbor is governed by the geometry of the subdivision and the fact that Lot Depth is fixed (streets to lagoons). As a practical matter, the governing lot dimension in Seaview is Lot Width, which for Seaview Harbor is the same as Longport's RSF-1 Zone.

c. Comparing additional bulk standards required by Longport's RSF-1 Zone against the Township's R-6 Zone again finds no material difference between Longport and Township Zoning as applied to Seaview Harbor.

³²⁵ Conflicts w/ Schedule of District Regulations Part 1 matrix (4,500 s.f.)

³²⁶ not fronting Ventnor Avenue



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REGULATION	LONGPORT ³²⁴	EGG HARBOR TOWNSHIP
	RSF-1 (\$167-17.1)	R-6 (\$225.33.1)
Front Yard Setback	10'	15'
Minimum Rear Yard Setback	15'	10'
Minimum Side Yard Setback (Individual)	Lot Width 50' - 109': 7'	5'
	Lot Width 110'+: 7' + 2' for every full 10' above 110'	
Minimum Side Yard Setback (Aggregate)	Lot Width 50' - 69': 15'	15'
	Lot Width 70' - 79': 17'	
	Lot Width 80' - 89': 21'	
	Lot Width 90' - 99': 25'	
	Lot Width 100' - 109': 29'	
	Lot Width 110'+: 29' + 4' for every full 10' above 110'	
Maximum Building Height (Principal Structure)	29' above the finished 1 st fl.	30'
	31' 6" above finished 1 st fl. if no portion of the roof structure above 29' has a roof pitch less than 4' vertical to 12' horizontal.	
	Details Omitted for Brevity	
Maximum Building Coverage	45%	45%
Maximum Lot Coverage	70%	N/A
Minimum Setback from Bulkhead	N/A	10'

Report Table T

- i. The Township's more restrictive Minimum Front Yard Setback is offset by Longport's more restrictive Minimum Rear Yard Setback. These offsets negate any impact to the size of the building which could be constructed on similar-sized lots in Longport.

- ii. As relates to the "appropriateness" of each municipality's Rear Yard Setback requirement, Report Graphic 15 depicts the general development pattern in Longport as consisting of back-to-back lots, with each facing a street. As a result, dwellings in Longport have backyard neighbors. Proper planning suggests larger rear yards in such instances to provide privacy, light, air and open space to each property.



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Conversely, the rear of the houses in Seaview Harbor abut the Lagoon. Without the need to provide a buffer from rear neighbors, the Township's smaller Rear Yard Setback requirement permits houses closer to the bay and allows for increased flexibility in the placement of structures on the lots.

- iii. Minimum Individual and Aggregate Side Yard Setback requirements under Longport's RSF-1 Zoning are more restrictive than the similar requirements under the Township's R-6 Zoning. While the Township's setbacks do permit dwellings to be quite close to their neighbors, they also allow for larger structures than would be permitted on similar-sized lots in Longport.
- iv. The Maximum Building Height and Maximum Building Coverage requirements are the same or substantially similar for both the RSF-1 Zone in Longport and the R-6 Zone in Egg Harbor Township.

D. RVW Recommendations

1. The Township's 1994 Master Plan included a recommendation to modify the zoning in Seaview Harbor to facilitate the intensity of development made possible with the then-recently-installed public sewer. Such recommendation was reiterated in the 2000 Master Plan.³²⁷ R-6 Zoning was enacted in 2000.

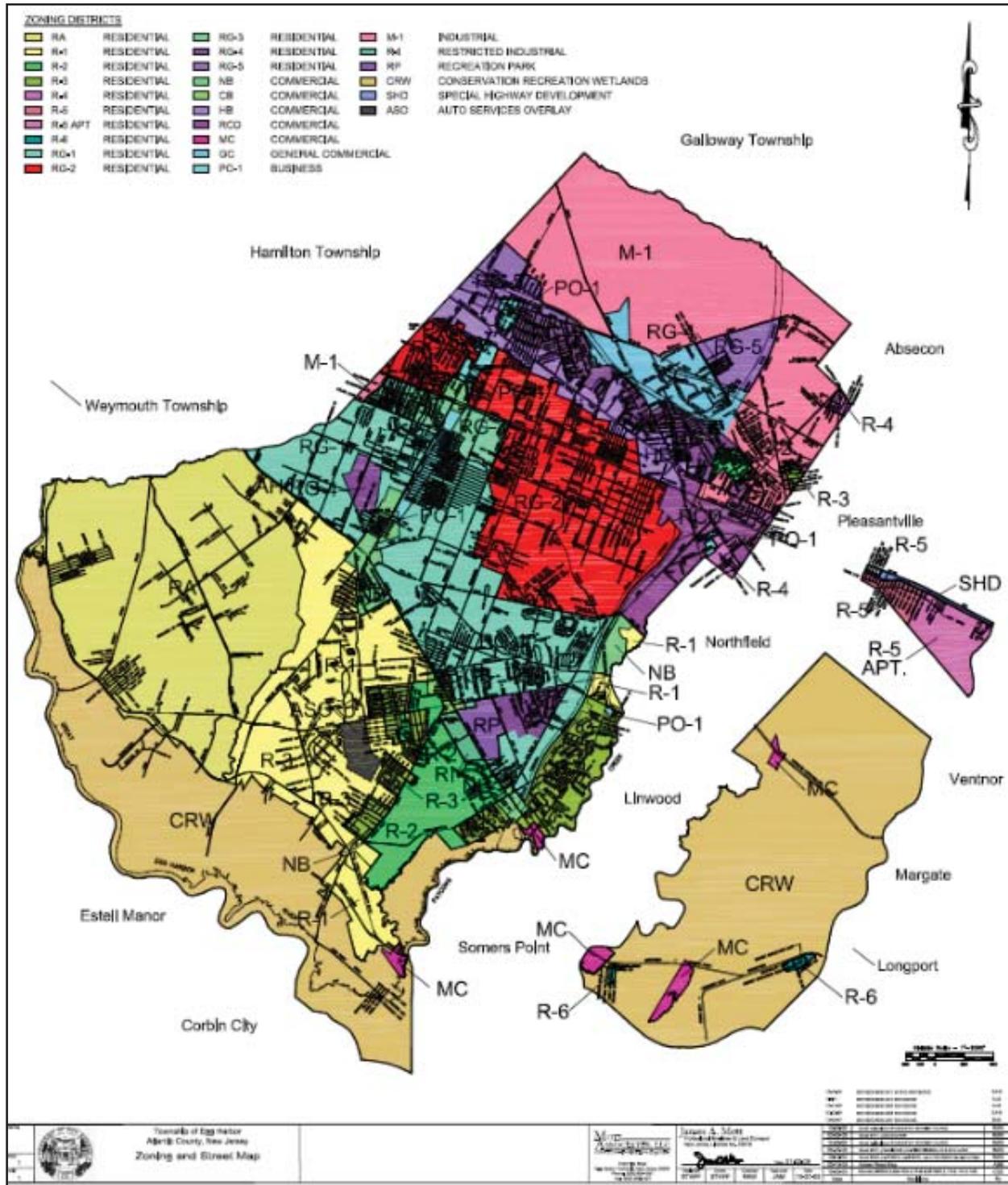
As evidenced by the Township's Zoning Map (Report Graphic 26), Seaview Harbor and Anchorage Poynte are the only sections of the municipality with R-6 Zoning.

It is not known why such rezoning was not enacted upon its initial recommendation. ***To the extent that this 6-year delay resulted in difficulty developing in Seaview Harbor, it could be said that the Township caused injury to the impacted residents.*** We note however, that no testimony or evidence was submitted to suggest injury during the 1994 to 2000 time period.

³²⁷ Exhibit B-21: p. 25



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Report Graphic 26



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2. **The "appropriateness" of Longport's RSF-1 Zoning to Seaview Harbor is a subjective assertion based on the hypothetical application of regulations designed to address the needs and development patterns of Longport. Unlike the contention that Township Zoning is "inappropriate" for Seaview Harbor ~ which can be tested via existing conditions and actual events, the degree of "appropriateness" of another community's Zoning to Seaview Harbor cannot be supported or rebutted by facts. That being said, it is recommended that the analyses detailed herein finds no material difference between Longport's RSF-1 Zone and Egg Harbor Township's R-6 Zone.**

3. The language of the New Jersey *Municipal Land Use Law*³²⁸ provides that a Zoning Ordinance must be drawn:

with reasonable consideration to the character of each district and its peculiar suitability for particular uses and to encourage the most appropriate use of land. [emphasis added]

and that the regulations in the zoning ordinance shall be:

uniform throughout each district for each class or kind of buildings or other structure or uses of land, including planned unit development, planned unit residential development and residential cluster, but the regulations in one district may differ from those in other districts. [emphasis added]

The various lots in Seaview Harbor differ wildly in shape and size. Certain lots are rectangular while others are pie-shaped. Still others are trapezoidal, rhomboid or otherwise so irregularly-shaped as to have no defined geometry at all. **As such, it is recommended that a single zone plan could not be crafted, as Petitioners suggest, to be "consistent with the entirety of the community"**³²⁹ **As required by the N.J.S.A. 40:55D-62, Seaview Harbor's R-6 Zoning is uniform throughout the district for residential (class) buildings and appears to have been drawn with "reasonable consideration" to the character of the community.**

³²⁸ N.J.S.A. 40:55D-62

³²⁹ Exhibit S-64: p.10



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4. Despite the development pressures resulting from property-owners' desires to construct ever-larger homes (as reflected in the differing housing types in Seaview Harbor), evidence submitted by the Township³³⁰ demonstrates that ***homes can and have been constructed and/or enlarged without variance relief. Accordingly, despite the passage of time, economic cycles, real estate preferences and other factors, it is recommended that Petitioner' assertions that Seaview Harbor Zoning is inappropriate for the community and that variance relief is required to construct in the community are unfounded.***

5. In its decision in Ryan, the Court ruled that the *Deannexation Statute*:

...was not intended to encourage the adjustment of municipal boundaries "from time to time" dependent upon changing "community of interests" of residents, but rather was intended to give precedence to a more significant policy, that of preservation of municipality boundaries and maintenance of their integrity against challenge prompted by short-term or even frivolous considerations such as "tax shopping" or avoidance of assessments.

The D'Anastasio Court extended this concept to zoning shopping:

Here, what plaintiff is trying to accomplish through deannexation amounts to zoning shopping... This is not the result contemplated by the Legislature as discussed in Ryan of preservation of municipal boundaries and maintenance of integrity against frivolous challenges.

and

We are in accord with Judge Stanger's determination that plaintiff's petition for deannexation constitutes zoning... shopping, and as such, does not provide a valid reason for altering otherwise historical municipal boundaries...

Accordingly, even if Petitioners were able to demonstrate:

- a. ***That Township Zoning is incompatible with, impractical for, and detrimental to Seaview Harbor and inappropriate for a coastal community; and***

³³⁰ Exhibit B-25



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b. That Longport's Zoning is (or is more) compatible, practical and appropriate for Seaview Harbor than is the Township's Zoning;

~ AND WE RECOMMEND THAT THEY DID NOT ~

such rationale for deannexation has been prohibited by the Courts.

3.6.3 DEMOGRAPHICS

A. Petitioners, alone and via Ms. CuvIELLO assert:

1. Petitioners and Ms. CuvIELLO submitted a limited set of Census statistics³³¹ to demonstrate that Seaview Harbor is a small subset of Egg Harbor Township in terms of population, housing units and households. Additional demographic data for gender, race and income is addressed in Report Table D (§3.2.4 D.) herein.
2. Ms. CuvIELLO testified that the demographics demonstrate that the residents of Seaview Harbor Longport more resemble the residents of Longport than they do the residents of Egg Harbor Township and, as such, the Seaview Harbor residents are more compatible with Longport than the balance of the Township.

B. RVW Findings

The demographic profile of Seaview Harbor's residents is different than those of the balance of the Township. As detailed in Report Table D, Seaview Harbor residents are older, less racially diverse and more affluent than their Township counterparts.

Dr. Richard Perniciaro³³² testified that households in Seaview Harbor differ significantly in income, housing tenure, age and educational attainment from the

³³¹ Exhibits S-68 & S-64: pp.18-20

³³² Director of Economic, Marketing, Regional & Workforce Studies for the Center for Regional & Business Research at Atlantic Cape Community College.



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average household in Egg Harbor Township, and that these differences are a strength for the Township. After reviewing Census data for the Township and Seaview Harbor, Dr. Perniciaro concluded³³³ that Seaview Harbor “brings a diversity to the tax base and residents of the Township”. In addition to the tax ratables that are represented by the community’s residential properties, “the commercial property (principally the marina itself) adds fiscal value to the community”.

Beyond mere revenue, Dr. Perniciaro testified that the socioeconomic differences that Seaview Harbor residents represent vis-à-vis residents in the balance of the Township adds social diversity and economic stability to the municipality. Citing the Township’s February 2015 unemployment rate of 11.5%³³⁴ and its “beginning 2015” mortgage delinquency rate of 20.6% (which continues to rise), Dr. Perniciaro testified that the educational and income characteristics of Seaview Harbor make its residents “less likely to be as impacted by the regional [economic downturn] than those of lower incomes and lower educational attainment”.

- Seaview Harbor is significantly wealthier than the rest of the Township.
- The attraction of the waterfront adds a dimension to this section of the Township that is more likely to keep that neighborhood and the housing stock stable.
- More Seaview Harbor residents are retired and probably not dependent on current income as residents in the balance of the Township.
- As most Seaview Harbor residents have some saved wealth and/or a second earner of near equal earning power, the residents of the community are more protected from the economic problems of the region than are residents in the balance of the Township.
- As a commercial ratable, the marina / restaurant also adds a more diverse dimension to the Township’s ratable base and the clientele are less likely to be impacted than in a less expensive commercial enterprise.

³³³ Exhibit B-114

³³⁴ 2,527 persons



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Dr. Perniciaro testified that, just as in a personal financial portfolio, “in times of uncertainty and change, it is advantageous to have a tax base that is as diversified as possible” and that “the direct inference is that any economic diversity in times of extreme economic stress serves to improve the current overall situation of the Township and, more importantly, forms the basis for a quicker and sounder recovery”.

C. RVW Recommendations

This office concurs that Seaview Harbor’s demographics reflect a shore community more than they do the balance of the Township. ***While Petitioners cite this as an indication that the community should be part of Longport, it is recommended that such diversity and benefits bring considerable value to the Township. In this respect, the Township would experience socioeconomic injury if deannexation were to occur.***

3.6.4 SOCIAL INTERACTIONS

Issues related to Petitioners' social interactions with Longport are addressed in §3.2 herein.

3.6.5 PUBLIC WORKS

Issues related to provision of Public Works services are addressed in §3.4 herein.

3.6.6 EMERGENCY SERVICES

Issues related to the provision of Public Safety / Emergency Services are addressed in §3.5 herein. We note here however that Ms. CuvIELLO’s assertion that the Township has no formal agreements or contracts for Mutual Aid services is incorrect. ***Mutual Aid Agreements have existed for Ambulance Services since at least 1988,³³⁵ for Police since at least 1990³³⁶ and for Police, Emergency Medical Service and Fire³³⁷ and Ambulance since at least 2014.***

³³⁵ Testimony of Township Ambulance Director Higbee

³³⁶ Exhibit B-65

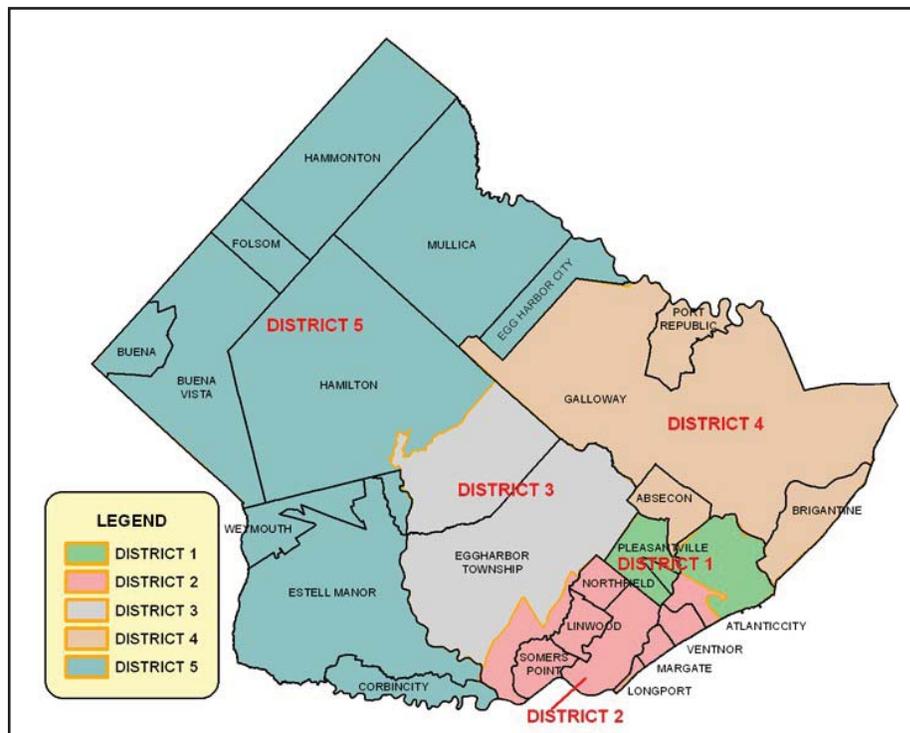
³³⁷ Exhibit S-113



3.6.7 GOVERNMENTAL REPRESENTATION

A. Petitioners, alone and via Ms. Cuiello assert:

1. Seaview Harbor is part of Atlantic County (Freeholder) District No. 2, which includes Northfield, Linwood, Somers Point, Longport, Margate, Ventnor and small parts of Egg Harbor Township and Atlantic City, while the Mainland section of Egg Harbor Township is part of (Freeholder) District No. 3.³³⁸



Cuiello Figure 12 – Atlantic County Voting Districts³³⁹

Placing Seaview Harbor in the same Freeholder District as Longport reflects recognition by the County that the community is more like Longport than the Mainland section of the Township, and further suggests that such districting diminishes the community's representation at the County level.

³³⁸ West Atlantic City is located in Freeholder District 1

³³⁹ Exhibit S-64: p.29. Map also submitted by Mr. Miller as Exhibit B-14



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2. To vote, Seaview Harbor's polling place is Scullville Fire Station No. 1, which is approximately 7 miles from the community.³⁴⁰ MapQuest calculates this trip to be a 14 minute drive.

B. Township Response

1. Township Administrator Miller testified that 7 of the 9 County Freeholders are responsible to Township constituencies. Rather than a negative, Mr. Miller sees this as a positive in terms of increased representation of the Township at the County level. According to Mr. Miller, "this leads to county road projects getting done in Egg Harbor Township".
2. Mr. Miller conceded that Scullville Fire Station No.1 is 7 miles from Seaview Harbor, but offered that voters who think this is too far can vote by mail. Within this context, Petitioner Virginia McGlinchey testified that she is aware that she can vote by mail, "but that wasn't always available before".

C. RVW Findings

1. Under the One-Person-One-Vote process of electoral apportionment, voting districts are based on the **number** of eligible voters in a geographic area and ~ leaving a cynical view of gerrymandering aside ~ not the socio-economic characteristics of the eligible voters or the physical characteristics of the community in which they live. ***Contending that Seaview Harbor's placement in Freeholder District 2 somehow represents a connection to Longport misstates the process.***
2. Freeholder District 2 also represents, among other municipalities, Linwood, Northfield and Somers Point. Under the theory proffered by Petitioners, ***Seaview Harbor can just as easily be likened to these mainland municipalities ~ which are arguably more akin to the Mainland section of the Egg Harbor Township than the island communities in Freeholder District 2.***³⁴¹

³⁴⁰ Petitioner Virginia McGlinchey (Exhibit S-39) as well as Non-Petitioner but Seaview Harbor resident Lynne Fiori.

³⁴¹ Atlantic City's 6th Ward, Ventnor, Margate & Longport (www.aclink.org/Freeholders/mainpages/districts.asp)



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D. RVW Recommendations

This office finds and recommends:

1. ***That having 78% of the County's Freeholder Board responsive to Township concerns cannot be viewed as anything but a positive factor in providing County services to the Township.*** The contention that a Freeholder who represents the Mainland section of the Township cannot be responsive to the Township's coastal concerns is unduly parochial.
2. The fact that Scullville Fire Station No.1 is a 14 minute drive from Seaview Harbor ***does impose a minor inconvenience on Petitioners*** who may not want to drive this amount of time to exercise their constitutional right to vote. However, as noted by Mrs. McGlinchey, such voters can now vote by mail ~ although this option only became available in 2009.

3.6.8 SCHOOLS

Issues related to the distance between Seaview Harbor and the Township's public schools and the public schools that Longport students attend are addressed in §3.2 herein.

3.6.9 TOWNSHIP PLANNING EFFORTS FOR SEAVIEW HARBOR

A. Petitioners' Testimony

1. Ms. CuvIELLO asserts³⁴² that the "numerous planning efforts" undertaken by the Township since 1965 "look at the entirety of the Township and with limited exceptions... do not discuss... Seaview Harbor". Given the "unique planning needs" of Seaview Harbor, Petitioners contend that the community "does however deserve consideration... that are not fully recognized in the Township's comprehensive planning documents. These include flood management, emergency preparedness planning, seasonal population fluctuations, waterfront development, residential reconstruction in flood prone areas, bulkhead permitting and other similar items".

³⁴² Exhibit S-64: pp. 33 - 35



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To support this position, Ms. CuvIELLO asserts that “a continued theme throughout [the Townships’ Planning documents] is continued efforts related to managing the growth being experienced in the Township”. As an example, Ms. CuvIELLO cites the Township’s 2002 Master Plan and related Master Plan Amendments that discuss flood control structures in West Atlantic City and “[do] not provide any attention to Seaview Harbor, a waterfront residential community”.

2. Ms. CuvIELLO further asserts that the 2002 Master Plan “also included a Conservation Element and River Management Plan which focused on the Greater Egg Harbor River and Patcong Creek. This plan references the Conservation Recreation Wetland (CRW) zoning district which portions of the Seaview Harbor non- residential areas are located. There is no specific review of the Seaview Harbor community except to identify the Conservation-Recreation areas, but not the needs or issues that would uniquely affect the residential homes.

Similarly, Ms. CuvIELLO observed:

- The Township’s 2001 *Livable Community Plan* prepared by the New Jersey Pinelands Commission³⁴³ recognizes the existence of Seaview Harbor “but not its residential community”.
- The Township’s 2008 Master Plan Reexamination Report contains no mention of Seaview Harbor.
- The 2013 Amendment to the Township’s 2002 Master Plan deals with signage and does not mention Seaview Harbor.

and concluded:

Through all of the Planning Efforts undertaken by the Township there is limited discussion about the Seaview Harbor community. This area is removed from the Township and faces challenges that are not similar to

³⁴³ Report Exhibit R-9

Actually a 2007 document prepared for the New Jersey Pinelands Commission by Vollmer Engineering, Phillips Preiss Shapiro, Inc. & Hillier Architecture.



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the majority of EHT. The Planning Efforts in Longport are more akin to the challenges and needs of the Seaview Harbor Community. EHT has grown tremendously over the past 30+ years and they have focused their efforts on the impacts of the growth. This has left other areas of the Township underserved and misunderstood with respect to their needs, including Seaview Harbor....³⁴⁴

2. Connection to the New Jersey Municipal Land Use Law (“MLUL”)³⁴⁵

While addressing Emergency Services and not contained in the Planning section of her report, Ms. CuvIELLO states that “a major part of demonstrating... social injury stems from the purposes of planning as enumerated in the *Municipal Land Use Law*” (“MLUL”), and points to several stated purposes of the MLUL as a guide to identifying social injury. Specifically, N.J.S.A. 40:55D-2 subsections:

- (a) To encourage municipal action to guide the appropriate use or development of all lands in this State, in a manner which will promote the public health, safety, morals, and general welfare.
- (b) To secure from fire, flood, panic and other natural and man-made disasters.
- (e) To promote the establishment of appropriate population densities and concentrations that will contribute to the well-being of persons, neighborhoods, communities and regions and preservation of the environment.
- (f) To encourage the appropriate and efficient expenditure of public funds by the coordination of public development with land use policies.
- (m) To encourage coordination of the various public and private procedures and activities shaping land development with a view of lessening the cost of such development and to the more efficient use of land.

Ms. CuvIELLO goes on to state that “the location of development should be related to the government’s ability to provide services”.

³⁴⁴ Exhibit S-64: p.35

³⁴⁵ Exhibit S-64: pp.23-25



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B. Township Response

The Township's only direct response to Petitioners' Planning-related assertions was from Township Administrator Peter Miller, who:

1. Took exception to the testimony of Ms. CuvIELLO that the Township's planning documents "with limited exceptions... do not discuss... Seaview Harbor". Mr. Miller pointed to the Township's 2000 Master Plan Reexamination,³⁴⁶ which included a section focusing on Seaview Harbor that resulted in the creation of the Township's R-6 Zone (§3.6.2 herein); and
2. Provided testimony and exhibits as to the rationale behind the Township's setback regulations related to front- and side-entry garages (§3.6.2 herein).
3. Provided testimony and exhibits evidencing to the contributions that Seaview harbor residents have made to the Township over time.³⁴⁷

C. RVW Findings

1. Petitioners' assertions that the Township's planning efforts ignore Seaview Harbor would bear greater scrutiny if not for the fact that³⁴⁸:
 - Seaview Harbor resident Dan Garsham was a member of the Planning Board from 1983 to 1986;
 - Seaview Harbor resident Victor Fiore was a member of the Planning Board from 1987 to 1993 and again from 1996 to 1999, including serving 3 years as Vice Chair and 5 years as Chair;
 - Petitioner Ralph Henry was a member of the Planning Board from 1999 to 2005, including serving 7 years as Chair;

³⁴⁶ Exhibit B-21

³⁴⁷ Exhibits B-6 & B-7

³⁴⁸ Report Table A



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- Seaview Harbor resident Mike Hull was a member of the Planning Board in 2005; and
- Seaview Harbor resident James McCullough was a member of the Planning Board in 1986, 1989 to 1992 and 1996 to present.

and that

- Seaview Harbor resident Dan Garsham was a member of the Township Committee from 1984 to 1986; and
- Seaview Harbor resident James McCullough was a member of the Township Committee from 1986 to present, being Mayor in 1986, 1988 to 1992 and 1996 to present.

Based on the aforementioned dates,

- Mr. Fiore would have had input on the Township's 1988 Master Plan Reexamination, 1988 Land Use Plan Element and 1988 Housing Element;
- Messrs. Fiore and McCullough would have had input on the Township's 1992 Land Use Plan Element;
- Mr. Fiore would have had input on the Township's 1993 Open Space and Recreation Plan;
- Messrs. Fiore and McCullough would have had input on the Township's 1996 Housing Element;
- Messrs. Fiore and McCullough would have had input on the Township's 1998 Housing Element and Fair Share Plan;
- Messrs. Henry and McCullough would have had input on the Township's 2000 Master Plan Reexamination;



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- Messrs. Henry and McCullough would have had input on the Township's 2002 Master Plan and Master Plan Amendments;
- Mr. McCullough would have had input on the Township's 2007 *Livable Community Plan*. Messrs. McCullough and Henry were on the project's Visioning Team;³⁴⁹
- Mr. McCullough would have had input on the Township's 2008 Master Plan Reexamination;
- Mr. McCullough would have had input on the 2013 Amendment to the Township's 2002 Master Plan;

Clearly, these individuals would have insured that the needs of their community were addressed.

2. The record contains no support for Mrs. CuvIELLO's assertion that "...The Planning efforts in Longport are more akin to the challenges and needs of the Seaview Harbor Community...."³⁵⁰
3. Connection to the New Jersey Municipal Land Use Law ("*MLUL*")³⁵¹
 - a. At face value, one would be hard-pressed to disagree with Ms. CuvIELLO's citation of the *Municipal Land Use Law* and her statement that "the location of development should be related to the government's ability to provide services". However, a closer look at each of the *MLUL* purposes cited ~ within the context of Seaview Harbor's Petition for Deannexation ~ finds:
 - i. N.J.S.A. 40:55D-2(a): "*To encourage municipal action to guide the appropriate use or development of all lands in this State, in a manner which will promote the public health, safety, morals, and general welfare*".

³⁴⁹ Exhibit B-31 & Report Exhibit R-9

³⁵⁰ Exhibit S-64: p.35

³⁵¹ Exhibit S-64: pp.23-25



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Seaview Harbor is an existing community and the Petition does not seek to alter the uses or development on these lands. The time for guidance as to whether or not the Township could properly service the community was in the early-to-mid 1950s when the development was first proposed.

Over time, the Township has developed mechanisms to address the needs of this community. No evidence has been placed in the record to suggest that “public health” or “morals” are not being promoted in Seaview Harbor.

Issues related to “safety” are addressed at length in §3.5 herein and issues related to “general welfare” are addressed in §3.2, §3.3 and §3.4 herein.

- ii. N.J.S.A. 40:55D-2(b): *“To secure from fire, flood, panic and other natural and man-made disasters.”*

Deannexation will not “secure” Seaview Harbor from fire, flood, panic and other disasters. The community exists, and becoming part of Longport or remaining with Egg Harbor Township will not alter its relationship to the water, make it less susceptible to fire or otherwise insulate it from acts of God or man. How the Township provides for the response to such incidents is at issue. Such responses are fully detailed in §3.5 herein.

- iii. N.J.S.A. 40:55D-2(e): *“To promote the establishment of appropriate population densities and concentrations that will contribute to the well-being of persons, neighborhoods, communities and regions and preservation of the environment.”*

The development density of Seaview Harbor was established with its initial subdivision in 1957. According to Ms. Cuvillo, the community “can [only] accommodate 2 new residential units and rehabilitation of existing units”.³⁵²

³⁵² Exhibit S-64: p.10



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Other than the potential for minimal increases in population resulting from these 2 new houses and the redevelopment of smaller dwellings into larger ones, no change in population is expected. Deannexation will in no way alter the population density or concentration in the neighborhood.

- iv. N.J.S.A. 40:55D-2(f): *“To encourage the appropriate and efficient expenditure of public funds by the coordination of public development with land use policies.”*

Seaview Harbor is an existing private community and not a “public development”. It is not clear how this Purpose applies to this Petition.

- v. N.J.S.A. 40:55D-2(m): *“To encourage coordination of the various public and private procedures and activities shaping land development with a view of lessening the cost of such development and to the more efficient use of land.”*

At issue in this Deannexation process is not the cost of development or the efficient use of land. It is however, recommended that the Mutual Aid services afforded Seaview Harbor by Longport represent a “coordination of... public and private procedures and activities” that “[lessens] the cost of” providing services and leads to a “more efficient” provision of such services than what would otherwise occur if Mutual Aid were not in place.

- b. Contrary to Ms. CuvIELLO’s statement, these items are not “purposes of **planning**”. They are among the 15 purposes of New Jersey’s *Municipal Land Use Law*, a statute that governs development in the State. As with any legislation, this *Law* is the product of compromise, including compromises between sound planning principles and the needs of the construction community. For example, legislative proposals to enact moratoria on building and timed-growth laws ~ principles of sound planning ~ were vehemently opposed by the construction industry and never enacted.



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- c. The New Jersey Legislature established the *Deannexation Statute* separately from the *MLUL*. Had the legislature intended deannexation to be linked to land use, it would have included the concept in the *MLUL*, or at least cross referenced the *MLUL* with the *Deannexation Statute*. There is no reference to deannexation in the *MLUL* and the *Deannexation Statute* contains no reference to the *Municipal Land Use Law*.

Petitioners' burden of proof to support deannexation is established in N.J.S.A. 40A:7-12 et seq. While the purposes of the *MLUL* provide guidance for land use, development and the grant of variances, they were not intended to be used to support deannexation.

The Ryan Court specifically addressed the types of evidence that may be relevant to the issue of 'social detriment' in the context of a deannexation hearing. While it did concede that its recommendations were "values which undergo changes with the times", they included no reference to land use in general or the *MLUL* specifically.

D. RVW Recommendations

1. ***Egg Harbor Township's Zoning for Seaview Harbor is not incompatible with the neighborhood or inappropriate for a coastal (seaside) community.*** Assuming, however, that any of Petitioners' contentions in this regard are determined to exist, ***the Courts have ruled that Zone Shopping "does not provide a valid reason for altering otherwise historical municipal boundaries".***³⁵³ ***Accordingly, the Planning Board may not consider zoning in its deliberations.***
2. ***The record contains no support for Mrs. CuvIELLO's assertion that "...The Planning efforts in Longport are more akin to the challenges and needs of the Seaview Harbor Community...."***³⁵⁴

³⁵³ D'Anastasio

³⁵⁴ Exhibit S-64: p.35



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3. ***Given the participation of various Seaview Harbor residents in the Township's planning efforts over an extended period of time, Petitioners' assertion that the Township has ignored the community with respect to planning activities is not credible.*** It is recommended that the lack of mention of the community in the Township's various planning documents points more to a lack of planning issues than Township neglect ~ a consideration underscored by Ms. CuvIELLO's statement:

It is not uncommon for an area to not receive special attention in a comprehensive planning document. So while there is little reference to the community in the planning documents, that alone does not correlate to a significant detriment to the economic and social well-being of Seaview Harbor.³⁵⁵

³⁵⁵ Exhibit S-64: p.33



3.7 FINANCIAL IMPACT

Petitioners assert that refusal to consent to the Petition for Deannexation would be detrimental economic wellbeing of the majority of the residents of Seaview Harbor and that deannexation will not cause a significant injury to the wellbeing of the Township.

Additional issues related to economic injury are presented in §3.3 herein.

3.7.1 PETITIONERS' TESTIMONY

Petitioners have engaged Mr. Steven Ryan, CPA, RVA to undertake a Financial Impact analysis of the proposed deannexation. His findings were submitted in an untitled and undated report.³⁵⁶

Mr. Ryan opined that refusal to consent to the Petition for Deannexation would be detrimental to the economic wellbeing of the majority of the residents of Seaview Harbor and that deannexation will not cause a significant injury to the wellbeing of the Township. To support this opinion, Mr. Ryan testified:

A. Tax Impacts

1. The average assessed value of a residence in Egg Harbor Township in 2014 was \$208,100.
2. The average assessed value of a residence in Seaview Harbor in 2014 was \$873,700.
3. The Egg Harbor Township property tax rate is comprised of the Local Purpose Tax, the Township Open Space Tax, the School Tax and the County Tax.
 - a. The Open Space tax is established by Ordinance at \$0.02 per \$100 of assessed valuation. Accordingly, deannexation will not shift a tax burden to the remaining residents of the Township.

³⁵⁶ Exhibit S-72 ~ "Ryan Report"



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- b. The County tax moves with the property. As such, if deannexation were to occur, the County would assess its tax through Longport.
4. Total municipal revenues in 2014 were 37,452,455,³⁵⁷ of which 56% was raised by taxes.³⁵⁸ Seaview Harbor represents 1% of this percentage (\$505,592). This figure would be eliminated from Township revenues should deannexation occur.³⁵⁹

Total School District revenues in 2014 were \$129,162,037, of which 59% was raised by taxes.³⁶⁰ Seaview Harbor represents 1% of this percentage (\$1,841,446). Upon deannexation, this figure would be eliminated from Township revenues.³⁶¹

5. For the Township, there would be some “direct budget consequence” (i.e., savings) should deannexation occur, including savings attributable to the Township not collecting the community’s trash or paying related tipping fees, and the Township Police not having to patrol the neighborhood. Mr. Ryan did not calculate specific dollar figures for such savings.

Since Seaview Harbor does not [currently] enroll students in the Township’s Schools, there would be no appreciable savings to the School District should deannexation occur. Savings would be limited to elimination of the per student transportation stipend paid to families of students not attending Township Schools.³⁶²

6. Deannexation would result in a loss of revenue to the Township of \$505,000³⁵⁹ and a loss of revenue to the School District of \$1,841,446.³⁶¹ Assuming no changes from the 2014 municipal and school budgets as adopted, the remaining Township residents would see, **for 2014:**

³⁵⁷ Current through the availability of the data.

³⁵⁸ The budget included additional “other” revenues in the form of municipal fees, State Aid, municipal grants, inter-local agreements with neighboring towns, municipal court fees, delinquent taxes, etc.

³⁵⁹ Exhibit S-72: p.1

³⁶⁰ The budget included additional revenues in the form of State Aid, “other revenues” and Fund Balance (prior year surplus).

³⁶¹ Exhibit S-72: p.6

³⁶² This office calculates the savings as \$884 per student for each of the 9 students currently residing in Seaview Harbor (Exhibit B-113 / F-1), for a total of \$7,956.



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- A Local Purpose Tax Rate increase of \$0.013 per \$100 of assessed valuation, resulting in a **Local Purpose Tax** increase of \$27.05 for the average Township residence.³⁶³
 - A School Tax Rate increase of \$0.045 per \$100 of assessed valuation, resulting in a **School Tax** increase of \$93.65 for the average Township residence.³⁶³
 - A combined Tax Rate increase of \$0.058, resulting in a combined Tax increase of \$120.70. However, in 2014, the Township lost \$97,604,700 in revenues from successful Seaview Harbor Tax Appeals and gained \$28,344,495 in the form of new ratables. According to Mr. Ryan, the average Township residence would see an **adjusted combined tax increase of \$87.00**.^{363, 364}
7. In 2014, the Township's Local Purpose tax rate (\$0.518) and School tax rate (\$1.858) combined to produce a tax rate of \$2.376. Under this rate, the average assessed residence in Seaview Harbor saw a 2014 tax bill of \$20,759.³⁶⁵
- That same home in Longport would have an adjusted assessment³⁶⁶ of \$862,600, a Local Purpose tax rate of \$0.338 and a School tax rate of \$0.05, for a combined rate of \$0.388. Under this rate, the average assessed residence in Seaview Harbor (if in Longport) would have seen a 2014 tax bill of \$3,347 ~ a **difference of \$17,412 should deannexation occur**.³⁶⁵
8. The 2014 budgets for Township and School District resulted in a combined tax increase of \$135.00 for the average Township residence. In the words of Petitioner's Attorney, "the loss of Seaview Harbor ~ resulting in a 2014 (adjusted) tax increase of \$87.00 ~ would be less than what the Township and Board of Education **did voluntarily**".³⁶⁵

³⁶³ Exhibit S-72: p.1

³⁶⁴ Adjustment calculation provided as item 4 on Exhibit S-72: p.1

³⁶⁵ Does not include County or Open Space Taxes (Exhibit S-72: pp.1-2)

³⁶⁶ Based on Longport being at 91% valuation (per Mr. Ryan) as opposed to the Township's 98% valuation ratio (per Mr. Costello).



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9. Mr. Ryan's review of the Local Purpose and School Tax levies from 2005 to 2014 reveals that the average Township residence saw an average Local Purpose Tax increase of \$63.01 and a School Tax increase of \$113.60, for a total of \$176.61 during this period.³⁶⁷ Accordingly, the \$87.00 tax increase attributable to Seaview Harbor were deannexation to occur would be less than that "imposed" by the Township Committee and the Board of Education annually during 2007 to 2014".³⁶⁸

Based on this analysis, Mr. Ryan stated that, over the past 10 years, "a normal year without Seaview Harbor leaving" resulted in an average tax increase of \$176.61. A tax increase of "\$120.70 or \$87.00" attributable to deannexation is therefore "not out of the ordinary" and would not represent a significant injury to the remaining residents of the Township.

10. Mr. Ryan testified that Seaview Harbor represents 2.4% of the Township's ratable base. Given the growth potential of the Township and lack of such potential in Seaview Harbor, he predicts this percentage will decrease over time.

To support this statement, Mr. Ryan reviewed ratable growth experienced by the Township between 2005 and 2014, finding an average increase of \$62,074,821, despite the economic downturn in recent years.³⁶⁹

Mr. Ryan testified that the reduction of vacant lots in the Township between 2005 and 2014³⁷⁰ and the increase in residential units during that same period³⁷¹ demonstrate growth in the municipality. He concurred with Ms. CuvIELLO's assessment of historic growth as well as her opinion that there is sufficient vacant land in the Township to accommodate substantial future growth,³⁷²

³⁶⁷ Exhibit S-72: pp.3-4

³⁶⁸ While such increases were not uniform throughout this period, each year's increase was less than what deannexation would represent.

³⁶⁹ Exhibits S-72: p.4 & S-150

³⁷⁰ 5,876 to 3,536 (Exhibit S-72: p. 5)

³⁷¹ 12,069 to 14,659 (Exhibit S-72: p. 5)

³⁷² Exhibit S-64: pp. 9-10



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leading to increased ratables for the Township (as opposed to Seaview Harbor, which, except for 2 developable lots, is built-out; thereby leaving growth to the redevelopment of existing properties).

Based on this growth history, an assertion was made that Township growth will offset any financial loss should deannexation occur.

11. A discussion ensued regarding the Township's policy of offering 5-year tax abatements to entice commercial development to locate to (or not relocate from) the municipality. Petitioners highlighted 8 instances of tax abatements granted by the Township,³⁷³ asserting that the Township was voluntarily sacrificing ratables in amounts that would otherwise offset any financial loss attributable to deannexation.
12. Seaview Harbor is such a "minor portion of the Township's tax levy and minor revenue stream within the budget" that Mr. Ryan does not believe deannexation would cause "significant injury to the wellbeing of the municipality". Further, he stated that the Township has, "over the years, been resourceful in creating other budget revenues" and therefore believes the Township, "in short order, would overcome the loss of revenue that deannexation may cause".

Conversely, Mr. Ryan testified that the annual \$15,000 differential between the taxes that the average Seaview Harbor residence pays to Egg Harbor Township versus what they would pay if the community were a part of Longport "seems like a large figure to him". He opined that this represents a "detriment to the economic wellbeing of the majority of the residents of Seaview Harbor".

13. Petitioner's Attorney asserts that "all other sections of Egg Harbor Township have Township Fire Departments as their First Responder. ***Seaview Harbor is being taxed to pay for a fire department that is their THIRD responder***".

³⁷³ Exhibits S-142 (marked for identification purposes only) & S-143



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B. Bonding

Mr. Ryan testified that a municipality may, by law, bond up to 3.5% of its equalized valuation and a School District may bond up to 4% of its municipality's equalized valuation. In 2012:³⁷⁴

1. Egg Harbor Township's equalized valuation was \$156,461,970. Elimination of the Seaview Harbor ratable would place that number at \$152,567,632. The Township held debt of \$36,500,440, resulting in a remaining borrowing power of \$119,961,530 with Seaview Harbor and \$116,067,192 should deannexation occur. Deannexation would therefore represent a reduction in bonding capacity of \$3,894,338.³⁷⁵ Mr. Ryan testified that the Township is so far below its bonding capability that "they are still able to paint the picture needed".

Mr. Ryan testified that the School District had a total bonding capacity of \$178,813,680. Elimination of the Seaview Harbor ratable would reduce the number to \$174,363,008. The District held debt of \$99,691,357, resulting in a remaining borrowing power of \$79,122,323 with Seaview Harbor versus \$74,671,651 should deannexation occur. Deannexation would therefore represent a reduction in bonding capacity of \$4,450,673.³⁷⁶

Mr. Ryan testified that the foregoing analysis did not change his opinion that the loss of Seaview Harbor would not cause significant injury to the Township.

3.7.2 TOWNSHIP RESPONSE

While not presented in direct response to Mr. Ryan's testimony, the Township produced the following professionals to provide their opinions on the financial / economic impact of deannexation on the Township and the Township's School District:

³⁷⁴ The last annual debt statements Mr. Ryan could obtain. Mr. Ryan testified that the figures he cited are based on equalized valuations so the 2013 revaluation will not significantly impact his findings.

³⁷⁵ Exhibit S-72: p. 5

³⁷⁶ Exhibit S-72: pp. 5-6



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- Mr. Leon Costello, CPA, RMA, LPSA, principal of Ford-Scott & Associates, auditing firm for the Township and the Egg Harbor Township School District.
- Mrs. Katerina Bechtel, CPA, Business Administrator / Board Secretary for the Egg Harbor Township Board of Education; and
- Dr. Richard Perniciaro, Ph.D., Vice President of Planning, Research, Facilities & Executive Support for Atlantic Cape Community College.

Mr. Costello's findings were submitted in a report entitled *Seaview Harbor vs. Egg Harbor Township: Financial Impact Report*.

During testimony it was discovered that Mr. Costello's original report, dated October 6, 2015 (Exhibit B-115) contained errors that required the recalculation of several figures. Mr. Costello revised and reissued his report (under the same title but dated October 27, 2015), which was marked Exhibit B-116. This Report of Findings utilizes Exhibit B-116.³⁷⁷

Mr. Costello provided no opinion as to the impact of deannexation on the residents of Seaview Harbor or the Township, preferring simply to present his data:

[In preparing their Reports, Mr. Ryan (generally) utilized 2014 data while Mr. Costello utilized 2015 data. Unless material to the conclusions, this Report of Findings does not attempt to correlate the 2 sets of data.]

Mrs. Bechtel's findings were submitted as an unbound series of handouts³⁷⁸

Richard Perniciaro's findings were submitted in a report entitled *Comments on Proposed EHT Dissolution*.³⁷⁹

³⁷⁷ "Exhibit B-116"

³⁷⁸ Labeled A-1, A-2, A-3, A-4 B-1, B2a, B-3, B-4, B-5, C-1, D-1, E-1, E-2 & F-1 ~ collectively entered as Exhibit B-113.

³⁷⁹ "Exhibit B-114"



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A. Tax Impacts

1. This analysis utilizes Mr. Ryan's figure of \$208,100 as the average assessed value of a residence in Egg Harbor Township and \$873,700 as the average assessed value for a residence in Seaview Harbor.
2. The Egg Harbor Township property tax rate is comprised of the Local Purpose Tax, the Township Open Space Tax, the School Tax and the County Tax.
 - a. The Open Space tax is established by Ordinance at \$0.02 per \$100 of assessed valuation. Accordingly, deannexation will not shift a tax burden to the remaining residents of the Township.
 - b. The County tax moves with the property. As such, if deannexation were to occur, the County would assess its tax through Longport.
3. Unlike Mr. Ryan, neither Mr. Costello nor Mrs. Bechtel calculated the percentage of total budget revenues that Seaview Harbor contributes to the Township or the School District. Mr. Costello did provide Seaview Harbor's municipal tax revenue (\$505,542) and School tax revenue (\$1,819,951)³⁸⁰ and noted that, as of 2015, Seaview Harbor was 2.34% of the Township's ratable base.

These revenues would not be available to the Township or School District should deannexation occur.

4. Mr. Costello testified that neither the Township's Operating Budget nor the School Districts tax levy will change should deannexation occur. From an operational perspective, Mr. Costello suggested that it would be unlikely that the Township would reduce the Police force or let trash collectors go, and the number of students living in Seaview Harbor is minimal and should not impact the operating budget of the School District.

³⁸⁰ Exhibit B-116: pp.2-3



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5. Deannexation would result in a loss of revenue to the Township of \$505,542 and a loss of revenue to the School District of \$1,819,951.³⁸¹ Assuming no changes from the 2015 municipal and school budgets as adopted, the remaining Township residents would see, for 2015:
- A Local Purpose Tax Rate increase of \$0.013 per \$100 of assessed valuation,³⁸¹ resulting in a **Local Purpose Tax** increase of \$27.05 for the average Township residence.
 - A School Tax Rate increase of \$0.046 per \$100 of assessed valuation,³⁸¹ resulting in a **School Tax** increase of \$95.73 for the average Township residence.
 - A combined Tax Rate increase of 0.059 per \$100 of assessed valuation, resulting in a **combined Tax increase** of \$122.78 for the average Township residence.
6. In 2015, Township's Local Purpose tax rate (\$0.53) and School tax rate (\$1.9) combined to produce a tax rate of \$2.43.³⁸² Under this rate, the average assessed residence in Seaview Harbor saw a 2015 tax bill of \$21,231.³⁸³

That same home in Longport would have an adjusted assessment³⁸⁴ of \$862,600, a Local Purpose tax rate of \$0.331 and a School tax rate of \$0.057, for a combined rate of \$0.387.³⁸⁵ Under this rate, the average assessed residence in Seaview Harbor (if in Longport) would see a 2015 tax bill of \$3,381 ~ **a difference of \$17,850 should deannexation occur.**

³⁸¹ Exhibit B-116: p.3

³⁸² Exhibit B-116: p.4

³⁸³ Calculated by RVW. Does not include County or Open Space Taxes.

³⁸⁴ Based on Longport being at 91% valuation (per Mr. Ryan) as opposed to the Township's 98% valuation ratio (per Mr. Costello).

³⁸⁵ Exhibit B-116: p.5



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7. Mr. Costello calculated the post-deannexation tax impacts³⁸⁶ on various property values for both the Township and Seaview Harbor as:

PROPERTY VALUE	2015 TAX LEVY EGG HARBOR TOWNSHIP (ACTUAL)	2015 TAX LEVY LONGPORT (ACTUAL)	IMPACT UPON DEANNEXATION TO			
			TOWNSHIP PROPERTIES		SEAVIEW HARBOR PROPERTIES	
			TAX BILL	CHANGE	TAX BILL	CHANGE
\$208,100	\$6,166.00		\$6,288.78	+\$122.78		
\$300,000	\$8,889.00	\$2,721.00	\$9,066.00	+\$177.00	\$2,664.00	(57.00)
\$500,000	\$14,815.00	\$4,535.00	\$15,110.00	+\$295.00	\$4,440.00	(95.00)
\$750,000	\$22,222.50	\$6,802.50	\$22,665.00	+\$442.50	\$6,660.00	(142.50)
\$1,000,000	\$29,630.00	\$9,070.00	\$30,220.00	+\$590.00	\$8,880.00	(190.00)

Report Table P

8. Mr. Costello concurred with Mr. Ryan that future growth in the Township will be on the Mainland, that Seaview Harbor represents 2.4% of the Township’s ratable base and that, given the growth potential of the Township and lack of such potential in Seaview Harbor, such percentage will decrease over time.
9. Mr. Costello’s review of the Local Purpose and School Tax levies from 2009 to 2015 reveals that the Local Purpose Tax levy increased (Township-wide) by 44.1% and the School Tax levy increased (District-wide) by 17.3% during this period.³⁸⁷ The tax levy or actual dollar figure for the average property was not calculated.
10. Mr. Costello reviewed the change in net valuation (i.e., ratable base) experienced by the Township between 2009 and 2015, stating that municipality’s value decreased in 2009, 2011, 2012, 2013 and 2015³⁸⁸ while the Township’s tax rate increased by 2% to 4% annually during that same period.³⁸⁸ From this data, Mr. Costello concluded that “ratables are not keeping up with what the Township is spending”.

³⁸⁶ Exhibit B-116: pp.6-7 (Includes County and Open Space Taxes.)

³⁸⁷ Exhibit B-116: p.9

³⁸⁸ Exhibit B-116: p.8



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11. Mrs. Bechtel testified that reductions in State Aid over the years, combined with the state-mandated 2% cap on tax increases, has placed increasing pressure on the School District to fund operations.³⁸⁹ The resultant underfunding has resulted in the elimination of positions and programs ~ **leading to layoffs for the personnel involved.**³⁹⁰

B. Bonding

1. Mr. Costello did not include an analysis of the impact of deannexation on the Township's bonding capacity. In testimony, Mr. Costello concurred with Mr. Ryan that the Township's current debt is "so far under the bonding capacity" that elimination of Seaview Harbor "is not expected to be a significant issue".

Mrs. Bechtel indicated that, as of 2014, the School District had outstanding bonded debt of \$92,875,000, leaving \$80,594,679 available.³⁹¹

Mr. Costello declined to comment as to what impact, if any, the loss of Seaview Harbor might have on the Township's bond rating, stating that any such comment would be "speculative".

Mrs. Bechtel expressed her belief that any reduction in bond capacity will impact the District if State-mandated Affordable Housing projects result in the need to construct new schools.

2. Related to bonding was a discussion of the Township's Fund Balance (i.e., budget surplus) and how such surplus might impact the Township's bond rating and thereby the 'cost of money' ~ the interest rate the municipality would pay bond purchasers.

³⁸⁹ Exhibit B-113 / A-2, A-4 & B-4

³⁹⁰ Exhibit B-113 / B-1, B-2a, B-3 & B-5

³⁹¹ Exhibit B-113 / C-1



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An observation was made that, since 2009, the Township's annual Fund Balance has exceeded the Local Purpose Taxes paid by Seaview Harbor; suggesting that any loss of revenue could be recouped by the surplus. In response, Mr. Costello testified that the Fund Balance is "extremely low for what a Fund Balance should be, so it would not be possible to make up the loss of the Seaview Harbor ratable" from this source.

In support of this testimony, Mr. Costello submitted a 2015 list of Fund Balances for the municipalities audited by his firm.³⁹² At 0.85% of the budget, Egg Harbor Township has the lowest 2015 Fund Balance of the 41 municipalities listed (the next lowest being Linwood at 3.63%). Mr. Costello testified that, with such a low surplus, the Township has no "rainy day fund". As a result, any unforeseen (unbudgeted) need for funds would require an emergency appropriation.

3. Municipal bonds are rated by ratings agencies as a guide for investors. While a number of rating agencies exist, the following focuses on Standard & Poor's.³⁹³ S&P rates bonds as:

- AAA: Highest rating. Extremely strong creditworthiness.
- AA: Very strong creditworthiness.
- A: Strong creditworthiness.
- BBB: Adequate creditworthiness, the lowest of what is known as an investment-grade bond rating.
- BB, B, CCC, CC & C are considered speculative.
- S&P adds a plus "+" or minus "-" at the end of its ratings to differentiate bonds within a category.

On an ongoing basis, S&P upgrades or downgrades bond issuers and bond issues. When a bond issuer gets downgraded, the yield on the bonds from that issuer will usually go up; this is to compensate prospective buyers of the bonds for a perceived increase in risk reflective of the lowered rating.

³⁹² Exhibit B-117

³⁹³ www.municipalbonds.com/education/read/67/understanding-bond-ratings/



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According to Mr. Costello, a bond rating of 'AA' is "ideal" for municipalities. A rating reduction from 'AA' to 'A' will result in a ½ to ¾ percent increase in interest rates. At the time of his testimony, a 'AA' rated bond sold at 2.04%.

Mr. Costello testified that "rating agencies like to see surplus of 10%.

While S&P rated the Township's most recent bond issue at 'A+ / Stable',³⁹⁴ the rating sheet for this issue stated:

If budgetary performance were to deteriorate significantly, or if available fund balance were to decrease below \$500,000, we could lower the rating. We believe what we consider Egg Harbor's very weak local economy limits upward rating pressure. We therefore do not believe we will change the rating within the outlook's two-year period [emphasis added].

The Township's recent history of Fund Balances is reported in Report Table U, which is derived from data on Sheet 39 of the adopted municipal budget³⁹⁵.

YEAR	ADOPTED BUDGET	FUND BALANCE	% OF BUDGET
2015	\$38,512,282.00	\$29,128.00	0.08%
2014	\$37,452,155.00	\$153,780.00	0.41%
2013	\$36,486,934.00	\$255,126.00	0.70%
2012	\$34,811,608.00	\$991.00	0.003%
2011	\$35,661,697.00	\$752,057.00	2.11%
2010	\$33,650,659.00	\$162,074.00	0.48%
2009	\$33,352,115.00	\$259,984.00	0.78%
2008	\$33,764,595.00	\$283,464.00	0.84%
2007	\$32,638,418.00	\$492,180.00	1.51%
2006	\$28,881,626.00	\$660,031.00	2.29%

Report Table U

³⁹⁴ Exhibit B-118

³⁹⁵ Data provided by Township Business Administrator Peter Miller.



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C. Water Rates

As part of its sale to Aqua New Jersey, the Seaview Harbor Water Company retained the 2 lots it had [then] recently subdivided.

Mr. Miller testified that he was informed by a staff person at the New Jersey Board of Public Utilities³⁹⁶ that upon the dissolution of a public utility ~ as was to be the case with the Seaview Water Company upon acquisition of the water franchise by Aqua New Jersey ~ the proceeds from the sale of any remaining assets held by the dissolved utility are “usually... split 50 / 50 with the ratepayers”.

In an attempt to provide some compensation to Petitioners who had long-complained that their water rates were high,³⁹⁷ Mr. Miller informed the BPU:

The Township's position is that any distribution of an asset, I understand that BPU regulations is that 50 percent of an asset distribution in that fashion should be shared with the ratepayers... With 90 some customers there's a value of about \$4,000 that should be going to the ratepayer in some fashion. They have had the second highest water rate in the state for many, many years. I think that is an opportunity for the residents, the ratepayer, to share in the distribution of an asset that's been held by Seaview Water Company, the original franchise from the mid [19]50's up until today... The Township would urge the BPU to assure that the ratepayers, the homeowners, share in that gain and see some return on that asset sale.³⁹⁸

The BPU elected not to grant this request.

D. Local Economic Climate

1. After reviewing Census data for the Township and Seaview Harbor, Dr. Perniciaro concluded that Seaview Harbor “brings a diversity to the tax base and residents of the Township”. In addition to the tax ratables that are represented

³⁹⁶ Exhibit B-48

³⁹⁷ Exhibit S-101

³⁹⁸ Exhibit S-109



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by the community's residential properties, "the commercial property adds fiscal value to the community".³⁹⁹

2. Beyond revenue, Dr. Perniciaro testified that the socioeconomic differences that Seaview Harbor residents represent vis-à-vis residents in the balance of the Township adds social and economic stability to the municipality. Citing the Township's February 2015 unemployment rate of 11.5%⁴⁰⁰ and its "beginning 2015" mortgage delinquency rate of 20.6% (which continues to rise), Dr. Perniciaro testified that the educational and income characteristics of Seaview Harbor make its residents "less likely to be as impacted by the regional [economic downturn] than those of lower incomes and lower educational attainment". Just as in a personal financial portfolio, "in times of uncertainty and change, it is advantageous to have a tax base that is as diversified as possible" and that "the direct inference is that any economic diversity in times of extreme economic stress serves to improve the current overall situation of the Township and, more importantly, forms the basis for a quicker and sounder recovery".

3.7.3 RVW FINDINGS

A. Tax Impacts

1. This Report of Findings stipulates that Seaview Harbor represents a small percentage of Township and School District revenues and that such percentage will become even smaller upon growth elsewhere in the Township. Regardless of the percentage, such revenues would not be available to the Township or Board should deannexation occur.
2. Testimony was provided to indicate that while there would be some operational savings to the Township should deannexation occur, such savings would not be significant. The Township Police will still patrol N.J.S.H. 152, and the distance from Anchorage Poynte ~ which will remain the responsibility of the Township ~

³⁹⁹ Exhibit B-114

⁴⁰⁰ 2,527 persons



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to Seaview Harbor is not so great as to present a material savings in fuel and/or time for the Department of Public Works or the Police Department.

Given the small number of children attending Egg Harbor Township's schools, the savings of \$7,956 in transportation stipends will not have a material impact to the School District's tax levy.

3. The \$17,412 in annual tax savings to be expected by the average assessed residence in Seaview Harbor should deannexation occur is not insignificant to Seaview Harbor residents.

The combined annual Local Purpose and School District Tax increase of (Mr. Costello's) \$122.78 or (Mr. Ryan's) \$87.00 ~ or some amount in between ~ is similarly not insignificant for the owner of the average Township residence.

While Petitioners' tax savings will fluctuate with the vagaries of Longport's budget and tax rate should deannexation occur, so too will the increase in taxes experienced by Township residents, who will see a compounding affect as the impact of deannexation extends in perpetuity.

4. Any assertion that Seaview Harbor is being taxed to pay for a Fire Department that is their **third** responder misrepresents taxation and the provision of municipal services. Municipal taxes are not apportioned on a quid-pro-quo basis. Seaview Harbor property owners pay taxes based on a tax assessment multiplied by a tax rate ~ as do all taxable property owners in New Jersey. In exchange, municipal services are provided. The fact that firefighting services are provided by a Township volunteer fire company (albeit with municipally funded equipment) and some are provided by Longport via Mutual Aid is of no moment to this deannexation process. To suggest otherwise would imply that, should deannexation be successful, Seaview Harbor residents would be responsible to pay Margate, Somers Point and even Egg Harbor Township when assistance beyond what Longport can provide is required.



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B. Bonding

1. While deannexation may have no significant impact on the Township's bonding capacity, the potential exists for the reduction in municipal revenues due to deannexation to impact the Township's habitually-low Fund Balance and thereby impacting the municipality's bond rating and the interest rate assigned to Township bonds.
2. Given the uncertain State Funding Formula for School Districts, the role of New Jersey's School Construction Authority and the mandates that may or may not be imposed on the Township related to its obligation to provide for affordable housing, it is not possible to provide a conclusive analysis of the impact of deannexation on School District bonding.

C. Local Economic Climate

The impact of the decline of the Atlantic City casino industry on the South Jersey economy has been well documented.⁴⁰¹ The closing of 4 casino resorts in 2014⁴⁰² was forecasted to have cost the region an estimated 7,143 direct jobs and an untallied number of indirect jobs as the reduction in casino purchasing and unemployment ripples through the economy.

These numbers are underscored by July 2014 employment figures released by the U.S. Bureau of Labor Statistics,⁴⁰³ which indicated 3,600 fewer jobs in the Atlantic County Metropolitan Area in July 2013 as compared to July 2012. This 2.6% reduction places the County first among 372 metropolitan areas in job loss.

Less reported has been the impact to specific municipalities. In 2014, the New Jersey Casino Control Commission indicated that 830 Egg Harbor Township

⁴⁰¹ Exhibits B-1 & B-2

⁴⁰² Atlantic Club, Showboat, Revel & Trump Plaza.

⁴⁰³ Press of Atlantic City (August 28, 2014), as cited in the *Strategic Recovery Planning Report, Ventnor City, Atlantic County, New Jersey*, Prepared by Remington, Vernick and Walberg Engineers (September 2014).



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residents were at risk of losing their jobs, a figure that did not include jobs already lost due to the [then prior] closing of the Atlantic Club.⁴⁰⁴

A current analysis of data compiled by the Casino Control Commission and the Division of Gaming Enforcement, performed for this Report of Findings,⁴⁰⁵ reveals:

- As of 1/1/14, the Casinos employed 4,898 people with a 08234 (Mainland Egg Harbor Township) Zip Code and 22 people with an 08403 Zip Code.
- As of 1/7/16, the Casinos employed 3,802 people with a 08234 Zip Code and 12 people with an 08403 (Longport / Seaview Harbor) Zip Code.

Resulting in a loss of jobs for 1,096 08234 residents and 10 08403 residents. While it can be surmised that certain of these individuals found employment elsewhere and others left the Atlantic City job market, the impact of these job losses ~ as well as the secondary and tertiary impacts as Atlantic City's downturn ripples through the local economy ~ cannot be overstated.⁴⁰⁶

The U.S. Department of Housing & Urban Development ("HUD") maintains a website that tracks foreclosures and other troubled classifications for real estate. As depicted on *Report Graphic 27*:

- 78 (08234) Single-Family homes are in foreclosure.
- 530 (08234) Single-Family homes are in pre-foreclosure.
- 5 (08234) Single-Family homes are owned by HUD.
- 73 (08234) Single-Family homes are scheduled for Sheriff Sale.
- 67 (08234) Single-Family homes are offered per Short Sale.

⁴⁰⁴ Press of Atlantic City (September 5, 2014), as cited in the *Strategic Recovery Planning Report, Ventnor City, Atlantic County, New Jersey*, Prepared by Remington, Vernick and Walberg Engineers (September 2014).

⁴⁰⁵ Report Exhibits R-6 & R-7

⁴⁰⁶ Report Exhibit R-8



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08234

Listing Type
Select | Deselect

- Foreclosures (78)
- HUD (5)
- Preforeclosures (530)
- Sheriff Sales (73)
- Short Sale (67)
- Deals (1)

Property Type
Select | Deselect

- Single-Family
- Condo
- Multi-Family
- Mobile Home
- Commercial

Listing Results Page 1 - 50 of 676 Display 50 Listings per page Hide Map

Map showing Estell Manor, MacNamara Wildlife Management Area, and Pleasantville.

Status	Address	City	Zip	Bed	Bath	Price
01-21-2016 Active	Ontario Ave Egg Harbor Township, NJ 08234	Egg Harbor Township, NJ	08234	4 br	3 ba	187,000
01-17-2016 Active	Quigley Ave Egg Harbor Township, NJ 08234	Egg Harbor Township, NJ	08234	3 br	1 ba	150,000
01-14-2016 Active	Rhodes Ave Egg Harbor Township, NJ 08234	Egg Harbor Township, NJ	08234	3 br	2 ba	98,000
01-10-2016 Active	Patriot Walk Egg Harbor Township, NJ 08234	Egg Harbor Township, NJ	08234	4 br	3 ba	193,000

Report Graphic 27

Petitioners, individually and through Mr. Ryan, have made it abundantly clear that they are burdened by high taxes.⁴⁰⁷ While the dollar figures may be different, Mainland residents face the same burden.⁴⁰⁸ For these residents, the additional tax liability created by deannexation will only serve to exacerbate an already difficult situation.

⁴⁰⁷ Exhibits S-103 & S-140

⁴⁰⁸ Township resident Lucy Bird testified that that she is concerned that “if Seaview Harbor leaves, they will take their tax dollars with them”. Township resident Betsy McCloy testified that she is “worried about her neighbors at Village Grand and what increased taxes will mean to them”.



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Mr. Ryan testified that foreclosures won't have a significant impact on the Township because the banks will pay the taxes on foreclosed properties. Similarly, the City's Tax Sale Certificate program will keep the City whole in cases where property owners fail to pay taxes.

While this may be the case, it will provide no comfort to a property owner facing the specter of losing his or her home to a bank or facing the large interest payments attendant to a Tax Sale.⁴⁰⁹

3.7.4 RVW RECOMMENDATIONS

- A. ***This office concurs with Petitioners' assertion that refusal to consent to the Petition for Deannexation would be detrimental to the economic wellbeing of the majority of the residents of Seaview Harbor.***

- B. ***This office cannot concur with Petitioners' assertion that deannexation will not cause a significant injury to the wellbeing of the residents of Egg Harbor Township.***

While Seaview Harbor may represent a small ~ and diminishing ~ percentage of the revenue stream to the Township and its School District, this statistic is belied by the fact that the percentages equate to large dollar amounts lost to the public sector ~ \$505,000 to the Township and \$1,841,446 to the School District. ***Such sums are not one-time shortfalls but impacts that will be felt annually.***

Logically, such shortfalls can only be addressed by some combination of increasing taxes and cutting programs and services. Under state law, municipalities and School Districts operate under a 2% cap on tax increases. Given the non-discretionary cost increases 'built into the system' (inflation, contracted commitments, pensions and insurances, etc.), the Township's Governing Body and Board of Education ~ as with most municipalities and School Districts ~ have found it increasingly difficult to adopt budgets that achieve this cap. ***Deannexation will only compound this difficulty.***

⁴⁰⁹ The Tax Sale process is an auction where opening bids begin at 18% and are bid down.



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- C. While deannexation may not substantially impact the Township's bonding capacity, it has the potential to impact its bond rating.
- D. Assertions that any financial loss attributable to deannexation could be offset by, in the words of Mr. Ryan, "the Township's resourcefulness over the years in creating other budget revenues", by utilizing the Fund Balance or Ambulance revenues⁴¹⁰ or by the growth the Township has experienced on the Mainland must be viewed in the context of the Court's decision in Avalon Manor. In rendering its decision, the Court held, in pertinent part:

The plaintiff argued... that the economic consequence of deannexation could be "softened" by the application to the tax rate of proceeds from the sales of liquor licenses or municipally owned properties; from added assessments; by an improved collection rate; or by the application to the tax rate of a portion of the Township's accumulated surplus. I do not believe that any or all of these techniques may properly be considered as an "amelioration" of the increase in the proportion of local, school, and fire district taxes that would be borne by the remaining taxpayers of the Township in the event of deannexation. In the first place, these approaches are, in the main, "one-time" revenue sources, rather than recurring assets. More importantly, however, whatever revenues are generated by any or all of these activities already belong to all of the property owners of the Township. To suggest that these revenues could be considered as an "offset" or "amelioration" of the added taxes attendant to a deannexation is to suggest that the taxpayers of the Township should apply their own resources to the reduction of the increase in their taxes. Without deannexation, these revenue sources, if realized, would accrue to the benefit of the taxpayers of the Township and would reduce their tax payments below the current levels, or perhaps offset increases unrelated to a deannexation. There is no equitable basis to charge their interest in these revenues with the burden of "offsetting" the increases that would result from deannexation. [emphasis added]

- E. Assertions that the Township and/or School District have in the past adopted budgets which required tax increases in amounts more than what would be lost should deannexation occur is of no moment to this Petition. Similarly, assertions

⁴¹⁰ Exhibits S-147, S-148, S-149 & S-150



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that the Township's tax abatement program sacrifices ratables that would otherwise offset any financial loss attributable to deannexation is not relevant to the issues before the Board.

Budgets are adopted to address governmental needs at a given point in time, and tax increases are not frivolous considerations that are taken lightly by policymakers, especially those who must themselves bear the financial impacts.

Tax abatement programs are designed to surrender short-term revenues in exchange for larger returns (in the form of ratables) in the future. As such, they are investment designed to improve a municipality's financial situation over time.

To equate a 5-year investment with permanent future benefits to the loss of Seaview Harbor does a disservice to the larger community.

- F. An analysis of the relative tax implications of deannexation must be viewed in the context of the Courts' decisions in Ryan, which specifically condemned "tax shopping" as a rationale for deannexation:

We find in the [Deannexation Statute] an intention on the part of the Legislature to give precedence to a more significant policy, that of preservation of municipal boundaries and maintenance of their integrity against challenge prompted by short-term or even frivolous considerations such as 'tax shopping' or avoidance of assessments...

and in Avalon Manor, which held, in pertinent part:

[It is not] the Court's proper function to assess the relative "significance" of an annual tax increase of \$67.97 or \$75.52. ...It was not unreasonable for the Township to have considered such financial impacts as "significant," especially in view of the tax savings that would accrue to the residents of Avalon Manor from deannexation.

- G. ***Beyond revenue, Dr. Perniciaro's analogy likening Seaview Harbor's contribution to the Township's social and economic stability to a personal financial portfolio is compelling.***



3.8 TOWNSHIP RESPONSIVENESS / NEGLECT

Petitioners assert that the Township is not responsive to the needs of Seaview Harbor and, in effect, neglect these needs.

3.8.1 PETITIONERS' TESTIMONY

A. Petitioners assert that Seaview Harbor is neglected by Egg Harbor Township. To support this assertion:

1. Petitioner Scott Kenny testified that the website for the Township's Historical Society does not mention Seaview Harbor.
2. Non-Petitioner but Seaview Harbor resident John Dabek testified that there are no parks or recreation areas in Seaview Harbor.
3. Petitioner Catherine Stanley testified that she submitted a FEMA Post-Sandy Homeowner Repair Grant through the Township but "never heard back".

Petitioner Virginia McGlinchey testified that she "signed up for Sandy mitigation but there was never any Township follow-up."⁴¹¹

4. Petitioners assert that the Township's support of a County plan to close the Kennedy Bridge during the 2013 reconstruction project rather than leaving alternating lanes open for single-lane traffic ignored the needs of the residents of Seaview Harbor.⁴¹²

B. Mr. Kenny asserts that the Township spends no money or resources on Seaview Harbor. To support this assertion, Mr. Kenny testified that he was being harmed because the Township "is not willing to dedicate resources to Seaview Harbor".

Petitioner Amy Frick testified that, in the aftermath of Superstorm Sandy, municipalities are now investing in new, resilient infrastructure but that Egg Harbor Township is not.

⁴¹¹ Exhibit S-39

⁴¹² Exhibit S-108



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C. Petitioners assert the Township does not enforce its Property Maintenance Ordinances and is "totally unresponsive" to complaints. To support this assertion:

1. Petitioner Donald Burger testified that, in 2009, his neighbor's bulkhead failed, which caused his bulkhead to lose integrity.⁴¹³ The Township did not help despite the fact that there was an ordinance⁴¹⁴ in place.

Mr. Burger further testified that he was told that Township Code Enforcement "does not get involved with private bulkheads". However, Mr. Burger did find that the Township "did get involved" with certain Anchorage Poynte bulkhead litigation.

2. Petitioner Yvonne Burns testified regarding problems with property maintenance at neighbors' homes in or about 1998 - 1999. Despite filing "complaints and petitions" with the Township, no actions were taken.

Mrs. Burns further testified that construction on a neighboring property caused an undermining of the bulkhead on her property. She sent letters to the NJDEP, Federal EPA and the Township Zoning Officer.⁴¹⁵ The Zoning Officer purportedly responded that "there were so many complaints that Township could not keep up with them all".

A petition, signed by 12 residents of Seaview Harbor, was submitted to the Township's Construction Officer in 2014 related to "very poor condition of overgrown Seaview Drive from #20 to #26 and several houses on the west side of Seaview". Additionally, letters were sent to the Township requesting that a Property Maintenance Code be enacted.⁴¹⁶

D. Petitioners assert that, being a majority Mainland municipality, the Township does not know how to address the special needs of a Coastal community such as Seaview Harbor. To support this assertion:

⁴¹³ Exhibits S-20, S-21 & S22

⁴¹⁴ Township Code §173-1

⁴¹⁵ Exhibits S-23, S-24, S-25, S-26, S-27, S-28, S-29, S-30, S-31, S-32, S-33 & S-34

⁴¹⁶ Exhibits S-36 & S-10



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1. Petitioner John Seiverd testified that he was initially issued a Building Permit to enlarge a deck on his Seaview Harbor Property, only to have the issuing official rescind the permit as being in error when it was discovered that the property was in a flood zone and thereby requiring special footings that were not shown on the original plans.⁴¹⁷ Mr. Seiverd contends that the official should have known that the property was in a flood zone prior to issuing the Permit and that this demonstrates that the Township does not know how to address the special needs of a Coastal community such as Seaview Harbor.
2. Petitioner Virginia McGlinchey testified that the Seaview Harbor home she purchased in 2002 required repairs. As part of the repairs, the McGlinchey's decided to raise the building. A complaint was filed against the property and the Township issued an order for work to stop ~ only to find that the complaint was for a different property with a different address.⁴¹⁸
3. Non-Petitioner but Seaview Harbor resident John Dabek opined that if Egg Harbor Township was not a Mainland-focused community, they would have participated in the CRS Program long ago.
4. Mr. Dabek also testified that Egg Harbor Township does not have a Floodplain Management Plan.
5. Petitioner Scott Kinney testified that the Township's 2007 *Livable Community Plan*⁴¹⁹ does not address Seaview Harbor. By contract, the Township's "woodland character" is referenced throughout the document.

Ms. CuvIELLO referenced the *Livable Community Plan*, stating:⁴²⁰

Although the entirety of the Township is not under the jurisdiction of the Pinelands Commission, this plan was for the entirety of the Township,

⁴¹⁷ Exhibits S-18, S-19

⁴¹⁸ Exhibit S-39

⁴¹⁹ Report Exhibit R-9

⁴²⁰ Exhibit S-64: p. 35



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including non-pinelands area. It references linking to the bays in West Atlantic City (another out portion of Egg Harbor Township). The limited discussion in the report about the areas of land separated from Egg Harbor Township proper where Seaview Harbor exists is an indication that the area encompasses 11 square miles, largely an estuarine wetland and wildlife preserve. There is no reference to the residential community. The plan further references the result of the splintered areas in Egg Harbor Township (including Seaview Harbor and West Atlantic City) is due to the various secessions over the years.

Through all of the Planning Efforts undertaken by the Township there is limited discussion about the Seaview Harbor community. This area is removed from the Township and faces challenges that are not similar to the majority of EHT. The Planning Efforts in Longport are more akin to the challenges and needs of the Seaview Harbor Community. EHT has grown tremendously over the past 30+ years and they have focused their efforts on the impacts of the growth. This has left other areas of the Township underserved and misunderstood with respect to their needs, including Seaview Harbor. Some areas are recently getting renewed attention to Planning issues as is evident in West Atlantic City where the City has undertaken a major redevelopment project.

6. Petitioners point to the Atlantic County Hurricane Evacuation Map,⁴²¹ which places Seaview Harbor in the same Evacuation Zone as the island communities of Atlantic City, Ventnor, Margate and Longport while placing the Mainland portion of the Township in Zone 3, which includes Somers Point, Linwood, Northfield, Pleasantville, Absecon and Galloway Township.
- E. Township recreational services are not open to Seaview Harbor residents. To support this assertion, Petitioner Michael Hull quoted from the Township's Parks & Recreation Program Booklet⁴²² which states that "All recreation programs are open to Egg Harbor Township residents" but mandates that an Adult Resident "**Must reside in Egg Harbor Township (not just pay taxes)**" and a Child Resident "**Must be registered with Egg Harbor Township School District (can be homeschooled or go to private school)**" and requires that "**Proof of residency, and state issued birth certificate (if under 18 years old) is required at time of registration**".

⁴²¹ Exhibit S-125

⁴²² Exhibit S-40



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Mr. Hull testified that “since Seaview Harbor residents have driver’s licenses with Longport’s Zip Code, they are unable to access these programs, despite the fact that they are Township taxpayers”. Conversely, Mr. Hull testified that Margate “does not discriminate between residents and taxpayers⁴²³ and that the Ocean City recreation programs and Longport tennis courts are open to anyone regardless of residency”. Accordingly, Mr. Hull believes that Seaview Harbor residents are being “discriminated against” by the Township.

3.8.2 TOWNSHIP RESPONSE

- A. Township Administrator Peter Miller denied that the Township has neglected Seaview Harbor, pointing to its actions in support of the community as detailed throughout the hearing process and this Report of Findings, including the Township’s efforts to provide sanitary sewer for the community in response to residents’ complaints,⁴²⁴ having trash pickup days moved from Wednesdays to Mondays⁴²⁵ and working to have a traffic light installed at the intersection of Route 152 and Hospitality Drive.⁴²⁶
- B. In response to Petitioners Stanley’s and McGlinchey’s assertions that the Township did not follow through on their FEMA Post Sandy Grant applications, Mr. Miller submitted the Township’s Letter of Intent (LOI) for Application for Hazard Mitigation grants along with a follow-up email evidencing inquiries as to the status of the applications.⁴²⁷
- C. Mr. Miller testified that the Township petitioned FEMA to have the [then proposed] Federal Flood Zone classification for Seaview Harbor changed from a ‘V’ Zone to an ‘A’ Zone, thereby reducing the minimum 1st Floor elevations (“FFE”) required for new construction and substantial rehabilitation and reducing the FEMA-mandated (NFIP)

⁴²³ Exhibit S-41

⁴²⁴ Exhibit S-63

⁴²⁵ Exhibits S-81 & S-101

⁴²⁶ Exhibit B-85

⁴²⁷ Exhibits B-35 & B-36



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Flood Insurance rates for Seaview Harbor properties, which became prohibitively high for 'V' Zone properties after Superstorm Sandy.⁴²⁸

- D. Mr. Miller testified that Petitioners' assertion that the Township ignored the needs of the residents of Seaview Harbor **by supporting** a County plan to close the Kennedy Bridge during the 2013 reconstruction project mischaracterizes the Township's ultimate position, which was to defer to Longport's position in the matter.
- E. In response to Petitioner Kenny's assertions that the Township spends no money or resources on Seaview Harbor, Township Public Works Director Simerson submitted a list of 5 Capital Improvement and Maintenance projects undertaken by the municipality in Seaview Harbor between 2004 and 2013 for a total of \$126,341.⁴²⁹
- F. In response to Petitioners' assertion that the Township does not enforce its Property Maintenance Ordinances and is "totally unresponsive" to complaints, Mr. Miller submitted:
1. A letter ~ apparently from Petitioner Yvonne Burns ~ to NJDEP complaining of an issue at 32 Seaview Drive with a post-it from the Township Code Official indicating they [the Township] would be out to check the problem.⁴³⁰
 2. The Township Construction Office's computer file⁴³¹ documenting the Code Official's activities in response to the complaint at 32 Seaview Drive, including notations that:
 - A possible violation had been reported.
 - A site inspection was conducted where the inspector met on site with the contractor, who advised the inspector of the remedial actions that would be taken.

⁴²⁸ FEMA's recalculated FFE required higher minimum FFEs than originally established and expanded Flood Hazard Zones beyond those shown on the 1983 FIRMs.

⁴²⁹ Exhibit B-99

⁴³⁰ Exhibit B-56

⁴³¹ Exhibit B-57



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- The inspector’s business card was placed in Mrs. Burns’ mail box to call for the results of the inspection.
 - A follow-up inspection was conducted which revealed that the remedial actions had been undertaken and that the “area appears to have been protected as requested”.
 - A call was placed to Mrs. Burns [while no explanation was indicated in the report, the context suggests that the call was to advise Mrs. Burns that the situation had been resolved.
 - In response to an additional complaint by Mrs. Burns that her sidewalk was being undermined as result of the neighboring development, the Code Official learned that construction had stopped “due to a money matter”. However, the contractor had investigated the complaint and found failure areas at the bottom of the bulkhead and that no bulkhead return walls had been constructed between the 2 properties. Mrs. Burns was to be advised of this finding and that civil litigation on her part may be required. A message was put on Mrs. Burns’ answering machine in this regard.
3. A Notice of Violation & Order to pay Penalty issued by the Township to the owner of 32 Seaview Drive.⁴³²
 4. A letter from Petitioners’ Ralph & Judy LaPorta to the Township’s Construction Official indicating that the 32 Seaview Drive complaint had been resolved by the Court and thanking him for his assistance in the matter.⁴³³
 5. A copy of the Township’s Property Complaints Log from July to December 2013⁴³⁴ demonstrating that 4 complaints were filed for 3 Seaview Harbor properties. In response, the Township sent violation letters that resulted in 2

⁴³² Exhibit B-60

⁴³³ Exhibit B-59

⁴³⁴ Exhibit B-62



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cases (same property) where the conditions were abated and the cases closed within 30 days of the Township's receipt of the complaint and 2 abated and closed within 60 days of receipt of complaint.

- G. Mr. Miller asserted that Petitioner Seiverd was in error when he testified that his initial Building Permit for his deck project was rescinded and that the problems he had obtaining the Permit were due to the Township not knowing how to address the special needs of a Coastal community such as Seaview Harbor. In support of his assertion, Mr. Miller pointed to the copy of the Permit application **submitted by Petitioners**, which indicated that it was rejected as being **incomplete**. No evidence was submitted to suggest a permit was issued and then rescinded.

28829

PLAN REVIEW E. H. T.	
INCOMPLETE	COMPLETE
_____ ZONING _____	_____
7/24/19 BLDG. <i>AS</i>	_____
_____ PLUMB. _____	_____
_____ ELEC. _____	_____
7/24/19 FIRE PROT. _____	_____
7/24/19 CONST. OFF. <i>Seaverd</i>	_____

Excerpt from Exhibit S-18

Mr. Miller submitted the approved Permit (Construction Permit Update) that he indicated was issued once the application became complete.⁴³⁵

- H. Mr. Miller's responses to assertions that if Egg Harbor Township was not a Mainland-focused community they would have participated in the CRS Program before they did are addressed in §3.3 herein.

⁴³⁵ Exhibit B-54



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- I. In response to Mr. Dabek's assertion that the Township does not have a Floodplain Management Plan, Mr. Miller submitted a document entitled *Township of Egg Harbor, Atlantic County, New Jersey Flood Mitigation Plan* dated November 14, 2000.⁴³⁶
- J. In response to Mr. Kinney's and Ms. CuvIELLO's assertions that the lack of inclusion of Seaview Harbor in the Township's *Livable Community Plan* evidences the Township's neglect of the community, or that the Township does not know how to address the special needs of a Coastal community such as Seaview Harbor, Mr. Miller points to the Plan itself, which states⁴³⁷

... The focus of the [Pinelands Excellence Program] was to assist Pinelands communities that have experienced *significant growth since the adoption of the Pinelands Protection Act* over two decades ago. *The pace of development* in these municipalities *has made it difficult to effectively plan, particularly for infrastructure and community facilities*. While much of this growth is largely attributable to the development pressures originating in Atlantic City to the east and Philadelphia to the west, *the goal of the Pinelands Comprehensive Management Plan to preserve significant ecological areas and farm land, serves to focus development that does occur within these high-growth communities* [*emphasis added*]

and

The planning effort in Egg Harbor Township is explicitly designed to involve its residents in a collaborative and inclusive process to identify a vision for its future and, with assistance from a professional planning team, to define, formulate and "fit" a series of implementation strategies that specifically respond to the particular needs of the community. These needs relate to the effects of growth on transportation, expanding school population, loss of rural character and the pressure on community facilities and services.

With the foregoing as context, Mr. Miller stated that "Seaview Harbor was not addressed because it is not in the Pinelands".

⁴³⁶ Exhibit B-94

⁴³⁷ Exhibit B-30



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K. Mr. Miller conceded that the text on the Township's website regarding recreational programs could lead one to believe that seasonal residents not eligible for participation, but that this was inartful wording and not the Township's intent. Mr. Miller brought this issue to the attention of the Township Recreation Director, who replied:⁴³⁸

... We will remove that wording immediately. It was never our intent to exclude tax paying residents from participating in our programs. Like the school district we have over the years been subject to non-tax paying and non-residents filling our programs. We will adjust our wording not to exclude this situation of our tax-paying second home residents...

Mr. Miller brought to the Board's attention the Recreation Director's comments that:

...I would also like to bring to your attention, being a small department of 2 we both hear all the issues and complaints and I never had this brought to my attention in thirty years by a resident of Sea View [sic] Harbor...

Additionally, with regard to youth leagues, the Director noted:

Our youth sports organizations that run a sport sanctioned by a regional or national body are restricted sometimes by residency rules, not just home ownership. In football, a player must get a waiver from their residency town organization to play in another town. In baseball, it would be similar. However, the EHT Baseball Association has no such agreements with any other town. Football has not granted a waiver in recent memory since we have three sets of teams to offer participants which are participating in the Atlantic Organization and the Cape Organization. All our other sports don't have a sanctioning body and they follow the same basic criteria as the recreation department.

L. Responding to Petitioner's assertions that, being a majority Mainland municipality, the Township does not know how to address the special needs of a Coastal community such as Seaview Harbor, Mr. Miller submitted documents supporting his belief that the Township has numerous waterfront sections, both with and without docks and/or marinas, and that Petitioners' assertions are therefore of no moment to the issues at hand.⁴³⁹

⁴³⁸ Exhibit B-76

⁴³⁹ Exhibits B-77, B-82 & B-83



3.8.3 RVW FINDINGS

- A. The Great Egg Harbour Township Historical Society is a private non-profit organization whose webpage section entitled “History of the Township” begins in 1964 and contains a mere 379 words.⁴⁴⁰ The fact that Seaview Harbor, a community founded in the 1950s, is not mentioned on this site does not reflect on the municipality’s position toward the community and imposes no hardship or detriment on the residents of Seaview Harbor.
- B. The Township assisted Seaview Harbor residents after Superstorm Sandy as part of the Federal Hazard Mitigation Grant Program, designed to aid homeowners in their storm protection efforts ~ including the raising of their dwellings. Under this program homeowners were to submit applications to their municipal governments, who would package the applications for submission to FEMA.

Mr. Miller testified and provided documents⁴⁴¹ demonstrating that the Township collected the applications and made submission to FEMA, and attempted to contact the grant office to expedite what was [by then] a delayed approval process. Neither Mr. Miller nor Petitioners addressed the current status of these applications during the deannexation hearings.

- C. Petitioners’ assertions that the Township spends no money or resources on Seaview Harbor are not supported by the facts in evidence.
- D. The Township’s initial support for the County’s plan to close the Kennedy Bridge during the 2013 reconstruction project, and then to ultimately defer to Longport as to what plan to support, on its face supports Petitioners’ assertions that the Township did not represent the needs of Seaview Harbor, at least in this instance.

What **cannot be known** ~ because the Bridge closure **never occurred** ~ is what contingency plans would have been developed to provide access to Seaview Harbor for emergency responders if the Bridge was to be closed. Lacking such plans, a

⁴⁴⁰ www.gehthsmuseum.org/history.html

⁴⁴¹ Exhibits B-35 & B-36



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determination of whether the Bridge closure would have been a detriment to the community of a mere inconvenience is mere conjecture.

- E. Petitioners' assertions that the Township does not enforce its Property Maintenance Ordinances and is "totally unresponsive" to complaints are not supported by the facts in evidence. Problems that a particular resident may have had with a particular Township office are more likely the result of human error than any long-term structural and inherently irremediable "detriment" sufficient to support Deannexation.

With regard to the **2014** petition submitted by 12 residents of Seaview Harbor requesting that a Property Maintenance Code be enacted, this office notes that the Township adopted a Property Maintenance Ordinance in the winter of **2010**.⁴⁴²

- F. Petitioners' assertion that the Township does not know how to address the special needs of a Coastal community such as Seaview Harbor are not supported by the facts in evidence. Again, problems that a particular resident may have had with a particular Township office are more likely the result of human error than any long-term structural and inherently irremediable "detriment" sufficient to support deannexation.

The connection made by Petitioners to the Township's *Livable Community Plan* in this regard is tenuous at best. This Plan was funded through the New Jersey Pinelands Commission to address growth in the Township. **Seaview Harbor is not in the Pinelands.**



Report Graphic 28

⁴⁴² Township Ordinance No. 9 of 2009 enacting §173 of the Township Code.



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And while West Atlantic City ~ which is similarly not in the Pinelands ~ is included in the Plan, the reason is that this section of the Township is targeted for growth. Seaview Harbor, as Ms. CuvIELLO points out, is effectively built-out and has no room for growth.⁴⁴³

The Pinelands Commission's goal for the *Livable Community Plan* is to create a strategic vision and prepare proposals for zoning, subdivision, site planning and infrastructure improvements to address Pinelands-mandated growth in the Township.⁴⁴⁴

These issues are simply not applicable to Seaview Harbor.

- G. The fact that Atlantic County places Seaview Harbor in the same Hurricane Evacuation Zone as Atlantic City, Ventnor, Margate and Longport is a recognition of storm exposure and not ~ as Petitioners assert ~ an indication that Seaview Harbor has an inherently island character. Under Petitioner's logic, the County should have grouped Atlantic City, Ventnor, Margate and Longport, which are in Evacuation Zone 2, with the island community of Brigantine, which instead is in Evacuation Zone 1.
- H. The Township's quick correction of the inartful language regarding eligibility for municipal recreation programs not only indicates that there was no intention to discriminate against second homeowners, but is also an indication of the Township's responsiveness to resident complaints.

We note also that Mr. Hull's contention that Margate makes no distinction in its recreation programs between first and second homeowners is belied by that City's Community Education & Recreation program book, which states:

[Tennis] Court fees are \$8.00 / hour and may be reserved up to one week in advance with a "*Margate Resident Identification Card*". An identification card (*Margate Residents Only*) entitles the card holder to special discounts on court rental fees as well as other tennis-related activity discounts. Proof of residency required at card application time...⁴⁴⁵ [*emphasis added*]

⁴⁴³ Exhibit S-64

⁴⁴⁴ Exhibit B-30

⁴⁴⁵ Exhibit S-41: p.7



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3.8.4 RVW RECOMMENDATIONS

Based on the totality of the foregoing, this office finds and recommends that there is no support in the record for Petitioners' assertions that the Township has not responded to or otherwise neglected Seaview Harbor.



4.0 SUMMARY & CONCLUSIONS

4.1 LANDS SUBJECT TO PETITION

4.1.1 Block 9501, Lot 1

The Deannexation Statute provides no mechanism for the owner of non-residential commercial properties to sign a Deannexation Petition. Additionally, the maps submitted by Petitioners contain no demarcation line, shading or other marking or notation to suggest what portion of Block 9501, Lot 1, if any is included in the deannexation request.

4.1.2 Longport ~ Somers Point Boulevard [N.J.S.H. 152]

The maps submitted by Petitioners contain no demarcation line, shading or other marking or notation to suggest what portion(s) of N.J.S.H. 152, if any, is included in the deannexation request.

4.1.3 Beach Thorofare

Neither the Petition nor its transmittal letter contain any reference to Beach Thorofare. The maps submitted by Petitioners do not identify Longport and contain no demarcation line, shading or other marking or notation to suggest what portion of Beach Thorofare, if any, is included in the deannexation request.

4.1.4 *It is recommended that the Petition does not contain the specificity required by the Deannexation Statute and is therefore invalid.*

Alternatively, at a minimum, it is recommended that Block 9501, Lot 1, N.J.S.H. 152 and Beach Thorofare be excluded from any consideration for deannexation.



4.2 Longport as a Contiguous Municipality

4.2.1 N.J.S.H. 152

The only location where Egg Harbor Township physically touches Longport is the point where the Kennedy Memorial Bridge crosses the Egg Harbor Township / Longport municipal boundary line. Nothing in Petitioners' testimony or Exhibits suggests that deannexation extends to this point.

While the maps filed by Petitioners' depict N.J.S.H. 152 as extending to some point on the Kennedy Bridge, they contain no demarcation line, shading or other marking or notation to suggest what portion(s) of the Bridge, if any, is included in the deannexation request.

4.2.2 Beach Thorofare

Neither the Petition nor its transmittal letter contain any reference to Beach Thorofare. The maps submitted by Petitioners do not identify Longport and contain no demarcation line, shading or other marking or notation to suggest what portion of Beach Thorofare, if any, is included in the deannexation request.

4.2.3 "Contiguous"

At issue is whether or not the area proposed for deannexation is "contiguous" to Longport.

- A. The analysis of Petitioners' maps undertaken by this office finds that the portion of N.J.S.H. 152 depicted by Petitioners does not extend to the Egg Harbor Township / Longport municipal boundary line. ***Seaview Harbor can therefore not be contiguous to Longport via N.J.S.H. 152.***

- B. If tidal waters are ***not*** interpreted as "land" for deannexation purposes, ***Seaview Harbor cannot be contiguous to Longport via Beach Thorofare.***



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C. If tidal waters are interpreted as "land" for deannexation purposes, Seaview Harbor can theoretically be contiguous to Longport via Beach Thorofare. However, again, neither the Petition nor its transmittal letter contain any reference to Beach Thorofare, and the maps submitted by Petitioners do not identify Longport or contain any demarcation line, shading or other marking or notation to suggest what portion of Beach Thorofare, if any, is included in the deannexation request.

4.4.2 *It is recommended that the Petition does not contain the specificity required by the Deannexation Statute and is therefore invalid.*

Alternatively, it is recommended that Seaview Harbor is not contiguous to Longport and therefore cannot be annexed to Longport under the provisions of the Deannexation Statute.

4.3 Impacts of Deannexation

As required by the *Deannexation Statute* and relevant case law, the Planning Board must, in its evaluation of the impacts of deannexation, determine whether Petitioners have sustained their burden of proof in evidencing that:

- A. Refusal to consent to deannexation is detrimental to the economic and social well-being of a majority of the residents of Seaview Harbor; **AND**
- B. Deannexation will not cause a significant injury to the well-being of Egg Harbor Township.

Both A and B must be met for deannexation to be affirmed.

In evaluating the impact of deannexation upon both Seaview Harbor and the Township, case law points to the following factors as potentially relevant areas of investigation:



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- C. Any substantial social injury or detriment that might be found in the Township being deprived of Petitioners' participation in religious, civic, cultural, charitable and intellectual activities, their meaningful interaction with other members of the community, or their contribution to the Township's prestige and social standing and/or the part they play in the general scheme of social diversity; and conceivably, the wholesome effect their presence has on racial integration.
- D. Any long term or short term economic impacts, such as loss of ratables, impacts upon local, school or other taxes of the Township and Seaview Harbor, including the cost or savings in providing municipal services and what types of municipal services have been provided to date.
- E. The impact upon emergency services and equipment, including the cost of providing same and the need to provide same in the future.
- F. The impact upon recreational and school facilities in both the Township and Seaview Harbor.
- G. An analysis of the tax assessments of the relevant land including the total tax assessment of the Township as it relates to Seaview Harbor and the total area of the Township as it relates to Seaview Harbor.
- H. Zoning and planning implications for the municipality.
- I. Population, demographics and geographic matters.

The foregoing is not intended to be an exhaustive list. Local decision makers are expected to bring to bear their own knowledge, experience and perceptions in determining what, in the context of deannexation, would inflict social injury upon the well-being of the community. Additionally, these values will undergo change with the times, and may be accorded different weight depending in part on the composition of the community.



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Based upon the testimony and Exhibits comprising the record as detailed in this Report of Findings, this office finds and recommends that Deannexation would likely have:

4.3.1 Positive Impact for Majority of Seaview Harbor Residents

- A. Deannexation would eliminate the address confusion faced by Seaview Harbor residents.
- B. Deannexation would permit Seaview Harbor residents to vote in Longport's elections and participate in certain of the Borough's civic offerings.
- C. Deannexation would permit Seaview Harbor children to attend public schools that are closer to their homes, thereby increasing their ability to interact with other children and relieving families who chose this option of the cost of private education.
- D. Annexation to Longport would provide Seaview Harbor residents with weekly recycling collection in the summer months.
- E. Deannexation would relieve Seaview Harbor residents of the economic injury they face as Egg Harbor Township property tax payers.
- F. Deannexation would relieve Seaview Harbor residents of the need to drive 14 minutes to the Scullville Fire Station to vote should they elect not to vote by mail.

4.3.2 Positive Impact for the Remaining Portion of the Township

Other than insignificant financial savings, the record contains no evidence that the Township or the School District would be positively impacted should deannexation occur.

4.3.3 Negative Impact for Majority of Seaview Harbor Residents

- A. Deannexation would reduce Seaview Harbor's direct and indirect representation on the Atlantic County Board of Chosen Freeholders from 7 of 9 (78%) to 5 of 9 (55%).



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- B. Deannexation would result in the loss of social diversity associated with the Mainland portion of the Township that is available to Seaview Harbor residents should they seek to take advantage of such opportunities.

4.3.4 Negative Impact for the Remaining Portion of the Township

- A. Deannexation would formally bar Seaview Harbor residents from participating in the Township's civic affairs. While residents do not currently participate at the levels they did in the past, eliminating this educated, active and well-meaning community from the pool of eligible participants is detrimental to the Township.
- B. Deannexation would remove one of the most unique, prestigious and upscale communities in the Township as well as certain "intangible enhancements... of one of its nicest areas".
- C. Deannexation would result in the loss of a significant socioeconomic population for the Township and thereby eliminate a stabilizing element of the Township's economic diversity.
- D. Deannexation could potentially impose economic injury on the remaining Township residents as the Township is forced to increase taxes and/or cut services to compensate for the loss of \$505,000 in the deannexation year ~ and subsequent impacts annually thereafter. Within this context:
 - 1. Deannexation could potentially result in a reduction in Public Works funding, leading to a reduction in manpower and services.
 - 2. Deannexation could potentially result in a reduction in Police funding, leading to a reduction in manpower and services.
 - 3. Deannexation could potentially result in a reduction in Fire Service funding, leading to a reduction in equipment purchases and maintenance.



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- E. Deannexation would impose an economic injury on the remaining Township residents as the Egg Harbor Township School District is forced to increase taxes and/or cut services to compensate for the loss of \$1,841,446 in the deannexation year and subsequent impacts annually thereafter, leading to a reduction in manpower, educational programs and services.
- F. While it is unknown how deannexation would impact the Township's and School District's bonding capacity, any reduction in rates that would reduce the Township's Fund Balance would impact its Bond Rating.

4.3.5 Neutral Impact for Majority of Seaview Harbor Residents

- A. Deannexation would not change the time and distance to be traveled for Seaview Harbor residents to visit relatives at Township schools or homes.
- B. Deannexation would provide no improvement to (911) Dispatch services for Seaview Harbor residents.
- C. Seaview Harbor is an older community that does not contain a large number of school-aged children. As such, any detriment to social well-being experienced by the few families with children, if at all, would not extend to the entire community.
- D. Under Mutual Aid, Longport is already the First Responder for Fire and Ambulance / EMT emergency services. Deannexation would provide no improvement to such services for Seaview Harbor residents.
- E. Mutual Aid will continue to permit the Township to respond to situations in Seaview Harbor should the Longport Police not be able to respond in a timely manner. The record contains no evidence to suggest that Longport will provide **improved** Police services to the community should deannexation occur.
- F. Seaview Harbor will see no material difference in Zoning should deannexation occur.



4.3.6 Neutral Impact for the Remaining Portion of the Township

- A. Seaview Harbor residents contribute to the Longport Volunteer Fire Company, Longport Ambulance Squad and the Longport Police Department and not the Egg Harbor Township Fire, Ambulance and Police. Deannexation will therefore not deprive the Township of Petitioners' participation in the charitable activities.
- B. Deannexation will not result in significant savings to the Township by no longer having to provide municipal services to Seaview Harbor.
- C. Deannexation will not result in significant savings to the Egg Harbor Township School District since Seaview Harbor currently sends no children to Township Schools.
- D. Deannexation would have no impact on the Township's Ambulance / EMT service which operates on a fee-for-service basis.

4.3.7 Unknown Impact for Majority of Seaview Harbor Residents

- A. The capability of Longport to plow snow in Seaview Harbor to residents' satisfaction was not addressed during the deannexation hearings.
- B. Other than weekly recycling pickup, the record contains nothing to demonstrate that Seaview Harbor would receive better Public Works service if it was in Longport.
- C. It is unknown how deannexation would impact the liquor license at the Seaview Harbor restaurant.

4.3.8 Unknown Impact for the Remaining Portion of the Township

- A. It is unknown how deannexation would impact the liquor license at the Seaview Harbor restaurant.
- B. It is unknown how deannexation would impact the amount of State Aid received by the Egg Harbor Township School District.



4.4 RECOMMENDATIONS

4.4.1 CONFUSION OF SEAVIEW HARBOR BEING PART OF LONGPORT

While the testimony and Exhibits ~ taken as a whole ~ support Petitioners' assertion of confusion over the municipality in which Seaview Harbor is located, the individual difficulties cited are relatively minor in nature and likely easily ameliorable, if not curable. It is therefore recommended that they do not rise to the level of "long term, structural, and inherently irremediable 'detriment' that... the Legislature had in mind" when it adopted the Deannexation Statute."

4.4.2 SOCIAL INJURY

The various elements of purported social detriment presented by Petitioners ~ while fully within the framework established by the New Jersey Supreme Court in Ryan ~ may be, individually, irritations and inconveniences. Taken collectively, these elements may work to negatively impact Petitioners' lives. However, it is recommended that they do not establish the kind of long-term, structural, and inherently irremediable "detriment" the legislature had in mind when enacting the Deannexation Statute.

4.4.3 Public Works Services

Petitioners' assertions that Seaview Harbor is not adequately serviced by the Township's Department of Public Works, that it somehow receives less service than other (Mainland) residential sections of the Township and that little attention is paid to Seaview Harbor are not supported by the facts in evidence.

4.4.4 Emergency Services

No evidence has been placed in the record to suggest that Seaview Harbor residents have experienced injury related to emergency services ~ let alone "significant injury" resulting from the combination of distance from the Township's Fire, Ambulance and Police Stations and Township size and population.



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Petitioners' assertions that Seaview Harbor is not adequately served by the Township's 911 Dispatch, Police, Fire and Ambulance / EMT Services ~ thereby rendering the community unsafe ~ are not supported by the facts in evidence.

While individual instances may have occurred where a response was not as quick as it could have been, this is more likely to do with human error than on a long-term, structural, and inherently irremediable "detriment" of the type the legislature had in mind when enacting the Deannexation Statute. Further, nothing has been put on record supporting the contention that the residents would receive better emergency services if Seaview Harbor was part of Longport.

4.4.5 Planning / Zoning

Petitioners' assertion that the Township has ignored Seaview Harbor with respect to planning activities is not supported by the record. Township Zoning for Seaview Harbor is not incompatible with the neighborhood or inappropriate for a coastal (seaside) community.

The Courts have ruled that deannexation designed to take advantage of more favorable zoning "does not provide a valid reason for altering otherwise historical municipal boundaries".

4.4.6 Economic Injury / Financial Impact

While the testimony and Exhibits ~ taken as a whole ~ support Petitioners' assertion of economic impact, such injury is limited to taxes and the cost of flood insurance:

- *"Tax shopping" and "avoidance of assessments" have been ruled "frivolous considerations" and therefore improper motives for deannexation.*
- *No conclusive evidence has been submitted to support Petitioners' assertion that the Township's lack of participation in the CRS program has caused economic injury that would be cured by deannexation from Egg Harbor Township and annexation to Longport.*



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Accordingly, it is recommended that Petitioners have not met their burden of proof that refusal to consent to annexation would be detrimental to the economic well-being of the majority of the residents of the affected land.

4.4.7 Township Responsiveness / Neglect

There is no support in the record for Petitioners' assertions that the Township has not responded to or otherwise neglected Seaview Harbor.

Deannexation was not intended by the New Jersey Legislature to encourage the adjustment of municipal boundaries "from time to time" dependent upon changing "community of interests" of residents, but rather was intended to give precedence to a more significant policy, that of preservation of municipality boundaries and maintenance of their integrity against challenge prompted by short-term or even frivolous considerations such as "tax shopping" or avoidance of assessments.

Based upon the testimony and Exhibits comprising the record as detailed in this Report of Findings, this office finds and recommends that Petitioners have not satisfied their burden of proof in evidencing that the refusal to consent to deannexation is detrimental to the economic and social well-being of a majority of the residents of Seaview Harbor AND that deannexation will not cause a significant social or economic injury to the well-being of Egg Harbor Township.



5.0 SCHEDULE OF REPORT EXHIBITS

Report Exhibit R-1: Atlantic County Census Map

Report Exhibit R-1A: Atlantic County Census Map: Egg Harbor Township, Longport & Vicinity

Report Exhibit R-2: Census Data

Report Exhibit R-3: Avalon Dredging Project: Complete Text of Exhibit S-106

Report Exhibit R-4: Egg Harbor Township Mutual Aid to City of Pleasantville

Report Exhibit R-5: Atlantic City Mutual Aid to Villas Section of Middle Township

Report Exhibit R-6: Casino Control Commission - Regulatory Affairs Division Employment by Atlantic City Casino Licensees by Zip Code and Casino

Report Exhibit R-7: New Jersey Division Of Gaming Enforcement: Employment By Atlantic City Casino Licensees by Zip Code and Casino (Report Date:1/7/2016)

Report Exhibit R-8: Secondary and Tertiary Impacts of Atlantic City's Downturn

Report Exhibit R-9: Livable Community Plan: New Jersey Pinelands Commission



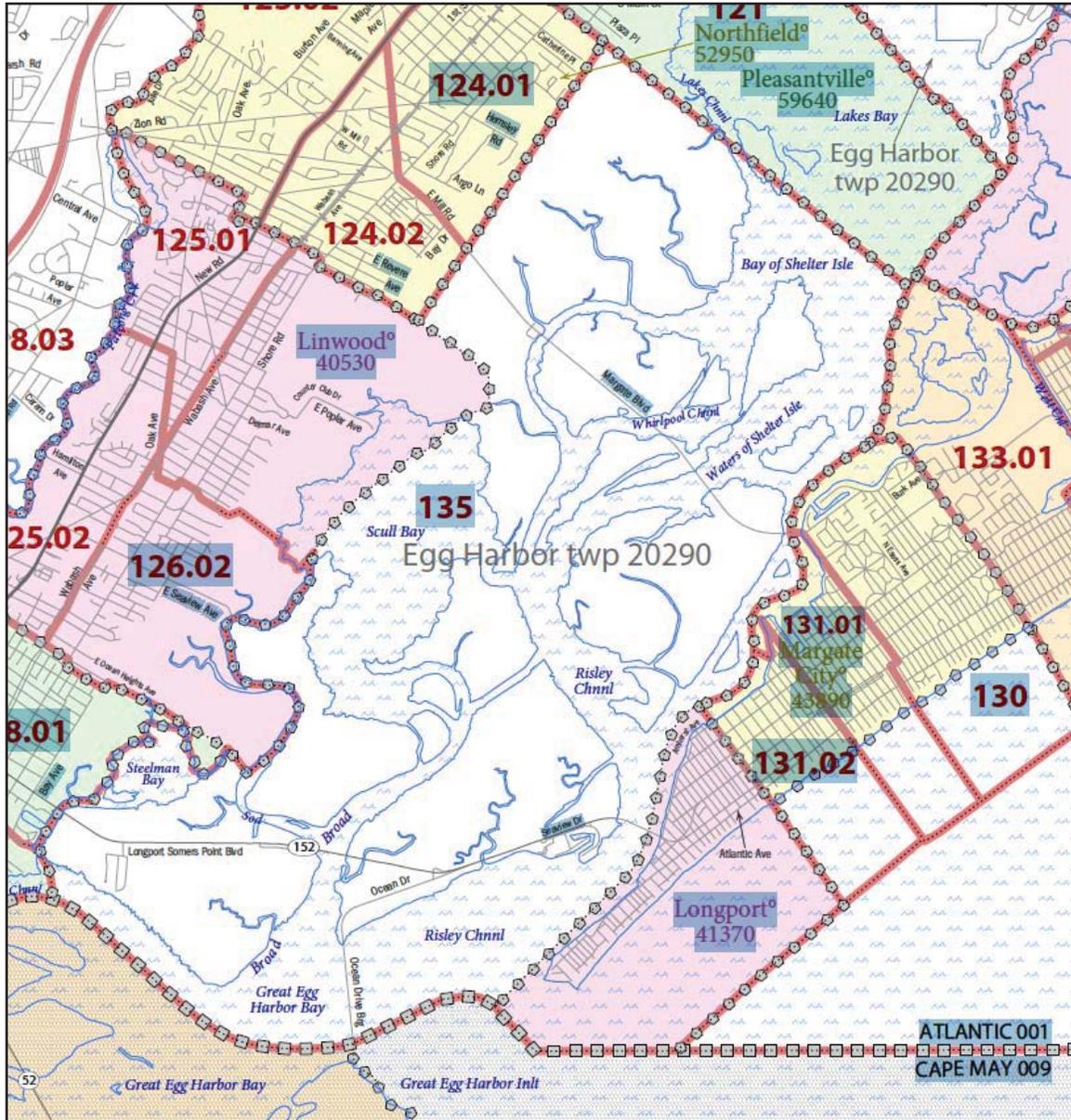
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EXHIBITS



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REPORT EXHIBIT R-1A:
ATLANTIC COUNTY CENSUS MAP
EGG HARBOR TOWNSHIP, LONGPORT
& VICINITY





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**REPORT EXHIBIT R-2
CENSUS DATA**

EGG HARBOR TOWNSHIP CENSUS DATA ESTIMATES ⁴⁴⁷	CENSUS TRACTS								MEDIAN OF MEDIANS
	117.01	117.02 (Partial)	118.02	118.03	118.04	118.05	120 (Partial)	135 (Less Seaview Harbor)	
Median Age									
Total:	35.5	38.7	38.4	36.8	42.8	42.1	42.6	51.5	40.4
Male	35.6	24	36.3	39.3	43.3	42.4	44.3	50	40.85
Female	35.3	42	40.2	36.4	42.3	39.2	42.4	52.8	41.1

CENSUS TRACT 135 (Less Seaview Harbor) ⁴⁴⁷			
Geography	Median Age		
	Both Sexes	Male	Female
Block 1000, Block Group 1, Census Tract 135, Atlantic County, New Jersey	53.0	56.0	53.0
Block 1011, Block Group 1, Census Tract 135, Atlantic County, New Jersey	52.8	52.5	53.0
Block 1023, Block Group 1, Census Tract 135, Atlantic County, New Jersey	42.8	44.8	40.5
Block 1027, Block Group 1, Census Tract 135, Atlantic County, New Jersey	46.8	18.5	51.0
Block 1045, Block Group 1, Census Tract 135, Atlantic County, New Jersey	63.0	60.0	63.0
Block 1058, Block Group 1, Census Tract 135, Atlantic County, New Jersey	58.0	59.5	53.5
Block 1059, Block Group 1, Census Tract 135, Atlantic County, New Jersey	58.0	57.8	59.5
Block 1064, Block Group 1, Census Tract 135, Atlantic County, New Jersey	29.5	29.0	38.5
Block 1068, Block Group 1, Census Tract 135, Atlantic County, New Jersey	39.8	42.0	39.5
Block 1069, Block Group 1, Census Tract 135, Atlantic County, New Jersey	45.5	44.0	46.0
Block 1070, Block Group 1, Census Tract 135, Atlantic County, New Jersey	38.5	28.0	42.0
Block 1071, Block Group 1, Census Tract 135, Atlantic County, New Jersey	32.5	36.0	28.5
Block 1072, Block Group 1, Census Tract 135, Atlantic County, New Jersey	36.5	33.5	44.5
Block 1073, Block Group 1, Census Tract 135, Atlantic County, New Jersey	45.5	42.5	51.5
Block 1074, Block Group 1, Census Tract 135, Atlantic County, New Jersey	34.5	45.5	33.5
Block 1075, Block Group 1, Census Tract 135, Atlantic County, New Jersey	13.5	7.7	36.5
Block 1076, Block Group 1, Census Tract 135, Atlantic County, New Jersey	43.5	48.5	32.0

⁴⁴⁷ 2010 Census Summary File 1: MEDIAN AGE BY SEX (P13)
(factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=DEC_10_SF1_P13&prodType=table)



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CENSUS TRACT 135 (Less Seaview Harbor) ⁴⁴⁷			
Geography	Median Age		
	Both Sexes	Male	Female
Block 1077, Block Group 1, Census Tract 135, Atlantic County, New Jersey	24.5	16.8	36.5
Block 1078, Block Group 1, Census Tract 135, Atlantic County, New Jersey	43.8	43.3	61.5
Block 1079, Block Group 1, Census Tract 135, Atlantic County, New Jersey	50.7	50.8	50.5
Block 1080, Block Group 1, Census Tract 135, Atlantic County, New Jersey	40.5	40.5	42.0
Block 1081, Block Group 1, Census Tract 135, Atlantic County, New Jersey	40.5	35.0	45.5
Block 1083, Block Group 1, Census Tract 135, Atlantic County, New Jersey	41.0	40.5	41.5
Block 1084, Block Group 1, Census Tract 135, Atlantic County, New Jersey	39.0	24.5	42.5
Block 1085, Block Group 1, Census Tract 135, Atlantic County, New Jersey	36.0	34.5	37.5
Block 1086, Block Group 1, Census Tract 135, Atlantic County, New Jersey	35.0	34.5	35.5
Block 1087, Block Group 1, Census Tract 135, Atlantic County, New Jersey	43.5	43.5	37.0
Block 1088, Block Group 1, Census Tract 135, Atlantic County, New Jersey	24.0	21.5	38.5
Block 1089, Block Group 1, Census Tract 135, Atlantic County, New Jersey	43.1	44.5	39.5
Block 1091, Block Group 1, Census Tract 135, Atlantic County, New Jersey	66.5	66.5	66.5
Block 1093, Block Group 1, Census Tract 135, Atlantic County, New Jersey	70.5	73.0	58.5
Block 1094, Block Group 1, Census Tract 135, Atlantic County, New Jersey	70.5	72.0	70.5
Block 1095, Block Group 1, Census Tract 135, Atlantic County, New Jersey	57.5	60.5	54.5
Block 1096, Block Group 1, Census Tract 135, Atlantic County, New Jersey	53.3	57.3	52.0
Block 1097, Block Group 1, Census Tract 135, Atlantic County, New Jersey	63.5	61.5	64.0
Block 1099, Block Group 1, Census Tract 135, Atlantic County, New Jersey	59.5	59.0	60.5
Block 1100, Block Group 1, Census Tract 135, Atlantic County, New Jersey	75.5	66.5	75.5
Block 1101, Block Group 1, Census Tract 135, Atlantic County, New Jersey	68.0	68.0	0.0
Block 1102, Block Group 1, Census Tract 135, Atlantic County, New Jersey	49.5	29.5	67.5
Block 1104, Block Group 1, Census Tract 135, Atlantic County, New Jersey	66.8	66.8	67.0
Block 1105, Block Group 1, Census Tract 135, Atlantic County, New Jersey	36.0	61.5	24.5
Block 1106, Block Group 1, Census Tract 135, Atlantic County, New Jersey	70.5	70.5	71.0
Block 1107, Block Group 1, Census Tract 135, Atlantic County, New Jersey	84.5	0.0	84.5
Block 1108, Block Group 1, Census Tract 135, Atlantic County, New Jersey	35.3	18.5	35.5
Block 2000, Block Group 2, Census Tract 135, Atlantic County, New Jersey	46.5	46.5	0.0
Block 2001, Block Group 2, Census Tract 135, Atlantic County, New Jersey	61.5	57.8	61.8



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CENSUS TRACT 135 (Less Seaview Harbor) ⁴⁴⁷			
Geography	Median Age		
	Both Sexes	Male	Female
Block 2002, Block Group 2, Census Tract 135, Atlantic County, New Jersey	52.5	17.5	54.0
Block 2003, Block Group 2, Census Tract 135, Atlantic County, New Jersey	76.5	71.5	79.5
Block 2005, Block Group 2, Census Tract 135, Atlantic County, New Jersey	26.5	10.5	42.5
Block 2006, Block Group 2, Census Tract 135, Atlantic County, New Jersey	46.0	46.5	45.5
Block 2007, Block Group 2, Census Tract 135, Atlantic County, New Jersey	63.8	64.5	63.0
Block 2008, Block Group 2, Census Tract 135, Atlantic County, New Jersey	74.5	74.5	79.5
Block 2009, Block Group 2, Census Tract 135, Atlantic County, New Jersey	35.5	23.0	35.5
Block 2010, Block Group 2, Census Tract 135, Atlantic County, New Jersey	57.5	49.5	62.5
Block 2011, Block Group 2, Census Tract 135, Atlantic County, New Jersey	51.5	60.5	46.5
Block 2012, Block Group 2, Census Tract 135, Atlantic County, New Jersey	84.5	84.5	80.5
Block 2013, Block Group 2, Census Tract 135, Atlantic County, New Jersey	57.3	57.0	57.5
Block 2014, Block Group 2, Census Tract 135, Atlantic County, New Jersey	74.5	77.5	74.3
Block 2015, Block Group 2, Census Tract 135, Atlantic County, New Jersey	51.5	40.5	51.5
Block 2016, Block Group 2, Census Tract 135, Atlantic County, New Jersey	60.5	61.3	59.5
Block 2017, Block Group 2, Census Tract 135, Atlantic County, New Jersey	71.5	74.0	69.5
Block 2018, Block Group 2, Census Tract 135, Atlantic County, New Jersey	42.5	31.5	43.5
Block 2019, Block Group 2, Census Tract 135, Atlantic County, New Jersey	48.5	48.5	57.5
Block 2020, Block Group 2, Census Tract 135, Atlantic County, New Jersey	43.5	30.5	49.5
Block 2021, Block Group 2, Census Tract 135, Atlantic County, New Jersey	64.0	69.0	61.0
Block 2023, Block Group 2, Census Tract 135, Atlantic County, New Jersey	79.5	76.0	79.5
Block 2024, Block Group 2, Census Tract 135, Atlantic County, New Jersey	54.5	62.5	53.0
Block 2025, Block Group 2, Census Tract 135, Atlantic County, New Jersey	45.0	44.5	45.5
Block 2026, Block Group 2, Census Tract 135, Atlantic County, New Jersey	65.0	68.5	56.5
Block 2027, Block Group 2, Census Tract 135, Atlantic County, New Jersey	65.0	54.0	76.0
Block 2028, Block Group 2, Census Tract 135, Atlantic County, New Jersey	64.5	66.5	55.0
Block 2029, Block Group 2, Census Tract 135, Atlantic County, New Jersey	52.8	53.5	52.8
Block 2030, Block Group 2, Census Tract 135, Atlantic County, New Jersey	73.5	64.5	77.5
Block 2031, Block Group 2, Census Tract 135, Atlantic County, New Jersey	51.5	51.5	49.5
Block 2032, Block Group 2, Census Tract 135, Atlantic County, New Jersey	79.5	82.0	76.0



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CENSUS TRACT 135 (Less Seaview Harbor) ⁴⁴⁷			
Geography	Median Age		
	Both Sexes	Male	Female
Block 2033, Block Group 2, Census Tract 135, Atlantic County, New Jersey	57.0	57.0	56.5
Block 2034, Block Group 2, Census Tract 135, Atlantic County, New Jersey	66.0	63.5	68.5
Block 2035, Block Group 2, Census Tract 135, Atlantic County, New Jersey	63.5	60.5	66.5
Block 2036, Block Group 2, Census Tract 135, Atlantic County, New Jersey	34.0	40.5	27.5
Block 2037, Block Group 2, Census Tract 135, Atlantic County, New Jersey	72.5	72.5	0.0
Block 2038, Block Group 2, Census Tract 135, Atlantic County, New Jersey	87.5	0.0	87.5
Block 2039, Block Group 2, Census Tract 135, Atlantic County, New Jersey	72.0	72.0	71.5
Block 2040, Block Group 2, Census Tract 135, Atlantic County, New Jersey	63.5	58.8	65.7
Block 2041, Block Group 2, Census Tract 135, Atlantic County, New Jersey	64.0	64.5	63.5
Block 2042, Block Group 2, Census Tract 135, Atlantic County, New Jersey	80.0	80.0	0.0
Block 2043, Block Group 2, Census Tract 135, Atlantic County, New Jersey	69.5	47.5	69.5
Block 2044, Block Group 2, Census Tract 135, Atlantic County, New Jersey	65.5	68.5	62.5
Block 2045, Block Group 2, Census Tract 135, Atlantic County, New Jersey	65.0	67.5	62.5
Block 2046, Block Group 2, Census Tract 135, Atlantic County, New Jersey	42.8	42.5	54.5
Block 2047, Block Group 2, Census Tract 135, Atlantic County, New Jersey	65.5	65.5	58.5
Block 2048, Block Group 2, Census Tract 135, Atlantic County, New Jersey	33.5	13.5	45.5
Block 2049, Block Group 2, Census Tract 135, Atlantic County, New Jersey	41.5	30.0	67.5
Block 2050, Block Group 2, Census Tract 135, Atlantic County, New Jersey	59.0	59.5	58.5
Block 2051, Block Group 2, Census Tract 135, Atlantic County, New Jersey	46.5	46.5	57.0
Block 2052, Block Group 2, Census Tract 135, Atlantic County, New Jersey	61.3	37.5	61.5
Block 2053, Block Group 2, Census Tract 135, Atlantic County, New Jersey	55.7	58.5	55.5
Block 2054, Block Group 2, Census Tract 135, Atlantic County, New Jersey	52.5	0.0	52.5
Block 2055, Block Group 2, Census Tract 135, Atlantic County, New Jersey	57.5	57.5	57.5
Block 2056, Block Group 2, Census Tract 135, Atlantic County, New Jersey	63.5	65.5	61.5
Block 2057, Block Group 2, Census Tract 135, Atlantic County, New Jersey	51.0	46.5	55.5
Block 2059, Block Group 2, Census Tract 135, Atlantic County, New Jersey	46.5	37.0	48.5
Block 2060, Block Group 2, Census Tract 135, Atlantic County, New Jersey	54.0	54.5	53.5
Block 2061, Block Group 2, Census Tract 135, Atlantic County, New Jersey	45.5	0.0	45.5
Block 2062, Block Group 2, Census Tract 135, Atlantic County, New Jersey	68.5	69.5	67.5



REPORT of FINDINGS
PETITION for DEANNEXATION
SEAVIEW HARBOR
EGG HARBOR TOWNSHIP
Atlantic County, New Jersey

CENSUS TRACT 135 (Less Seaview Harbor) ⁴⁴⁷			
Geography	Median Age		
	Both Sexes	Male	Female
Block 2064, Block Group 2, Census Tract 135, Atlantic County, New Jersey	63.5	54.5	70.5
Block 2065, Block Group 2, Census Tract 135, Atlantic County, New Jersey	68.5	67.5	69.5
Block 2066, Block Group 2, Census Tract 135, Atlantic County, New Jersey	23.5	23.5	23.5
Block 2067, Block Group 2, Census Tract 135, Atlantic County, New Jersey	56.5	47.0	81.5
Block 2068, Block Group 2, Census Tract 135, Atlantic County, New Jersey	45.5	45.5	49.5
Block 2069, Block Group 2, Census Tract 135, Atlantic County, New Jersey	69.5	60.5	72.5
Block 2070, Block Group 2, Census Tract 135, Atlantic County, New Jersey	60.5	61.5	60.3
Block 2071, Block Group 2, Census Tract 135, Atlantic County, New Jersey	55.5	57.3	51.5
Block 2073, Block Group 2, Census Tract 135, Atlantic County, New Jersey	59.5	55.5	60.5
Block 2074, Block Group 2, Census Tract 135, Atlantic County, New Jersey	79.5	79.5	0.0
Block 2075, Block Group 2, Census Tract 135, Atlantic County, New Jersey	55.5	55.5	59.5
Block 2076, Block Group 2, Census Tract 135, Atlantic County, New Jersey	51.0	49.5	52.5
Block 2077, Block Group 2, Census Tract 135, Atlantic County, New Jersey	71.5	71.5	78.0
Block 2079, Block Group 2, Census Tract 135, Atlantic County, New Jersey	23.5	18.0	48.5
Block 2080, Block Group 2, Census Tract 135, Atlantic County, New Jersey	59.5	49.5	63.5
Block 2081, Block Group 2, Census Tract 135, Atlantic County, New Jersey	55.5	40.5	56.5
Block 2083, Block Group 2, Census Tract 135, Atlantic County, New Jersey	52.0	58.0	44.5
Block 2084, Block Group 2, Census Tract 135, Atlantic County, New Jersey	46.5	50.0	45.8
Block 2085, Block Group 2, Census Tract 135, Atlantic County, New Jersey	88.0	91.5	84.5
Block 2087, Block Group 2, Census Tract 135, Atlantic County, New Jersey	76.5	65.5	76.5
Block 2089, Block Group 2, Census Tract 135, Atlantic County, New Jersey	28.5	28.5	41.0
Block 3000, Block Group 3, Census Tract 135, Atlantic County, New Jersey	40.0	38.5	41.5
Block 3002, Block Group 3, Census Tract 135, Atlantic County, New Jersey	56.0	57.0	56.0
Block 3003, Block Group 3, Census Tract 135, Atlantic County, New Jersey	46.8	45.5	50.5
Block 3004, Block Group 3, Census Tract 135, Atlantic County, New Jersey	50.8	52.0	50.5
Block 3005, Block Group 3, Census Tract 135, Atlantic County, New Jersey	56.5	60.0	53.8
Block 3006, Block Group 3, Census Tract 135, Atlantic County, New Jersey	40.0	32.0	46.0
Block 3007, Block Group 3, Census Tract 135, Atlantic County, New Jersey	32.5	41.5	15.5
Block 3008, Block Group 3, Census Tract 135, Atlantic County, New Jersey	50.0	49.8	51.3



REPORT of FINDINGS
PETITION for DEANNEXATION
SEAVIEW HARBOR
EGG HARBOR TOWNSHIP
Atlantic County, New Jersey

CENSUS TRACT 135 (Less Seaview Harbor) ⁴⁴⁷			
Geography	Median Age		
	Both Sexes	Male	Female
Block 3009, Block Group 3, Census Tract 135, Atlantic County, New Jersey	53.5	54.5	51.0
Block 3010, Block Group 3, Census Tract 135, Atlantic County, New Jersey	41.8	50.0	18.5
Block 3011, Block Group 3, Census Tract 135, Atlantic County, New Jersey	53.0	58.5	44.5
Block 3012, Block Group 3, Census Tract 135, Atlantic County, New Jersey	51.5	51.0	62.0
Block 3013, Block Group 3, Census Tract 135, Atlantic County, New Jersey	40.5	39.5	42.5
Block 3014, Block Group 3, Census Tract 135, Atlantic County, New Jersey	50.8	54.0	42.5
Block 3016, Block Group 3, Census Tract 135, Atlantic County, New Jersey	36.3	38.5	36.3
Block 3017, Block Group 3, Census Tract 135, Atlantic County, New Jersey	28.5	9.5	35.0
Block 3018, Block Group 3, Census Tract 135, Atlantic County, New Jersey	51.5	51.5	55.5
Block 3019, Block Group 3, Census Tract 135, Atlantic County, New Jersey	32.5	20.5	37.5
Block 3023, Block Group 3, Census Tract 135, Atlantic County, New Jersey	21.5	4.5	39.5
Block 3024, Block Group 3, Census Tract 135, Atlantic County, New Jersey	50.5	47.5	53.5
Block 3025, Block Group 3, Census Tract 135, Atlantic County, New Jersey	37.5	42.5	28.5
Block 3026, Block Group 3, Census Tract 135, Atlantic County, New Jersey	13.5	12.0	26.5
Block 3027, Block Group 3, Census Tract 135, Atlantic County, New Jersey	40.5	40.0	40.7
Block 3029, Block Group 3, Census Tract 135, Atlantic County, New Jersey	38.3	36.0	38.5
Block 3030, Block Group 3, Census Tract 135, Atlantic County, New Jersey	44.0	42.5	44.3
Block 3031, Block Group 3, Census Tract 135, Atlantic County, New Jersey	40.0	43.0	28.5
Block 3032, Block Group 3, Census Tract 135, Atlantic County, New Jersey	37.8	37.5	39.5
Block 3033, Block Group 3, Census Tract 135, Atlantic County, New Jersey	47.5	52.0	41.5
Block 3034, Block Group 3, Census Tract 135, Atlantic County, New Jersey	41.3	41.3	42.0
Block 3035, Block Group 3, Census Tract 135, Atlantic County, New Jersey	50.5	45.0	55.3
Block 3036, Block Group 3, Census Tract 135, Atlantic County, New Jersey	40.0	42.0	40.0
Block 3037, Block Group 3, Census Tract 135, Atlantic County, New Jersey	57.5	55.8	63.0
	51.5	50.0	52.8

CENSUS TRACT 135 (Seaview Harbor)			
Block 1065, Block Group 1, Census Tract 135, Atlantic County, New Jersey	55.5	55.2	56.3



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SEAVIEW HARBOR
EGG HARBOR TOWNSHIP
Atlantic County, New Jersey

EGG HARBOR TOWNSHIP CENSUS DATA ESTIMATES FOR CENSUS TRACTS ⁴⁴⁸	CENSUS TRACTS									Median of Medians
	117.01	117.02	118.02	118.03	118.04	118.05	120	135	TOTAL	
Total Households	3,122	1,254	5,032	2,039	2,422	805	1,568	1,105	17,347	
Estimated Median Income	\$64,167	\$37,614	\$86,242	\$49,748	\$77,583	\$77,928	\$38,841	\$84,671		\$70,875

⁴⁴⁸ 2008-2012 American Community Survey 5-Year Estimates: MEDIAN INCOME IN THE PAST 12 MONTHS (IN 2012 INFLATION-ADJUSTED DOLLARS) (S1903)
 (factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ACS_12_5YR_S1903&prodType=table)



**REPORT of FINDINGS
PETITION for DEANNEXATION
SEAVIEW HARBOR
EGG HARBOR TOWNSHIP
Atlantic County, New Jersey**

**REPORT EXHIBIT R-3:
AVALON DREDGING PROJECT
COMPLETE TEXT OF EXHIBIT S-106**

Thursday, December 31st Update—Permit Modifications Secured; Dredging of Princeton Harbor to End January 4, 2015

On Wednesday, December 31st the Borough of Avalon successfully received permit modifications from the State of New Jersey and the United States Army Corps of Engineers that allows for the dredging of Princeton Harbor to conclude on January 4, 2015. This four-day extension of the permit was requested by the Borough due to a small delay in the project caused by mechanical issues experienced by Mobile Dredging and Dock Company, the contractor for the project.

These permit modifications will allow Mobile Dredging to finish the dredging of Princeton Harbor before the mandated suspension of the project that will run until September 15th, 2015. At that time, Mobile Dredging will return to conduct the dredging of Sterbeck Harbor in Middle Township before resuming work in Avalon.

All private slip dredging is concluded in Princeton Harbor.

Wednesday, November 19th Update—Channel Marine Accepting Orders for Private Slip Dredging Until Friday, November 21st

A reminder for property owners along Princeton Harbor: Channel Marine will be accepting orders for dredging of private slips in Princeton Harbor until the close of business on Friday, November 21st. Any requests to have private slips dredged by Channel Marine in advance of the channel dredging from Mobile Dredging & Pumping Co. must be in by Friday with no exceptions. Wednesday, November 19th is the deadline to return your access agreement, release, and \$300 escrow check for slip surveys to the Borough of Avalon. Avalon Borough Hall is open until 4:15pm at 31st and Dune Drive in Avalon.

Channel Marine will begin dredging private boat slips in Princeton Harbor on Thursday, November 20th. To contact Channel Marine, please call (609) 967-5600.

Wednesday, November 12th Update—Channel Marine to Dredge Private Slips; Deadline to Return Documents November 19, 4:15pm

The following letter is being mailed certified to Princeton Harbor property owners on Wednesday, November 12, 2014

From the desk of Avalon Mayor Martin Pagliughi regarding the Borough's dredging project along Princeton Harbor in Fall/Winter, 2014



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Dear Property Owner:

I want to provide you with an important, time-sensitive update on the Borough of Avalon's dredging project that will begin on or about Thanksgiving weekend, 2014 in Princeton Harbor. You have already received correspondence from the Borough regarding the ability for you to have your slip dredged in advance of Mobile Dredging & Pumping Co. dredging the main channel. This private slip dredging comes as an option to you, at your individual expense.

It has remained the Borough's goal to obtain for you the best possible price for this work. The Borough has designated Channel Marine Construction, Inc. of Clermont, NJ to dredge (subject to your agreement with them) your private slip in advance of Mobile dredging the main channel; Mobile Dredging & Pumping Co. will not be dredging your private slip. This will help accomplish our goal of keeping your costs at a minimum while making every effort to complete the dredging of Princeton Harbor before Dec. 31, 2014.

Earlier this month you received via mail a packet of information that contained documents to be returned to the Borough of Avalon if you have interest in having your private slip dredged; all of this information also appears at www.avalonboro.net. If you have returned your general release, access agreement, and \$300 escrow check to the Borough, do nothing; Channel Marine Construction will contact you directly to negotiate a contract for your slip. If you have not returned these two documents and the \$300 escrow check, you must do so immediately and have these documents in Avalon Borough Hall no later than Wednesday, November 19th, at 4:15pm. Failure to do so will be considered a waiver of your opportunity to have your private slip dredged under the Borough's permits and during this project. Once these documents are returned to the Borough, Channel Marine Construction will contact you immediately. Do not contact Mobile Dredging & Pumping Co. regarding the dredging of your private slip.

Under no condition will Channel Marine Construction return to your slip for private dredging once the main dredge passes by your property. If you have any questions, please call Channel Marine Construction directly at (609) 967-5600 or Avalon Borough Hall/Department of Administration at (609) 967-5917.

Sincerely,
Martin L. Pagliughi
Mayor Avalon NJ

Thursday, October 30th Update—Essential Documents and Information Released for Dredging Project

The Borough of Avalon held a pre-construction meeting on Monday, October 27th with officials from Mobile Dredging & Pumping Co. from Chester, PA. The meeting was held to discuss essential details about the upcoming back bay dredging project involving the Borough of Avalon, Middle Township, and the New Jersey Department of Transportation. As a result of the meeting, essential information was gleaned from the contractor relating to this project. As a result, the Borough of Avalon has prepared four



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documents for **property owners who may wish to have their private slips dredged at their expense** during the project. These documents are listed below.

Some of the major developments of the pre-construction meeting include:

–Mobile Dredging & Pumping Co. was issued an official “Notice to Proceed” from the Borough of Avalon at the conclusion of the meeting.

–The dredging project will begin at a point to be determined in Princeton Harbor, and it is likely that only Princeton Harbor will be dredged in 2014 before the contractor returns in September, 2015.

–The actual dredging work is expected to begin on or about Thanksgiving weekend and continue until December 31st, 2014.

–It is the intention of Mobile Dredging & Pumping Co. to dredge Monday through Saturday, 24 hours a day, with only one break day of Sunday. Dredging operations will occur on Sunday only if “catch up” time is needed.

There are four documents for property owners in the project area to review. All four of these documents will be direct mailed to property owners in the area with the first mailing to Princeton Harbor on Friday, October 31st. The documents include a “must do” checklist for homeowners; a “Welcome” letter from the Borough explaining how private slips may be dredged; a release that must be completed and signed by the property owner; and an access agreement that must be completed and signed by the property owner.

Please keep in mind that it is *imperative* that the access agreement, the release, and a \$300 check made payable to the Borough of Avalon (escrow funding for pre and post dredging inspections mandated by our permits) must be mailed or dropped off to the administrative offices of Avalon Borough Hall *before* the contractor dredges your private slip. The same documents that are being mailed to property owners appear below on this website. Your direct mail piece will include two-sided documents for your convenience so please be sure to read, complete, and sign both sides of essential documents before returning (only the private slips release and access agreement need to be signed and returned). Property owners of Princeton Harbor must complete this process before dredging operations reach the channel along their property. Under no condition will the dredge pass by a property and return back to dredge a boat slip. Property owners have the ability to negotiate directly with Mobile Dredging & Pumping Co. on a price to have a private slip dredged; their contact information is on documents posted below.

[2014 Avalon Dredging Project WELCOME LETTER](#)
[2014 Avalon Dredging Project TO_DO_CHECKLIST](#)
[2014 Avalon Dredging Project ACCESS AGREEMENT](#)
[2014 Avalon Dredging Project PRIVATE_SLIPS_RELEASE](#)



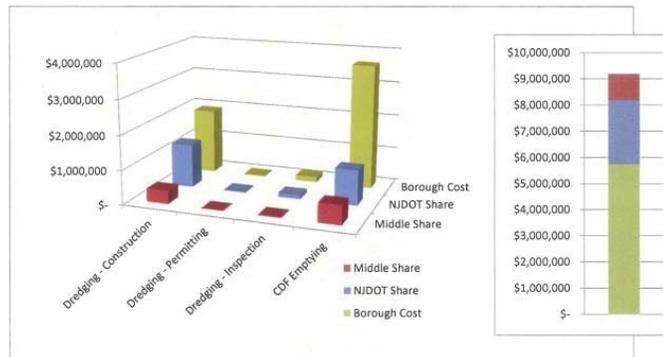
**REPORT of FINDINGS
PETITION for DEANNEXATION
SEAVIEW HARBOR
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Atlantic County, New Jersey**

Overall Cost Summary
Avalon CDF Emptying and Back Bay Dredging Project

Project	Cost	NJDOT Share	Middle Share	Borough Cost	Savings
Dredging - Construction	\$ 3,587,350	\$ 1,281,158	\$ 393,083	\$ 1,913,109	\$ 1,674,241
Dredging - Permitting	\$ 66,750	\$ 30,333	\$ 6,083	\$ 30,334	\$ 36,416
Dredging - Inspection	\$ 301,360	\$ 112,900	\$ 27,560	\$ 160,900	\$ 140,460
CDF Emptying	\$ 5,223,656	\$ 1,029,368	\$ 563,335	\$ 3,630,953	\$ 1,592,703
Total	\$ 9,179,116	\$ 2,453,759	\$ 990,061	\$ 5,735,296	\$ 3,443,820

Basis of Costs:

1. Dredging construction cost based on bid submitted on October 17, 2014 by Mobile Dredging & Pumping Company.
2. Dredging permitting and inspection costs as per HMM October 20, 2014 proposal for Construction Phase Engineering Services.
3. CDF Emptying costs based on contract awarded to South State, Inc. including change orders to date.
4. NJDOT cost share based on Final Dredge Material Management Agreement provided to Borough on October 22, 2014, Exhibit "D".
5. Middle Township cost share based on interlocal agreement, adjusted to reflect actual bid costs and NJDOT cost sharing.



October 22nd update—Avalon Council Awards Dredging Contract to Mobile Dredging and Pumping Co.

The Avalon Borough Council awarded a contract to Mobile Dredging & Pumping Company from Chester, PA to conduct a major two to three year back bay dredging project in the community. The contract totals \$3.587 million and will result in 120,000 cubic yards of dredge material being removed from waterways managed by Avalon, Middle Township, and the State of New Jersey. The agreement involves a cost-share arrangement between the three beneficiaries of the dredging project.

“This dredging project is the largest infrastructure project in the Borough since our major downtown revitalization effort”, said Avalon Mayor Martin Pagliughi. “The dredging project will result in safe navigation for recreational and commercial watercraft for many years to come while reinforcing the significant financial impact these waterways provide for the Borough, region, and the entire State of New Jersey. Partnerships with neighboring Middle Township and the State were the reason why this contract was able to be unanimously approved by Council on Wednesday night”.

Through this partnership agreement, Avalon, Middle Township, and the State will all share in associated costs including mobilization, removal of materials from Graven’s Island, dredging, and wetlands restoration. The New Jersey Department of Transportation has agreed to provide up to \$2.6 million towards this project. Pre-construction surveys will identify where specifically the work will be conducted, and how much material will be removed at each location.



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Important back bay waterways will be dredged during this project in Avalon including Princeton/Cornell/Pennsylvania harbors, Third Avenue Waterway/Avalon Canal, 54th Street Marina, Oler's / Graven's Thoroughfare (state channel), Long Reach (state channel), Whale Harbor (state channel), and Sterbeck Harbor (Avalon Manor, Middle Township). During this project, material will be dredged out of these channels to a depth of six feet below mean low water. Private slip owners will also have the ability to negotiate with Mobile Dredging and Pumping Co. on a price to dredge their slips at their own expense while using Avalon's state and federal permits. Monitoring of the entire project will be provided by Avalon municipal engineer Hatch Mott MacDonald of Cape May Court House.

A "Notice to Proceed" is being awarded to Mobile Dredging and Pumping Co. on Monday, October 27th. The contractor will attend a pre-construction meeting in Avalon and have three weeks to mobilize equipment. It is anticipated that the contractor will conduct several weeks of dredging in Avalon before the end of the year; the project will likely begin in Princeton Harbor. Dredging operations will only be interrupted by severe weather or mechanical failure. All dredge materials will be placed in Graven's Island. That island recently had prior dredge materials removed in anticipation of this new project.

This dredging project will conclude in either December, 2015 or sometime during the fall of 2016. Current state regulations prohibit dredging between January 1st–June 30th due to the winter flounder season and anadromous fish restriction; and from March 15th through September 15th for nesting birds. These restrictions provide only 16 weeks per calendar year for dredging to occur.

Mobile Dredging & Pumping Co. is a Carylton Company with resources that include 1,100 rolling pieces of equipment and over 1,000 employees. The company has been in business since 1949, and has been performing hydraulic dredging, sewer cleaning, industrial vacuuming and sludge and sediment dewatering along the East Coast of the United States from Maine to Florida.

Avalon will conduct a direct mail piece to every private slip owner in the project area that will provide contact information for Mobile Dredging & Pumping Co. to initiate the process of having their private slips dredged at their own expense. All updates on this project will be posted continually on Avalon's municipal website, www.avalonboro.net.

October 8th update—Pre-bid meeting held with dredging companies in Avalon Borough Hall

Avalon Borough officials held a pre-bid meeting at Borough Hall on Wednesday, October 7th to discuss the upcoming dredging project in Avalon. Four companies attended the meeting to learn more about the project, the bid specs, and the expectations of the Borough to dredge private boat slips in the project area. Attendees were also instructed that the Borough expects the winning bidder to negotiate fairly with private boat slip owners when it comes time to pass by their properties. Bids will be opened on Friday, October 17th, at 10:00am with an expectation that Council may award the contract at its Wednesday, October 22nd meeting at 7:00pm. A Notice to Proceed will be issued within four days of the award of the contract, with a three-week mobilization period before dredging begins this fall. Both Princeton Harbor in Avalon and Sterbeck Harbor in Middle Town-



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ship are included in Phase One of the project. It is anticipated that Princeton Harbor will be dredged first with the goal of completing Princeton Harbor by December 31st, 2014. If the Harbor is not completed, Avalon may finish the Harbor next year, or petition agencies for permission to dredge a few weeks into the winter flounder season; there are no guarantees that request would be granted by state and federal agencies.

Please remember, state and federal agencies prohibit any dredging to occur between January 1st through June 30th (new restriction) of any year due to the winter flounder restriction and anadromous fish restriction; there is also a dredging restriction imposed by the state from March 15th through September 15th for nesting birds. Due to the short window of time to dredge in New Jersey (September 15th through December 31st), it is possible this project may extend into 2016.

September 24th update—Permits received from the NJDEP, USACOE, tentative schedule for award of bid released

The Borough of Avalon learned on Wednesday, September 24th that necessary permits are in hand for a major back bay dredging project that will commence during fall, 2014. According to Avalon Municipal Engineer Thomas Thornton of Hatch Mott MacDonald, the following schedule has been tentatively set for the progress of this project:

- Advertise for bids: Sunday, September 28
- Pre-Bid Meeting: Tuesday, October 7
- Receive bids: Friday, October 17
- Award Contract: Wednesday, October 22
- Notice to Proceed: Monday, October 27

Further discussion will be held during the Wednesday, September 24th meeting of the Avalon Borough Council. Avalon will dredge various waterways along the back bay regions of the community, and through a partnership with Middle Township, Sterbeck Harbor in Avalon Manor is also part of this project. Avalon will be allowed to dredge 24 hours a day, 7 days a week through December 31, 2014 due to the beginning of the winter flounder season. The project may start again anytime after May 31, 2015 when the winter flounder season ends. An exact timeline of the dredging project will become available in the coming weeks following the award of a bid and a meeting with the contractor. Boat slip owners in the project area will have the opportunity to have their slips dredged at their own expense if they choose to do so. Additional information on arrangements between the successful bidder and slip owners is forthcoming.

Avalon continues to offload materials from Graven's Island. The offload is nearly complete which creates capacity at the island for the new dredge materials. The aforementioned schedule is subject to change, additional information will always be available on this website.

September 12, 2014—Update on the Avalon Dredging Project



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Atlantic County, New Jersey**

On Friday, September 5th, Avalon administrators and Engineer Tom Thornton met with representatives from the United States Army Corps of Engineers to discuss Avalon's upcoming dredging project. During that meeting, a requirement was made to Avalon to provide plans to "60 scale" that provide exact detail of mudflats and wetlands buffers. Mr. Thornton and the staff at Hatch Mott MacDonald was able to turn around the documents and deliver them to the USACOE and the New Jersey Department of Environmental Protection within five days of the request. The USCOE has indicated that permit approvals may be expected on or about October 3rd, 2014. Permits are needed from both from the USACOE and the NJDEP. As of this date, both agencies have all of the information that they have requested from the Borough of Avalon.

The following is an anticipated schedule for progress on the dredging project assuming Avalon receives permits in early October and no additional information is requested by our state and federal partners:

Assuming that the agencies approve the permits for the Borough of Avalon on or before October 3rd, Avalon could advertise for contractors to bid on the dredging project on October 8th, 2014. Bids would be received by October 28th, and a contract may be awarded the following day. A Notice to Proceed would be held on October 31st, assuming the permits are delivered to the Borough of Avalon on or before October 3rd.

If this schedule remains in place, the Borough of Avalon will mail out letters to all property owners adjacent to the project area with the contractor's contact information. The contractor will mostly likely contact the property owners as well.

It remains the Borough's full intent to begin the dredging project in 2014; the exact location of where the project will begin will be determined by discussions with the contractor and the amount of time remaining in the fall/early winter to dredge, along with any conditions placed on the Avalon permits. Please remember that Avalon must cease dredging operations on December 31st due to the winter flounder season per federal and state regulations. If permits are secured in a more timely manner, Avalon will be able to conduct more dredging before the winter flounder season begins on January 1st.

Additionally, work has begun again after the busy summer season to offload the remaining materials from the Graven's Island site adjacent to Avalon Boulevard. Please exercise caution while driving while trucks continue to offload that site. On Wednesday, September 10th, the Avalon Borough Council approved a change order to permit the final offload of materials.

The Borough of Avalon will anticipates more frequent updates on the progress of our permit applications, advertisement of bids, contract award, and Notice to Proceed in the coming weeks.

June 23, 2014–Detailed map that shows project area for Avalon; please refer to color code on map scale



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EGG HARBOR TOWNSHIP
Atlantic County, New Jersey**

**REPORT EXHIBIT R-4
EGG HARBOR TOWNSHIP MUTUAL AID
TO CITY OF PLEASANTVILLE**

SOUTH JERSEY

SUNDAY, OCTOBER 18, 2015 • A3

2 dead in Pleasantville fire

CHRISTIAN HETRICK
Staff Writer

Two people died in a Pleasantville structure fire Friday night, officials said. The fire took place at 143 West Wright Street about 11 p.m., Chief Stephen Wilkins said. Names of the victims are not being released at this time because the investigation is ongoing, Fire Captain Pete Elias said. The call for the fire came in at 10:58 p.m. and firefighters were

on scene by 11:04 p.m., Wilkins said. The fire was under control by 11:49 p.m.

Those first at the scene saw heavy flames coming out the front door and on the porch. Firefighters knocked down the fire in the main entry and went from there, Wilkins said.

Acting Battalion Chief Gene Wellington said the fire was on the first floor of the home. The house was part of a duplex, and there was fire damage to the attached house and to a neigh-

boring house.

Pleasantville was assisted by the Atlantic City International Airport, Absecon, Northfield and Farmington fire companies, Wilkins said.

The Atlantic County Prosecutor's Office is investigating with assistance from the New Jersey Medical Examiner's Office, Pleasantville police and fire officials, Elias said.

Contact: 609-272-7215
CHetrick@pressofac.com
Twitter @_Hetrick



CHRISTIAN HETRICK / STAFF WRITER
Two people died in a Pleasantville structure fire Friday night. The fire took place on West Wright Street about 11 p.m., Fire Captain Pete Elias said.

Press of Atlantic City

**REPORT EXHIBIT R-5
ATLANTIC CITY MUTUAL AID TO
VILLAS SECTION OF MIDDLE TOWNSHIP**

THE PRESS OF ATLANTIC CITY

LOCAL

•• WEDNESDAY, SEPTEMBER 2, 2015 • A11

S.J. Gas to continue work in Margate

MARGATE — South Jersey Gas said it will continue work on its natural gas system in the city after Labor Day. The utility company said in a news release Tuesday that it is converting the system from low to high pressure throughout the city. The work will mostly affect residents, business owners and motorists between Amherst Avenue and the beach,

the release said. South Jersey Gas said it is performing the work to enhance and protect its infrastructure in advance of future significant weather events. The primary focus is to upgrade lower operating pressure distribution systems, since lower-pressure systems are more susceptible to water intrusion during significant storms with flooding conditions, the

release said. South Jersey Gas or its contractors will be contacting customers to gain access to properties with gas service to complete the work, the release said. Crews will work between 7 a.m. and 5:30 p.m. Monday through Friday, and there is a possibility work will be performed some Saturdays with city approval, the release said.

Final restorations and paving between Amherst and the beach are expected to be completed in early fall 2016, the release said. Final restoration of roads impacted by the construction from Amherst to the bay, where work was completed in 2014 and this year, will start after Labor Day, the release said. — Christian Hetrick

Man digging in Villas finds live cannonball

LOWER TOWNSHIP — The Atlantic City bomb squad was called to the Villas section of the township after a man told police he had found a live explosive in his backyard. Police responded to the 200 block of West Bates Avenue on Saturday after a man digging in his backyard found what police described as a live cannonball. The device had a brass cap on it. It was stamped, "4k, 85mm," according to police.

The Atlantic City Police Department Bomb Squad removed the cannonball and detonated it in an unpopulated area. Although cannonballs are not an everyday find, police said the discovery of artillery shells is not uncommon in this area. They should not be touched or moved. This incident was investigated by Cpl. David Fisher, Patrolman James McNulty and Detective Joseph Boyle. — Press staff reports

Pole installers hit gas main in EHT





REPORT of FINDINGS
PETITION for DEANNEXATION
SEAVIEW HARBOR
EGG HARBOR TOWNSHIP
Atlantic County, New Jersey

REPORT EXHIBIT R-6:
CASINO CONTROL COMMISSION - REGULATORY AFFAIRS DIVISION
EMPLOYMENT BY ATLANTIC CITY CASINO LICENSEES
BY ZIP CODE AND CASINO

Information regarding the "Employment by Atlantic City Casino Licensees by Zip Code and Casino" report is contained within the three worksheets of this Microsoft® Excel 2002 workbook. As can be seen from the sheet tabs, which appear on tabs at the bottom of the workbook window, the names of the worksheets are: General Information, Record Layout and Data.

While reviewing this information, please be aware that if no casino employees live in a specific zip code, that zip code will not appear. In addition, only valid New Jersey zip codes appear on the report. The data in this report is **as of January 1, 2014**. Approximately 355 casino employees are not represented in these figures. There are several reasons why this may occur, they are: information is missing from the employment data that is transmitted to the Commission by the casino industry, the employment data contains errors; or, the person has a zip code that is not found in New Jersey.

When reviewing the "Employment by Atlantic City Casino Licensees by Zip Code and Casino" report, please be aware that the employment figures are broken down by individual zip codes for the counties located in New Jersey. Residential location is based solely on zip codes supplied to the Casino Control Commission. As you may know, zip codes are an imperfect means of determining city/county of residence. Zip codes correspond to the geographic location of the post office, and are not arranged by municipality or county boundaries.

If you have any questions regarding the "Employment by Atlantic City Casino Licensees by Zip Code and Casino" report, please feel free to call Terrence B. Allen at (609) 441-3368.

Atlantic County

CITY	ZIP CODE	ATL. CLUB	BALLY'S	BORGATA	CAESARS	RESORTS	GOLDEN NUGGET	HARRAH'S	REVEL	SHOWBOAT	TROPICANA	TRUMP PLAZA	TRUMP TAJ MAHAL	TOTALS
ABSECON	08201	66	151	253	119	89	170	83	103	132	96	42	119	1,423
ATLANTIC CITY	08401	360	605	957	508	319	523	445	388	642	617	205	608	6,177
ATLANTIC CITY	08404	12	24	16	11	7	3	7	4	25	7	14	28	158
BRIGANTINE	08203	35	92	236	91	107	191	71	87	75	94	20	80	1,179
BUENA	08310			6	1		2			3	2		4	18
COLOGNE	08213	1	2	2			3	1	1	1	2		1	14
DOROTHY	08317	6	3	10	5	5	5	6	4	3	7	3	1	58



REPORT of FINDINGS
PETITION for DEANNEXATION
SEAVIEW HARBOR
EGG HARBOR TOWNSHIP
Atlantic County, New Jersey

CITY	ZIP CODE	ATL. CLUB	BALLY'S	BORGATA	CAESARS	RESORTS	GOLDEN NUGGET	HARRAH'S	REVEL	SHOWBOAT	TROPICANA	TRUMP PLAZA	TRUMP TAJ MAHAL	TOTALS
EGG HARBOR CITY	08215	39	61	130	64	54	83	31	46	59	58	24	56	705
EGGHARBORTWP	08234	236	438	1,000	490	261	536	259	279	422	382	158	437	4,898
ELWOOD	08217		2	3	2		2	2	1		1	1	1	15
ESTELLMANOR	08319	3	5	2	7	3	4	5	3	2	10	2	2	48
GALLOWAY	08205	147	305	777	247	224	458	223	269	251	322	74	313	3,610
HAMMONTON	08037	25	50	60	35	22	51	22	32	29	43	16	30	415
LANDISVILLE	08326	2	3	2	2	3	2		1	2	1		2	20
LEEDSPOINT	08220		1	2		2	1		1		1			8
LINWOOD	08221	19	22	65	29	21	28	15	16	25	36	16	25	317
LONGPORT	08403	1	2	4	3	1	3		1	3	3		1	22
MARGATE	08402	24	32	55	26	15	25	21	24	32	32	11	32	329
MAYSLANDING	08330	101	224	470	217	136	240	130	140	139	215	78	173	2,263
MILMAY	08340		1	2	3	1	2		1	2	3			15
MINOTOLA	08341	2	1	1	1	1	1	1	2	3	1	1	1	16
MIZPAH	08342	1					2			1		3	1	8
NEWTONVILLE	08346	2	7	2	2	1	3		3		4	1	2	27
NORTHFIELD	08225	51	69	140	94	41	96	45	50	61	52	20	65	784
OCEANVILLE	08231	1	4	2	2		1	2	2	2	1	1	3	21
PLEASANTVILLE	08232	162	299	469	265	162	359	158	188	276	218	118	292	2,966
POMONA	08240	1	3	3	1	1	1	3	4	3	3	1	3	27
PORTREPUBLIC	08241	1	5	8	2	4	7	3	4	1	4		5	44
RICHLAND	08350			1	4		2	1	1	3	1		1	14
SOMERSPOINT	08244	38	73	108	63	39	71	40	51	69	67	27	48	694
VENTNOR	08406	95	130	233	153	75	145	87	98	134	106	46	120	1,422



REPORT of FINDINGS
PETITION for DEANNEXATION
SEAVIEW HARBOR
EGG HARBOR TOWNSHIP
Atlantic County, New Jersey

REPORT EXHIBIT R-7:
NEW JERSEY DIVISION OF GAMING ENFORCEMENT
EMPLOYMENT BY ATLANTIC CITY CASINO LICENSEES
BY ZIP CODE AND CASINO
REPORT DATE:1/7/2016

New Jersey Division Of Gaming Enforcement Employment By Atlantic City Casino Licensees By Zip Code And Casino Report Date:1/7/2016													
County	City	Zip	Bally's	Borgata	Caesars	Caesars Corp	Golden Nugget	Harrah's Marina	DGMB Resorts	Trop	Trump Plaza	Trump Taj	Total
ATLANTIC	ABSECON	08201	122	255	103	13	95	156	85	129	1	96	1055
ATLANTIC	ATLANTIC CITY	08401	504	946	427	50	396	543	420	660	5	452	4403
ATLANTIC	ATLANTIC CITY	08404	21	13	13	1	5	8	10	22	0	25	118
ATLANTIC	BRIGANTINE	08203	70	226	77	21	108	162	73	73	1	63	874
ATLANTIC	BUENA	08310	0	5	0	0	0	2	0	3	0	4	14
ATLANTIC	COLOGNE	08213	0	3	0	0	1	3	0	0	0	1	8
ATLANTIC	DOROTHY	08317	2	7	4	0	5	4	7	2	1	2	34
ATLANTIC	EGG HARBOR CITY	08215	59	124	57	15	61	84	32	57	0	45	534
ATLANTIC	EGG HARBOR TWP	08234	400	1041	425	52	345	488	257	446	1	347	3802
ATLANTIC	ELWOOD	08217	1	3	2	0	0	2	3	2	0	1	14
ATLANTIC	ESTELL MANOR	08319	2	3	6	1	3	2	5	3	0	2	27
ATLANTIC	GALLOWAY	08205	277	812	258	35	273	420	220	277	0	248	2820
ATLANTIC	HAMMONTON	08037	40	64	32	8	26	46	24	32	0	24	296
ATLANTIC	LANDISVILLE	08326	3	4	2	1	3	1	0	2	0	1	17
ATLANTIC	LEEDS POINT	08220	1	1	0	0	1	1	0	0	0	0	4
ATLANTIC	LINWOOD	08221	23	72	24	6	25	25	12	30	0	20	237
ATLANTIC	LONGPORT	08403	0	2	1	1	1	2	1	3	0	1	12
ATLANTIC	MARGATE	08402	28	50	28	3	21	30	17	40	0	14	231
ATLANTIC	MAYS LANDING	08330	187	454	186	34	151	203	122	147	4	145	1633
ATLANTIC	MILMAY	08340	1	3	2	0	0	2	0	3	0	0	11
ATLANTIC	MINOTOLA	08341	0	3	1	0	1	0	1	2	0	2	10
ATLANTIC	MIZPAH	08342	0	0	0	0	0	2	0	2	0	0	4
ATLANTIC	NEWTONVILLE	08346	5	2	1	1	1	3	0	1	1	2	17
ATLANTIC	NORTHFIELD	08225	45	136	70	8	50	83	37	70	0	52	551
ATLANTIC	OCEANVILLE	08231	5	1	2	0	0	2	1	2	0	1	14
ATLANTIC	PLEASANTVILLE	08232	276	479	258	15	174	365	154	288	1	236	2246
ATLANTIC	POMONA	08240	5	4	2	0	2	2	2	1	0	2	20
ATLANTIC	PORT REPUBLIC	08241	4	7	2	2	4	5	4	1	0	3	32
ATLANTIC	RICHLAND	08350	0	0	3	3	0	1	0	1	0	0	8
ATLANTIC	SOMERS POINT	08244	61	102	61	8	45	76	30	64	0	35	482
ATLANTIC	VENTNOR	08406	114	225	130	16	82	128	79	143	0	102	1019
BERGEN	BERGENFIELD	07621	0	1	0	0	0	0	0	0	0	0	1
BERGEN	ENGLEWOOD	07631	0	1	0	0	0	0	0	0	0	0	1
BERGEN	MAYWOOD	07607	0	0	1	0	0	0	0	0	0	0	1
BERGEN	NEW MILFORD	07646	1	0	0	0	0	0	0	0	0	0	1
BURLINGTON	BEVERLY	08010	1	1	1	0	1	1	0	1	0	0	6



REPORT EXHIBIT R-8:
SECONDARY AND TERTIARY IMPACTS
OF ATLANTIC CITY'S DOWNTURN

THURSDAY, MARCH 19, 2015
THE PRESS OF ATLANTIC CITY

BUSINESS

A6

Microsoft reaches new Web browser: Microsoft is gearing up to launch its own alternative to Internet Explorer, its once-dominant Internet surfing program. Microsoft has built a new Web browser designed for modern Web and mobile devices to go with its new Windows 10 operating system that's coming later this year. Details will still be available, but Microsoft hinted this week that it was — and so get concerned — Internet will get top billing in the future.

Widespread business news: The U.S. manufacturing sector was mostly flat in 2014 as growth in emerging markets helped offset a decline in sales of U.S. exports from the Recreational Industry Association of America said Wednesday. Overall, manufacturing output declined about a half percent to \$1.17 trillion, the same as for the recorded music industry, meanwhile, grew 7 percent to \$4.93 billion.

OECD nudges up world economic forecast: A key international economic monitor has nudged up its forecast for global economic growth this year and next. It raised rates, inflation and oil prices in some major countries. The Organization of Economic Cooperation and Development now expects 4 percent annual growth in overall gross domestic product, up 1 percentage point from its last such forecast in November. The production for 2015 was pushed up 2 percentage points, to 4.3 percent.

Oil leasing to Gulf states, fed's say: Regulators said only 150 bids were placed on the 41 million acres of the Gulf of Mexico up for new oil and gas leasing off Louisiana, Mississippi and Alabama. That's the lowest number since 1986, when 126 bids were offered. The government said the low price of oil accounts for the lack of interest.

New overtime rule coming soon: Labor Secretary Tom Perez told Congress that his agency is still working on new rules to make more workers eligible for overtime pay. Some changes to the scheduled hours. The new rule could result in larger paychecks for many workers. Starbucks delivery is about to Seattle, N.Y. Starbucks said it will start delivering to customers in select parts of Seattle and New York City later this year. No minimum purchase will be required, but there will be a "small fee" with each delivery, the company said.

Target raises return policy: Target will allow returns for up to a year for the store's private label and other brands as it seeks an advantage over rivals, both traditional and online. The new policy will have the 90-day return window significantly extended to one of several policies across major retailers.

GM cutting back in Russia: General Motors will slash production in Russia and pull out of the market. The move is the latest in the company's restructuring in the economically troubled country. Mounting GM losses have been among the biggest reasons for Russia's auto market decline, with sales of Chevrolet down 7 percent year-over-year in February.

Fed signals it may raise key rate soon

By DON LEE
The Washington Post
WASHINGTON — Federal Reserve officials took a key step toward raising interest rates for the first time since 2006. Following its two-day meeting Wednesday, the Fed issued a statement that dropped the phrase that said it would be "patient" before raising its benchmark rate. The change opens the door to a rate increase soon.

The statement raised a rate increase at the Fed's next meeting in April, putting the focus on June for the first time in nearly a decade. But Fed Chair Janet L. Yellen said the central bank still was in no hurry. "Just because we removed the word 'patient' doesn't mean we're going to be impatient about starting to normalize rates," she said at a news conference. The Fed has kept its rate about 1/2 percent since late 2008. A rate hike would have a broad influence on interest rates, raising the borrowing costs for businesses and for consumers who have credit cards and mortgages. But it also would give savers a better return on their deposits.

With the "patient" term removed, officials are expected to consider the merits of a rate increase on a meeting by next month by considering the latest economic data. The key statistic for them are employment and inflation. Yellen wants to be confident that the labor market is continuing to make a healthy recovery and that inflation is meeting up toward their target of 2 percent.

Fed officials gave a cautious assessment of the economy, noting that "economic growth has moderated somewhat." Some policymakers met to discuss. In addition to the new housing market, the statement cited "weak" growth of exports. The strong dollar was specifically mentioned as a factor, but it came in recent months against the euro and some other currency. It was a warning that American goods were more competitive in foreign markets.

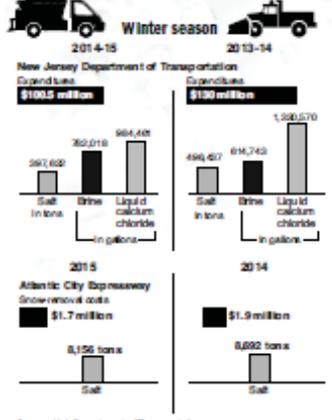


Winter's \$100M price

Staff photo by Dale Gehard

Two winters of snow removal

Now this season's cost of snow removal compares to last year.



Snow-related road costs high, still shy of last year

By DONALD WITTKOWSKI
Staff Writer
It was another \$100 million-plus winter for the New Jersey Department of Transportation. Although the winter fell short of last year's record-breaking totals, it still proved to be a costly headache as transportation agencies scrambled to keep roads clear of snow and ice. Winter started relatively mild, but the frigid temperatures and a series of midweek storms in February and March sent snow-removal costs soaring. Through March 6, the DOT has spent nearly \$100 million for salting, plowing and de-icing this winter, compared with a record \$150 million last year during what was an unusually snowy season. DOT spokesman Steve Schapiro said last winter's costs were about the same amount as the combined snow-removal expense for the department last year. Much like last year, the DOT also picked up some heavy insurance for road salt this winter. So far, it has used about 200,000 tons of salt, compared with the all-time high of 494,437 tons last year. The DOT's salt usage last winter was nearly twice the amount that was recorded on state roads in 2013. A last blizzard winter will drive snow-removal costs and salt-consumption totals even higher. Some cold rain and small amounts of snow are expected in South Jersey on Friday, the first day of spring. Heavier accumulations of snow are forecast for northern New Jersey. "It never quite goes off," said Kevin Fishman, a spokesman for the South Jersey Transportation Authority, operator of the Atlantic City Expressway.

Wells Fargo 'assistance' unit comes to EHT

By MARTIN DONAGLIS
Staff Writer
Wells Fargo Home Mortgage is sending "special assistance" to Atlantic City and surrounding communities starting today by stationing a vehicle and a team of seven people at the City of Atlantic City. The national bank will have a mobile unit at the Wells Fargo branch at City Harbor Township Harbor Square from today through Wednesday, including the weekend. The vehicle staff will offer help to customers of the bank who are concerned about or have already

fallen behind on their payments, the company said. The mobile unit is similar to one the bank sends out to areas that have been hit by natural disasters. "The home-mortgage team identified the Atlantic City area as one that had a lot of people falling behind the curve," said AnnMarie McDonald, a bank spokeswoman. "It's a slightly different focus than what it's a natural disaster, but it's the same concept. There's a significant need, and this is the response mechanism." The Wells Fargo Mobile Unit will

be available from 9 a.m. to 6 p.m. "The main goal is to help as many customers as possible avoid foreclosure. Those who attend will have the opportunity to meet with home-protection specialists and HUD-approved credit counselors to explore the options available to them," McDonald said. She added that some homeowners can "receive an evictive decision about loan modifications," but the answer will be "shortly thereafter whenever possible."

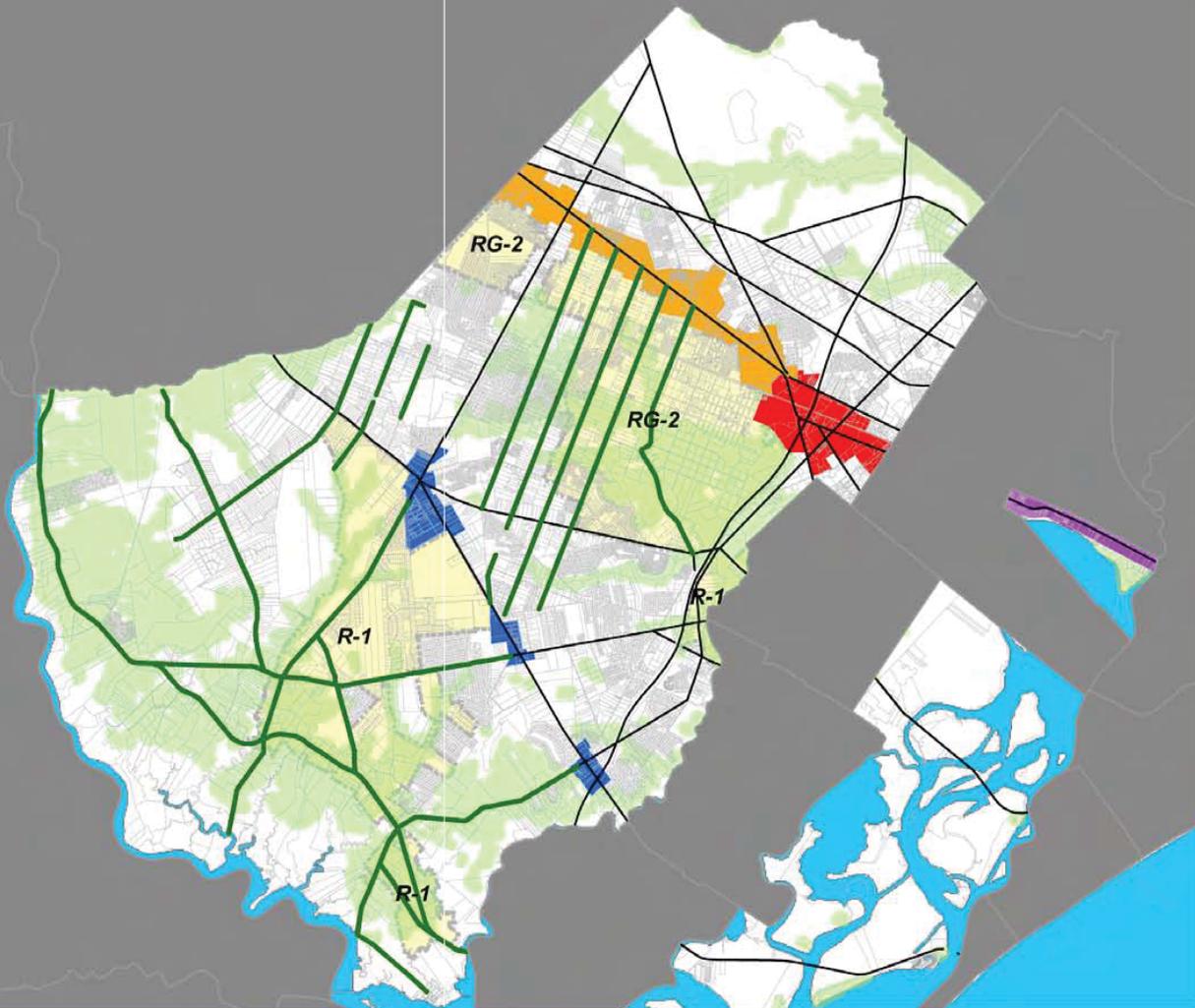
Wells Fargo has a mortgage-modification program, and the spokeswoman added that the "federal government has the Home Affordable Modification Program (HAMP) available." The counselor can also offer other help, including to customers struggling with credit-card debt, McDonald said. "The mobile unit will also be staffed by two support coordinators and two group providing other services to our customers such as energy assistance, unemployment assistance, food stamps, etc.," she said. Contact: Martin Donaglis, 609-725-7200, mdonaglis@presslive.com





***REPORT of FINDINGS
PETITION for DEANNEXATION
SEAVIEW HARBOR
EGG HARBOR TOWNSHIP
Atlantic County, New Jersey***

**REPORT EXHIBIT R-9:
LIVABLE COMMUNITY PLAN:
NEW JERSEY PINELANDS COMMISSION**



Livable Community Plan Egg Harbor Township

Prepared for:
New Jersey Pinelands Commission

March, 2007

Prepared by:



with

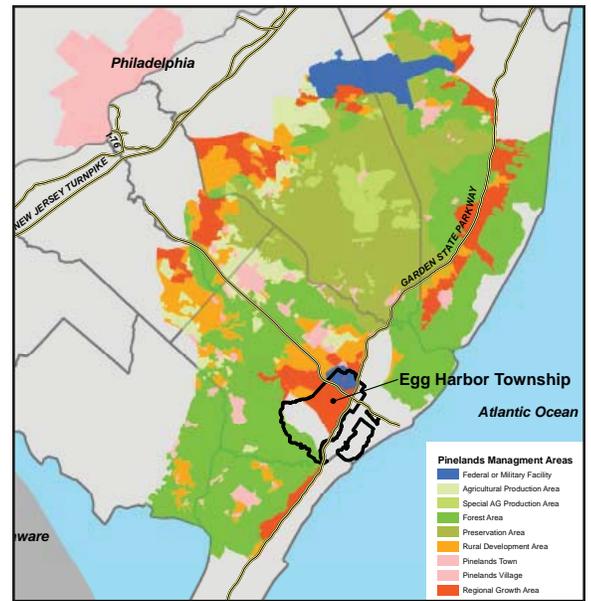
Phillips Preiss Shapiro Associates, Inc.
Hillier Architecture

Executive Summary

The Livable Community Plan for Egg Harbor Township was developed by citizens of the community in response to their interest in shaping the township's future. The specific contents grew out of an extensive series of interviews with a wide range of stakeholders, research and analysis provided by a consultant team and, most importantly, the intensive work of a Visioning Team. The Visioning Team convened ten times and followed a process that began with wide ranging discussion about the history and potential future of the township and continued with focused discussions on key topics and policies. Content was also guided by four major public meetings, several of which were conducted in an interactive workshop format. The process that led to this plan was community driven, and its results were guided by local concerns.

This plan has been prepared in response to rapid growth, particularly of residential subdivisions, in Egg Harbor Township. This rapid growth has fundamentally altered the character of the township, and perhaps most importantly, has eroded the densely wooded character of the township an iconic image for this Pinelands town. Improving the way this change is managed was a core goal of the planning effort. The context in which this growth occurred has roots in the history of the township, its location, major market forces and regulatory requirements. Each is worthy of a brief review.

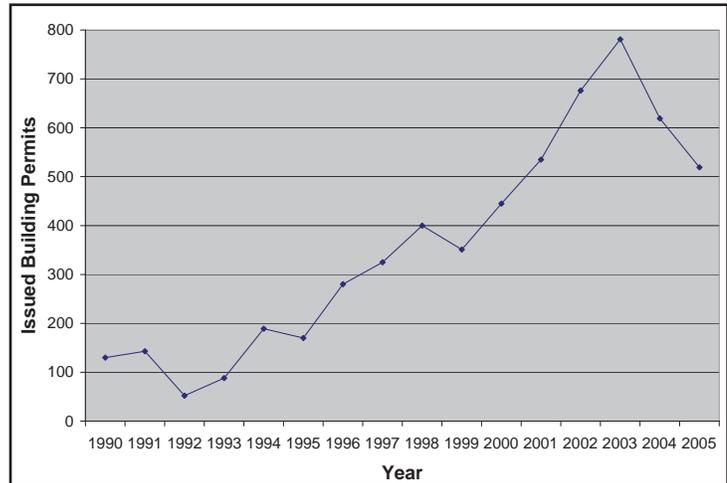
Egg Harbor Township is huge, nearly 64 square miles in size, yet it has no particular center, no town or village that can be considered its 'Main Street.' This somewhat unusual circumstance is the result of the secession of traditional town centers, once coastal villages, from the



Visioning Team discussing plan recommendations



Residential Building Permits in Egg Harbor Township



Source: NJ Department of Labor Planning and Analysis

enormous entity known as Egg Harbor, which at one time stretched from the Delaware River to the Atlantic Ocean. Over time, the cohesive small communities along the shoreline broke away, including Atlantic City, Somers Point, Linwood, Northfield, Pleasantville and Absecon, leaving the massive area of Pine Barrens to the west to become a community on its own, Egg Harbor Township.



Egg Harbor Township once included all the traditional town centers to its east as seen in this 1910 US Geological Survey map.

With a population fewer than 5,000 at the end of World War II Egg Harbor Township residents were scattered thinly across the township, with a handful of small concentrations around rural villages such as Steelmanville and Scullville. But the world around Egg Harbor Township was changing. The Garden State Parkway opened in 1958 the Atlantic City Expressway was completed in 1964, increasing development pressure on the shore communities by greatly shortening travel time from the Philadelphia and New York metropolitan areas. The population of Egg Harbor Township doubled to nearly 10,000 by 1970, but was still thinly spread across the huge township. Still another major change, the authorization of casinos in Atlantic City in 1979, brought a massive economic engine to within five miles of the township. The township's population



doubled again by the early 1980s, to over 20,000. With the casinos came nearly 44,000 employees. Low land cost and easy to develop sites made Egg Harbor Township attractive to developers who wanted to meet the housing needs of this new population. Now the township is home to over 41,000 people, more than 5,000 of whom are casino employees.

Another key factor in the rapid growth of Egg Harbor Township is its designation as a growth area under the Pinelands Commission Comprehensive Management Plan (CMP). Adopted in 1980 the CMP designated the majority of the developable land in Egg Harbor Township as a "Regional Growth Area." While immensely complex in its details, this extraordinary conservation program is fundamentally structured to relocate housing development activities from preservation areas to growth areas. The tool employed to transfer development is called a Pinelands Development Credit (PDC). The growth areas were selected, in part, because they were in locations likely to experience housing demand, on the fringes of the Philadelphia metropolitan area and adjacent to Atlantic City. The CMP requires growth areas, such as in the township, to be zoned to permit a residential density bonus if developers employ the PDCs. PDCs are purchased from the 'PDC bank,' which was created to market the credits for the landowners in preservation areas who sold their development rights.

After the enactment of the CMP a lengthy dispute ensued between the Pinelands Commission and Egg Harbor Township as the township resisted increases to the permitted densities in residential zones. The issue was finally resolved when the township enacted changes to their zoning code that brought the township into compliance with the state law in the 1996.



The critical issue from the perspective of this planning effort is that the township has witnessed rapid growth, driven by market forces and regulatory requirements, which has had a host of consequences to schools, traffic and public services among others. This rapid growth has been spread across the township and has led to degradation of its wooded character and to heightened concern for the need to create a stronger ‘sense of place’, a center, for what is now a very substantial community. These issues, and the attendant problems of rapid growth, drove the Visioning Team and the community to develop the plan’s recommendations. A summary of the recommendations follows and each of these recommendations is discussed in greater detail in the plan.

Recommendations

1. Community Form

Egg Harbor Township’s community form – affected most recently by thousands of single family homes in medium and large traditional subdivisions – can be better managed by establishing higher density, mixed-use centers and conserving the areas that still retain woodland character through improved protection and reduced density. Centers can also provide a commercial core for the township and help create a community identity that can be carried forward as the township continues to grow. There are three areas within the township that are particularly suited to a mixed-use, center development form: the underused commercial areas along the Black Horse Pike near the intersection with the Garden State Parkway; the Black Horse Pike corridor and the Ocean Heights Avenue corridor. Another area, the commercial corridor that runs through West Atlantic City to the north of US Route 40/322,





is suitable for intensive commercial development, especially hotels. Increased development intensity within these areas should be off-set by reducing growth pressures elsewhere in the township through down-zoning and clustering development. Total residential growth estimates should not be increased.

2. Environment

The community's environmental character should be protected by conserving areas within or adjacent to freshwater wetlands, limiting site coverage, promoting clustering techniques and conserving existing trees and vegetation during the development process. Densities, and total numbers or units, of housing development allowed in wooded areas should be reduced. To the extent these numbers can be reduced, an approximately equal number of housing units should be permitted in the centers.

3. Recreation

Pedestrian, equestrian and biking trails, should be established to link the waterfront (along Lakes Bay in West Atlantic City), open spaces and recreation facilities to residential areas, schools and shopping areas. There are a considerable number of recreation resources, however, accessibility to and among them is poor and a variety of bicycling, jogging, equestrian trails and water access points were identified and





Baseball field at Childs-Kirk Memorial Park in Egg Harbor Township.

proposed as part of the plan.

4. Schools and Community Facilities

School costs, and the attendant real estate taxes, have risen rapidly, and have fallen heavily on the owners of homes. Egg Harbor Township land use policy has been influenced by the need to garner real estate tax income without increasing the number of school children. Commercial uses and age restricted housing have both been supported. In addition, a community center, already in the development process, will provide activities for adults, and serve as a gathering place for the community. At present all school children in Egg Harbor Township travel to school by bus. In the future it may prove desirable to create a neighborhood school, to which children could walk or bicycle. This option appears out of reach at this time due to safety concerns and diversity requirements but the Visioning Team generally believed that the possibility of a neighborhood school should be considered in the future.

5. Transportation

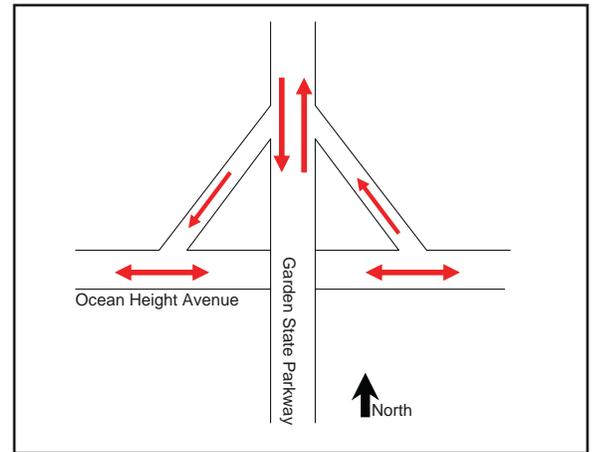
Congestion on township roads and very poor accommodations for pedestrians are important issues to the Visioning Team and the public. Major intersections enhancements such as designated turning lanes, intersection approach widening, clearly-delineated cross walks, and signal modernizations are recommended at 14 intersections in the township. North-south travel through the township is constrained by the barrier created by the Atlantic City Expressway and Atlantic City International Airport. North-south traffic along the Fire Road/Bargaintown Road and English Creek corridors could be significantly relieved if access to the Garden State Parkway, to and from the north only, could be provided from Ocean Heights Avenue.



The full list of plan recommendations has been summarized and organized based on the type of issue the recommendation addresses.

Implementation

While some recommendations in the plan can be addressed largely through actions by Egg Harbor Township, many will require commitments of time and resources from agencies that are outside of township including the Pinelands Commission, the State Office of Smart Growth, Atlantic County, the South Jersey Transportation Planning Organization, The New Jersey Turnpike Authority, the Casino Reinvestment Development Authority, and the Atlantic County Improvement Authority. Several of these agencies will have a direct hand in the changes in the township through capital investments or the imposition of policies, while others have the capacity to allocate resources and provide coordination. All have a stake in the success of Egg Harbor Township and all are needed as participants. Critical steps include:



Proposed interchange on the Garden State Parkway would allow access northbound and an exit southbound.



Pinelands Excellence Program

In 2002 the New Jersey Pinelands Commission received a planning grant from the Geraldine R. Dodge Foundation. The Commission, in collaboration with state, county and municipal governments and private interests created the “Pinelands Excellence Program”, a prototype program to help create “livable” communities. The focus of the program was to assist communities that have experienced significant growth since the designation of the 1 million acre Pinelands over two decades ago.

The pace of development has made it difficult for many of the higher density regional growth communities in the Pinelands to effectively plan, particularly for infrastructure and community facilities. While the growth in these communities is largely attributable to the development pressures originating in Atlantic City to the east and Philadelphia to the west, the Pinelands Comprehensive Management Plan and adopted local ordinances specify overall density requirements that support development in these areas. Furthermore, a major goal of the Comprehensive Management Plan is to preserve significant ecological areas and farm land while directing new development to areas that are already disturbed and experiencing growth.

In the initial program round, the Commission selected two of these fast-growth communities to participate in the “Pinelands Excellence Program”. Working with the municipalities the Commission engaged the services of planning consultants to help each community develop a strategic vision of its future and prepare proposals for zoning, subdivision, site planning, and infrastructure improvements to achieve that vision. This project received attention from a variety of land use and planning organizations throughout the region. In April, 2004, the New Jersey Planning Officials gave the Pinelands Commission its NJPO Achievement in Planning Award, recognizing the Pinelands Excellence Program as an innovative and effective tool to promote the ideals of sound planning.

In January, 2005, the Commission received a second grant from Geraldine R. Dodge Foundation to continue the Pinelands Excellence Program. This current effort is aimed at building on the success of the initial project. For this program round, the Commission is working with Egg Harbor Township in Atlantic County, one of the Pinelands fastest growing communities.



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1. INTRODUCTION

Residential growth over the past several decades has transformed Egg Harbor Township from a quiet corner of the Pine Barrens to a rapidly suburbanizing community with new found concerns about traffic, schools, and quality of life. The Livable Community Plan was developed by a community Visioning Team to examine the forces behind Egg Harbor Township's growth and explore the strengths of its community. The plan includes broad analyses of the physical, demographic, and regulatory environment and recommendations for regulatory and financial tools that will strengthen physical infrastructure, focus growth, and celebrate the Township's natural and historic heritage.



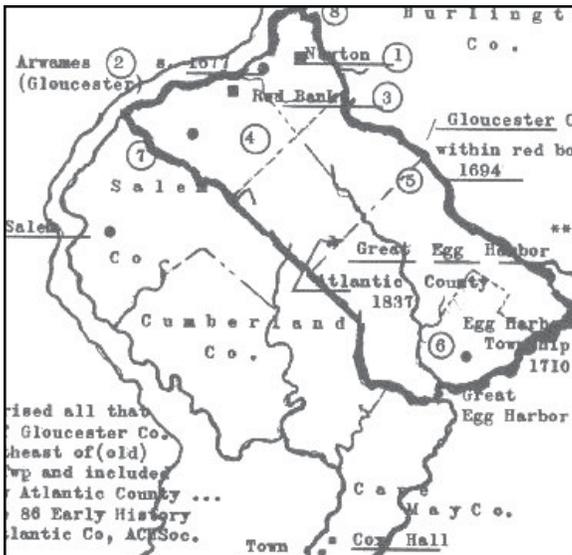
Most new development in the Township consists of single family developments similar to the one pictured here.

Building a system of community infrastructure that can support the Township's recent growth is a tremendous undertaking and will require dedication and resources far greater than the Township can supply on its own. Numerous agencies at multiple levels of government have a role in the outcome. The State of New Jersey must provide additional funding for road improvements, and other infrastructure projects. The New Jersey Turnpike Authority must enhance access to the Garden State Parkway. Similarly, Atlantic County must more aggressively improve the County roads, which form the Township's arterial network. Assistance from the Casino Reinvestment Development Authority and the Atlantic County Improvement Authority is needed to help redevelop older obsolete properties and build tax revenues. The Township can enhance the strong



The health and livability of a community is measured by the state of community infrastructure, including traffic congestion, aesthetics, and walkability.





Great Egg Harbor, from which Egg Harbor Township was formed, is shown in the thick black line in the above map and stretched from the Delaware River to the Atlantic Ocean. From Sketches of Egg Harbor Township

community and beautiful landscape that makes it a unique and wonderful place to live, and there are several initiatives the Township can undertake on its own, but it will need the broader support of the state and other regional agencies for several other long-term programs.

1.1 The Need for a Plan

Tools to actively manage growth are overdue in Egg Harbor Township. From its historical beginnings, growth has changed and shaped the Township. In the early 1900s, the Township’s main commercial areas along the bays seceded, taking the Township’s centers with them. Today, rapid residential development is replacing wooded lands and roadways that were once quiet are becoming congested. Growth will continue in Egg Harbor Township and a plan must be put in place that guides where new homes and business are built.



The Township consists of three separate geographic areas. The largest of these is 63 square miles and stretches from the banks of the Great Egg Harbor River to the Atlantic City Reservoir. The two smaller pieces are located to the east: the West Atlantic City portion, which is about 1 square mile, and a section adjacent to Longport and Margate City, which is about 11 square miles, and is largely an estuarine wetland and wildlife preserve.

History and Changing Identity

Egg Harbor Township has a rich history dating back the 1700s. The Township once encompassed all of Atlantic County and much of Burlington County. (See historical map at top) By the end of the Nineteenth Century, ten separate areas had seceded and formed municipalities along the eastern portion of Egg Harbor Township.¹ The incorporation of these separate municipalities—first Atlantic City itself, then the municipalities of Linwood, Northfield, Pleasantville and Somers Point—separated present-day as Egg Harbor Township from the nascent traditional town centers.

As the historic town centers broke away, three

¹ Egg Harbor Tercentenary Publications Committee, Sketches of Egg Harbor Township, Atlantic County, New Jersey, 1964, Laureate Press, Inc. Egg Harbor City, NJ.

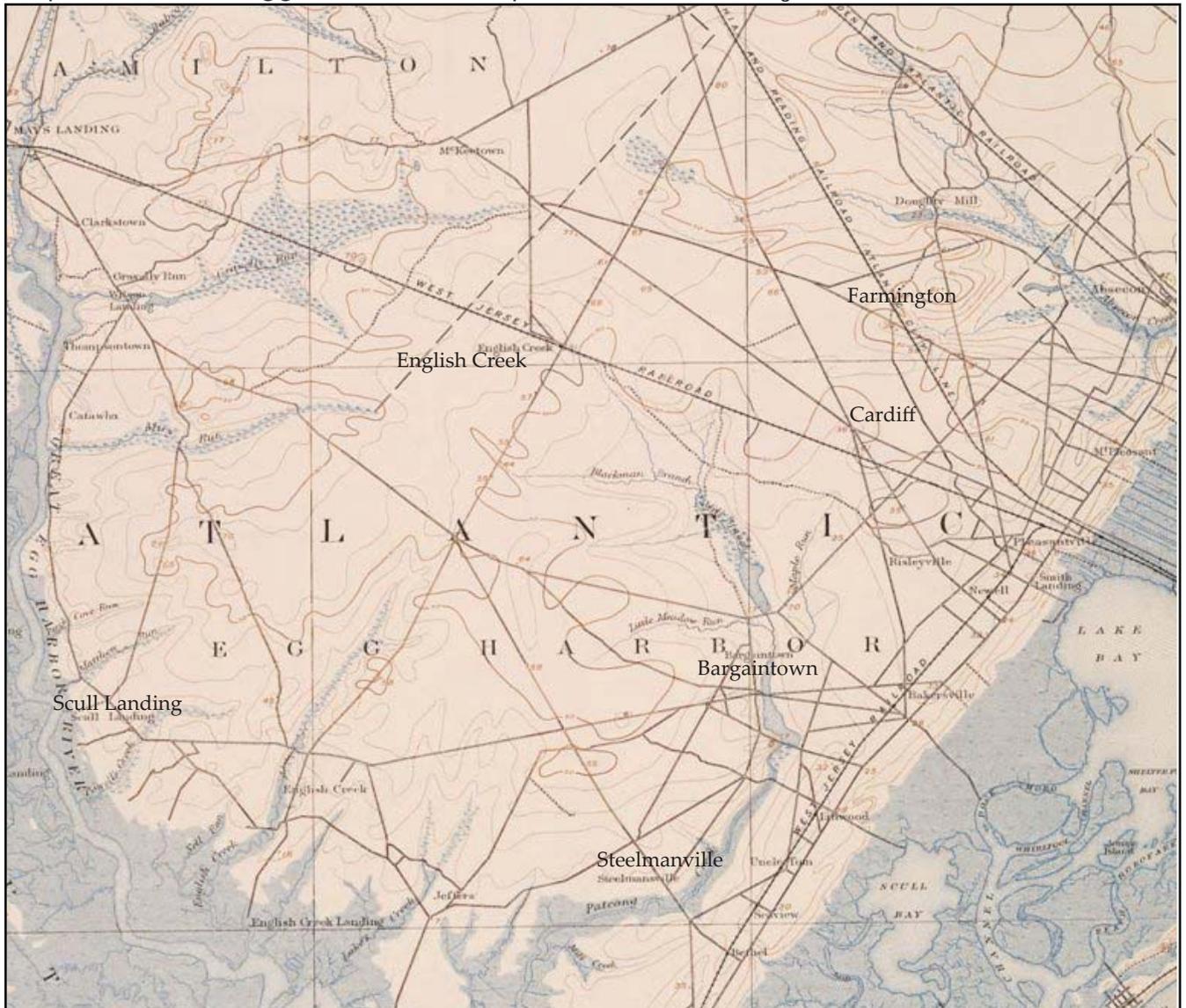


discontinuous areas were left that now form the Township. The splintered boundaries of Egg Harbor Township are further blurred by the many municipalities and environmental features that share the name Egg Harbor. Egg Harbor, Great Egg Harbor, and Little Egg Harbor are used dozens of times to name municipalities, bays, rivers, estuaries, roads, and other places in southern New Jersey. A challenge for this plan is to clarify and strengthen the identity of this very

Egg Harbor Township once incorporated all the municipalities to its east as shown in the 1910 United States Geological Survey Map below.

Map 1.1: Historic Egg Harbor Township

Source: Rutgers archives



A major economic influence on the Township is the casino industry in Atlantic City. An estimated 5,400 casino employees presently call Egg Harbor Township home. The casino industry is in the third cycle of expansion and is currently building new properties at greatly expanded size and adding extensive retail components. Of the many municipalities where casino employees live, only Atlantic City has more casino employee residents than Egg Harbor Township (see Table 1.1). For instance, gaming floors have gone from 40,000 to 50,000 square feet in 1981 to well over 200,000 square feet today.

Figure 1.1- Casino Jobs by Municipality

Municipality	Total
Atlantic City	11,221
Egg Harbor Township	5,379
Pleasantville	3,934
Galloway	3,878
Mays Landing	2,732
Absecon	2,377
Ventnor	2,356
Brigantine	1,846
Somers Point	984
Egg Harbor City	957

Casino Control Commission- License Division, Employment by Atlantic City Casino Licenses by Zip Code and Casino (Dec 2006)

large community.

Central to the Township’s identity are the former rural villages of Bargaintown, English Creek, Scullville, Steelmanville, McKee City, Cardiff and Farmington. Long-time residents still understand and use these names. West Atlantic City, nestled along the Black Horse Pike between Pleasantville and Atlantic City, is another remnant from the separations and remains part of the present day Egg Harbor Township. The future of West Atlantic City and the other neighborhoods and community centers in the Township must be coordinated in this plan.

Rapid Growth

Egg Harbor Township’s population now exceeds Atlantic City’s and is growing at a much faster rate.² Many factors have contributed to its growth including its proximity to Atlantic City, access to the Garden State Parkway and the Atlantic City Expressway, designation as a Pinelands “growth area,” and comparatively low land costs. While larger regional and national market factors are feeding the growth, the consequences are clear to residents: increased traffic, loss of the great woodlands that typify the visual topography of the Township, expanding school age population, pressure on community facilities and services, and a loss of the rural character that made this portion of the Pine Barrens attractive. This rapid growth has dramatically impacted the way Egg Harbor Township looks, the quality of its communities, and condition of the environment.

The impact of growth on taxes is a central concern in Egg Harbor Township. The Township’s first high school

² Atlantic City estimated 2005 population is 40,767 (South Jersey Transportation Planning Organization) Using data on approved building permits and average household size, Egg Harbor Township’s estimated 2006 population is 41,455.



opened in 1983; now there are some in the community that talk about the need for a second high school. The School District and the Township are facing the need to pay for the construction of new school buildings and the operation of a growing district. In the light of increasing costs, the community has expressed a strong interest in preparing a plan that controls growth and generates revenues to slow the demand on schools and other community services.

Loss of Community Identity and Quality of Place

Perhaps the most striking effects of growth and one of the major impetuses for this plan are the impacts on the vast woodlands that were once the dominate characteristic of Egg Harbor Township. Current development practices often include clear cutting and aggressively graded sites, erasing large tracts of wooded lands. Typically, small trees, which are many decades younger than the mature trees they replace, are planted by developers to replace the woodlands.

New residential subdivisions are not only destroying woodlands, they are diluting the historic and unique qualities of Egg Harbor Township's communities. New housing developments are typically being built by home builders that use the same housing product elsewhere in New Jersey and around the county. These "generic" houses are then placed in developments that are laid out as independent communities, often with just one link to an arterial road, that do not integrate or support the existing neighborhood centers. The rapid residential development, and attendant population increases, have not resulted in the emergence of focused 'places' but rather in low to moderate density subdivision environments.

Growth has now had a dramatic impact on the traffic

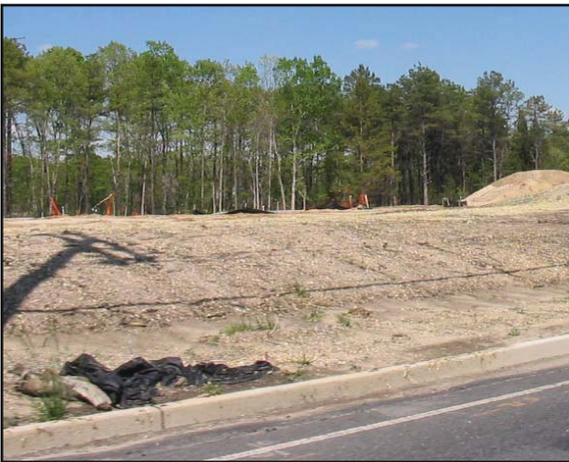


The rural character of Egg Harbor Township is compromised by the clearing of wooded areas for development, the construction of new homes with typical suburban yards, and commercial corridors that are indistinguishable from other New Jersey shopping corridor.





in the Township. The road network was created to support a very small population. Scattered homes were connected by country roads to the tiny villages that served their needs. Once dirt roads became gravel roads, gravel roads were tarred and rolled, tar and chip roads were overlaid with asphalt and so the current network emerged. The existing road network served the Township adequately at lower populations, but today, traffic often exceeds available capacity causing significant delays at many intersections.



Wooded areas are irreversibly altered as rural streets, shown above, are cleared for development.

1.2 Challenges in Responding

Responding to Township Diversity

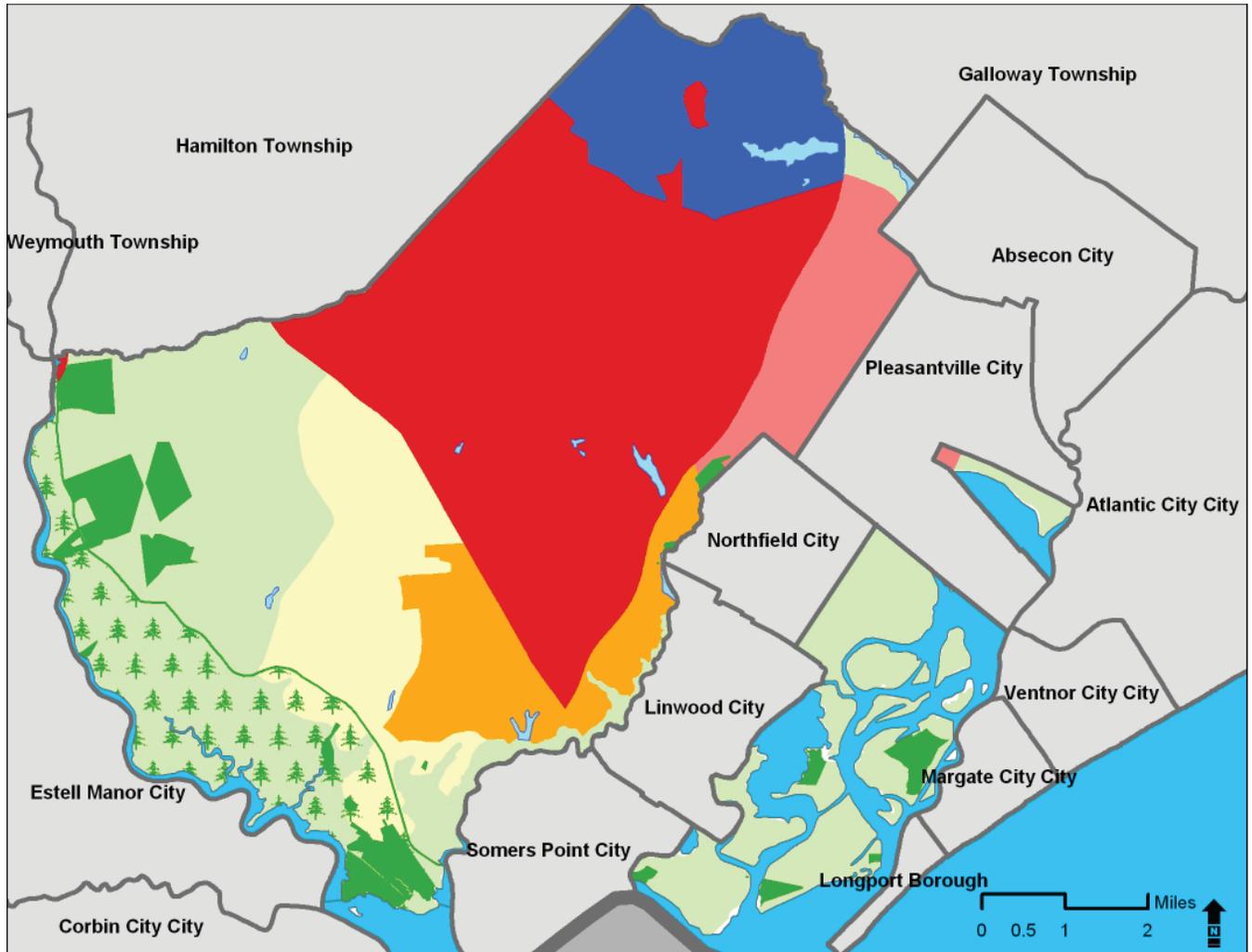
Egg Harbor Township is comprised of distinct areas with varied character and needs. Neighborhoods north of the Black Horse Pike near the airport, for example, are comparatively dense while Scullville to the far south has lower densities and remains densely wooded. West Atlantic City, a thin strip of land along the Black Horse Pike, which is the eastern gateway to the Township, has stunning water and saltmarsh views. Seaview Harbor is set off from the rest of the Township by wetlands and has a beautiful beach on Great Egg Harbor Bay. This plan focuses on improving the Township as a whole by enhancing the strengths of the individual areas.

State Regulatory Oversight

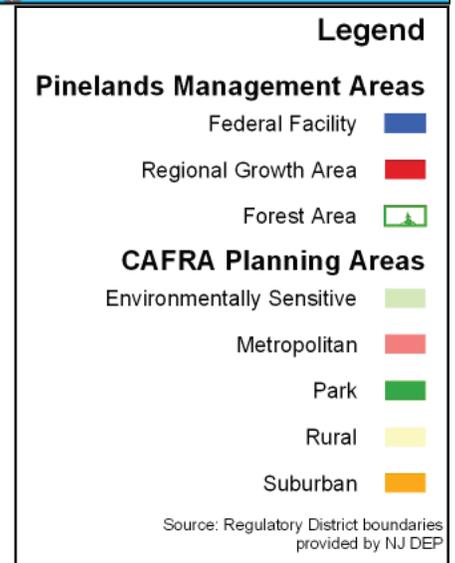
All of Egg Harbor Township is covered by active state development regulatory systems. The southern and eastern areas are within Coastal Area Facility Review Act (CAFRA) designated zones while all of the balance is subject to the provisions of the Pinelands Protection Act (see Map 1.2). In the areas along and near the estuaries, development reviews are conducted under the Coastal Area Resources Review Act, by the New Jersey Department of Environmental Protection, of all development applications greater than 24 units.



Map 1.2: State Regulatory Districts



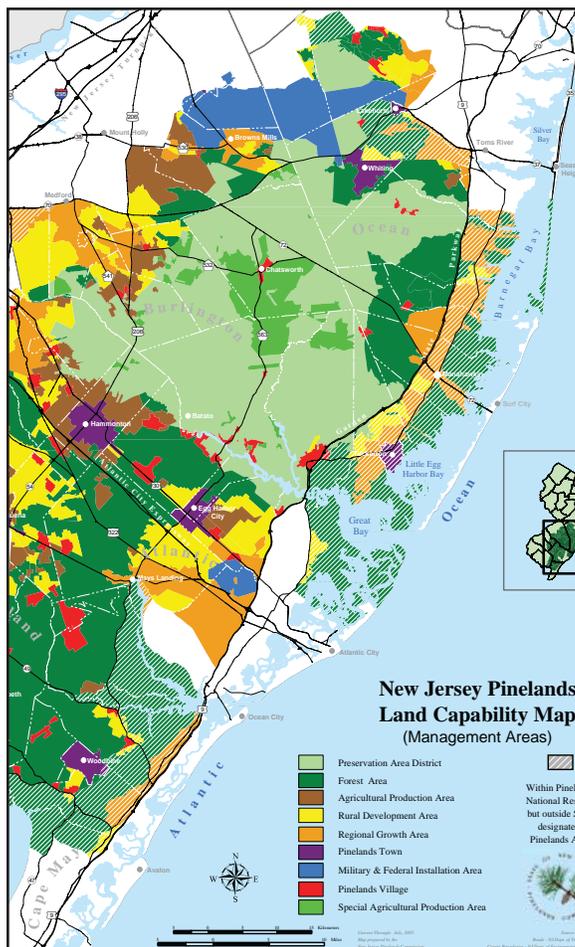
Among other regulations it provides limits on impervious coverage for all developments. The areas regulated by CAFRA are generally south of Ocean Heights Avenue and east of the Garden State Parkway. The Township is applying for Coastal Center designation in the area around the intersection of the Garden State Parkway and Ocean Heights Avenue and in West Atlantic City. This designation will increase the development intensity allowed under State law, but not necessarily under Township Code. The boundaries of the centers are being reviewed by the Department of Community Affairs at the writing of this report. Centers designation would allow for greater land use intensity.



Pinelands Development Credits are transferable development rights allocated by the CMP to landowners in the Pinelands Preservation Area District, Agricultural Production Areas and Special Agricultural Production Areas where opportunities for development are extremely limited. These landowners can sell their credits to developers seeking to build houses in Regional Growth Areas. Developers can then use the credits to increase the densities at which they can build. The result from this exchange is that some of the benefits of increased land values in growth areas are transferred back into areas where growth is limited. As of December 31, 2005, 186.75 Pinelands Development Credits (747 rights) have been used in Egg Harbor Township associated with 153 different projects.

The Pinelands Commission Comprehensive Management Plan establishes specific target quantities of residential development within the Pinelands regulated portion of the Township. These are known as Pinelands Regional Growth Areas in the Township. As prescribed in the enabling legislation, the Pinelands Commission conducts reviews of the Township’s zoning and land development ordinances and has review authority³ for all development for the areas within the Regional Growth Area (see Map 1.3). A major objective of the Pinelands Commission is ensuring that Pinelands Development Credits are redeemed in the Regional Growth Area (See Sidebar). PDCs allow developments to increase density above a locally designated base density designated in the Comprehensive Management Plan.

Map 1.3 NJ Pinelands Land Capability Map



It is important to note that a key change in Egg Harbor Township occurred when it brought its residential zoning into compliance with the Pinelands Comprehensive Management Plan Regional Growth Area designation (see Map 1.4 Township Zoning Districts and Map 1.3 NJ Pinelands Land Capability Map). While a precise number is not known, the Township estimates that zoning under compliance with the CMP permitted between 5,000 and 8,000 additional units compared to the Township’s original zoning densities. Given strong underlying market demand this change has had a significant impact on growth.

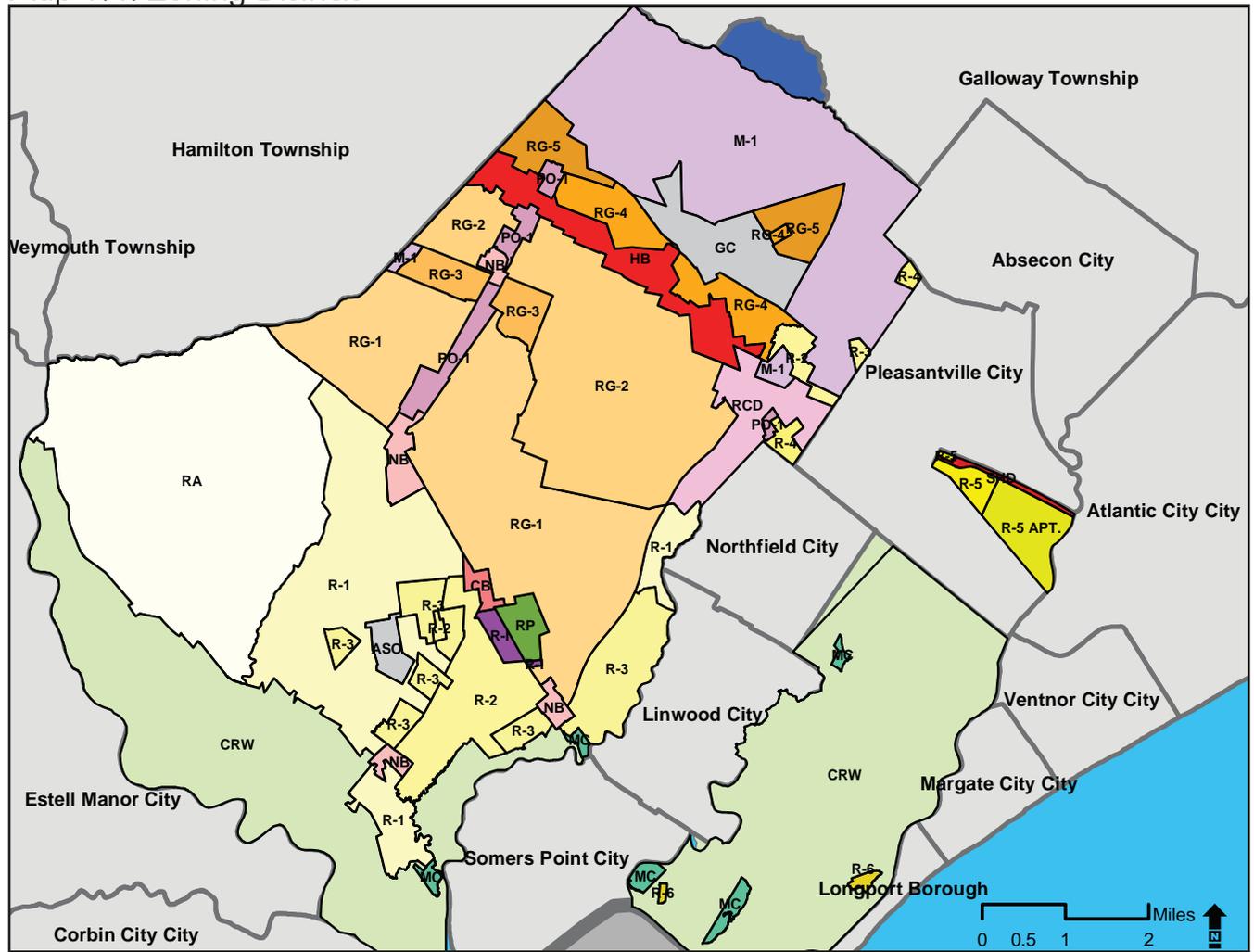
1.3 Planning Approach and Public Involvement Visioning Team

The planning process for the Livable Community Plan was driven by the project Visioning Team and comments received at public meetings. The Visioning

³ 13:18A-15, Pinelands Protection Act, Pinelands Commission, State of New Jersey



Map 1.4: Zoning Districts



Team was composed of fourteen volunteer members of the community from varying backgrounds and with diverse concerns (see Appendix A). Ten Visioning Team meetings were conducted throughout the year-long planning process to review background information, analyses, and alternative planning approaches and techniques (A description of the individual meetings is provided in Figure 1.2). The Visioning Team guided what was presented to the public during workshops and meetings and played an active role at the public forums. Because of their involvement and dedication to this effort, the Visioning Team will also be central in its implementation as discussed in Section 7.

Public Input

Zoning	
RA, Residential	[White box]
R-1, Residential	[Light yellow box]
R-2, Residential	[Yellow box]
R-3, Residential	[Light orange box]
R-4, Residential	[Orange box]
R-5, Residential	[Dark orange box]
R-5 APT., Residential	[Yellow-green box]
R-6, Residential	[Green box]
RG-1, Residential	[Light orange box]
RG-2, Residential	[Orange box]
RG-3, Residential	[Dark orange box]
RG-4, Residential	[Red-orange box]
RG-5, Residential	[Red box]
NB, Neighborhood Business	[Light pink box]
CB, Community Business	[Pink box]
HB, Highway Business	[Red box]
SHD, Special Highway Development	[Dark red box]
RCD, Regional Commercial Development	[Light purple box]
MC, Marine Commercial	[Teal box]
PO-1, Professional Office	[Light purple box]
M-1, Light Industrial	[Purple box]
R-I, Restricted Industrial	[Dark purple box]
RP, Recreation Park	[Green box]
CRW, Conservation Recreation Wetlands	[Light green box]
GC, General Commercial	[Light grey box]
ASO	[White box]

Source: Zoning district boundaries provided by Pinelands Commission



The Livable Community Plan Visioning Team met ten times over ten months and participated in four public meetings. They also provided input from numerous emails, phone calls, and discussions with friends and neighbors.

Figure 1.2- Visioning Team Meetings

Visioning Team Meetings

1. Kick Off
Introductions, established project goals and schedule
2. SWOT: Strengths, Weaknesses, Opportunities,
The Visioning Team provided opinions on SWOT on the topics below.

Topic Meetings

3. Environment and Recreation
4. Community Form and Neighborhood Design
5. Traffic and Pedestrian Safety
6. Schools and Community Facilities Analysis

Synthesis

7. Preliminary Analysis
8. Final Background Analysis

Plan

9. Preliminary Recommendations
10. Final Recommendations



The Visioning Team members discussing community form with the project consultants.

The community visioning process worked in tandem with a public input process that included four public meetings and workshops with over 200 attendees:

- A major topics workshop to listen to residents' concerns about transportation, the environment, recreation, school and community facilities and community design
- A plan concept workshop to present a range of potential strategies that could be employed to respond to the concerns expressed in the first public meeting and to gather public input on conceptual strategies
- A planning concept meeting to present the solutions developed for the plan
- A meeting to describe the final plan elements

Ideas and concerns about the future of Egg Harbor Township were also gathered through a series of stakeholder interviews. In person interviews lasting 45 minutes each, were conducted at the beginning of the planning process with 29 stakeholders representing business, civic, arts, historical, community and education groups, Atlantic County officials, and Township residents. The purpose of the interviews was to collect information about the Township and to give the consulting team a better understanding of the needs of the community from in-depth conversations with a targeted group of concerned citizens and interests. A conversation with high school students resulted in the comments summarized in Figure 1.3.

Use of Public Comments in Plan

A wide range of comments about Egg Harbor Township's future were offered at public meetings, Visioning Team meetings, and during the Interview sessions. Some of these comments were at odds. Many longtime residents, for example, perceive and feel strongly the loss of rural



character that comes with growth and development, while new residents see a safe and quiet community with good schools, access to jobs and shopping. Despite some differing views several consistent themes emerged in the public planning process:

1. traffic and congestion,
2. growth of schools,
3. lack of a town center,
4. loss of wooded areas, and
5. need for support from the Pinelands Commission and other state agencies for designation as a growth area.

The themes shaped the problems studied and recommendations made in this Plan. A short summary of comments organized by these themes follows. Comments were taken from Egg Harbor Township



Figure 1.3- Student Visions for the Township

Egg Harbor Township residents comment at the first public meeting

What do Egg Harbor Township high school students want for their community?

The following is a summary of ideas from a group of students recorded in a current affairs class on May 16, 2006.

Students stated interest in:

- A main street with outlet stores
- A town center
- A coffee house
- A place for families to hang out together and in close walking distance from many homes
- A town where people can walk from store to store instead of using the car
- A street which, on a nice day, we could walk down with shops and restaurants
- Connecting to large developments with "shopping roads" with clothing stores and restaurants
- Places for teenagers between 15 and 17 to gather and socialize (this age group is neither young enough to play at existing recreation areas, nor old enough to go to area clubs or bars),
- Recreation area with a stage for people to play music or read poetry, couches, pool tables, area to grab a bite



Select Comments from Public Meetings, Visioning Team Meetings, and Stakeholder Interviews

Traffic Congestion

More people are driving faster and ignoring stop signs
Need more access to Garden State Parkway
Need more sidewalks
Pedestrian death rate is soaring
Back roads now crowded
Lack of public transit
No north-south corridor in Township

School growth

Taxes are high
Egg Harbor Township is a bedroom community for Atlantic City, Philadelphia, and New York
Schools are tough to move around in – too many students, not enough room in hallways
Children cannot walk /bike to school/friends/play
Decreased funding per pupil from the state
High school may have to split

There is no center

Need higher density town center and village nodes to offset suburban sprawl
Town used to have its own “look”
No sense of identity in Township
Places to hang out are almost all outside Township
Whole in market for generation X. Twp provides nothing for them
Commercial development in Hamilton Twp is leaving EHT in the dust
No interconnections between developments

Wooded areas are being lost

Trees are clear cut for new development
Improve development review to preserve more trees
Environmental issues are important – especially with the marsh areas in the south
Reinforce preservation along Great Egg Harbor River

The Pinelands Commission needs to support growth

Pace “irresponsible – it’s too much, too fast”
The Pinelands impose an unfair burden on EHT and EHT gets nothing in return
State has obligation to provide more funding as EHT bedroom for prospering areas, priority to growth areas for project review, spread out mandated growth
Lack of legislative response – No support from Trenton

residents at the various meetings and interviews.

1.4 How to use this Plan - Layout of Planning Document

This Plan has seven sections, of which this is the first, that are briefly described below.

Section 2: The Planning Context section describes the historic place of the Township in the region, land development trends, demographic trends, and a summary of budget and school growth. This section defines the baseline story for the discussion of growth in the remainder of the plan.

Section 3: The Natural Environment and Recreation, section describes natural features, recreation facilities and programs, passive recreation, and environmental constraints. This section provides needs analyses in the areas of conservation, recreation, and facilities and programming. Proposed preservation, facility, and programming concepts are also outlined.

Section 4: The Schools and Community Services section describes the current conditions of township schools, community services, and finances. It briefly reviews other public services provided to Egg Harbor Township residents. The section also outlines proposed approaches to filling gaps in community services, stabilizing revenues for services, and increasing township real estate rates.

Section 5: The Transportation and Pedestrian Safety section outlines the location and performance of the existing road system, community connections, and transit services. Review of traffic conditions, connectivity and bike and pedestrian facilities is provided. The section then outlines proposed intersection and road improvements, bicycle and pedestrian paths, and



sidewalks that would provide solutions to key problems and implementation actions.

Section 6: Community Form explores the current conditions and location of residential and commercial uses. This section compares the form of Egg Harbor Township to that of traditional township design and details how these forms differ. Finally, solutions are proposed that will develop Township and neighborhood centers and improve design standards.

Section 7: The Implementation section provides an action agenda for this plan in the form of a matrix of actions, responsible parties, estimated costs, and conceptual schedules.



Auto-dependent development and traffic congestion are among the issues discussed by Egg Harbor Township high school students.



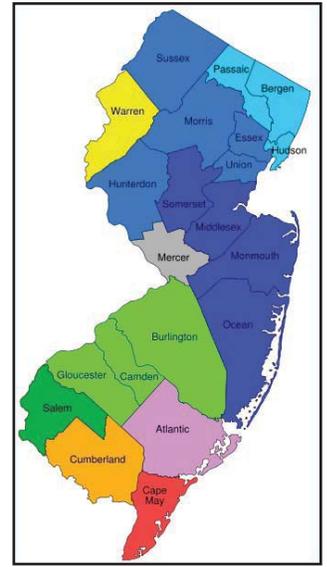
2. GROWTH CONTEXT AND TRENDS

Growth in Egg Harbor Township is fueled by its proximity to large market areas and jobs and by availability of developable unprotected land. The New York Metropolitan Area in northern New Jersey and the Philadelphia Metropolitan Area to the west are both within commuting distance to Egg Harbor Township. The casino industry in Atlantic City provides more than 5,000 jobs to Egg Harbor Township residences and the industry is growing. Access to the Township is facilitated by two major limited-access highways, the Atlantic City Expressway and the Garden State Parkway. Development is further focused toward the Township by limited development opportunities in the built-out beach communities to the east and the protected Pinelands Forest Area to the west.

2.1 Land Development – Tracking Rapid Growth

The market forces at work in Egg Harbor Township are apparent by the numerous large residential developments throughout to the Township. In the 15 years from 1990 to 2005, 5,703 residential permits were issued. (See Figure 2.1) Nearly two-thirds of these (3,575) were issued from 2000 to 2005. This shows an increase of nearly 30% over the year 2000 number of housing units (12,607).¹ These trends appear to be continuing. In January 2006, the Township's engineer, Mott & Associates, reported that 62 subdivisions were under inspection containing 5,158 approved units (see

¹ 2000 US Census



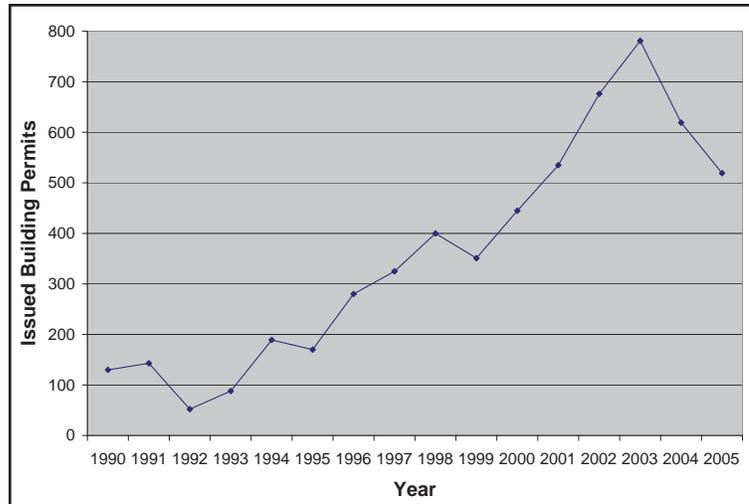
US Census Metropolitan Statistical Areas (MSA) indicate proximity and concentration of population densities. The blue counties represent the New York MSA and the green counties represent the Philadelphia MSA.



New housing development reflects the growth pressures in Egg Harbor Township.



Figure 2.1: Residential Building Permits Issued in Egg Harbor Township



Source: NJ Department of Labor Planning and Analysis

Appendix B). If all these units are built, the number of households in the Township will increase by another 30%.

While subdivision approvals have been especially high in recent years, more than half of the approved units have not been built at the writing of this Plan. Of the 5,158 units listed in Mott & Associates report, 2,569 units have not been issued building permits. It is important to note that the expiration of planning approvals for these unbuilt developments is not held to the two-year standard established in the Municipalities Land Use Law. To allow developers to phase construction over several years, the Township has entered into developer agreements that extend the approval period to accommodate phased development projected. See Map 2.1 Recent Growth, on following page.

In 2006 alone, over 1,100 acres, or 2.5% of the land area in the Township, were developed or approved for development.²

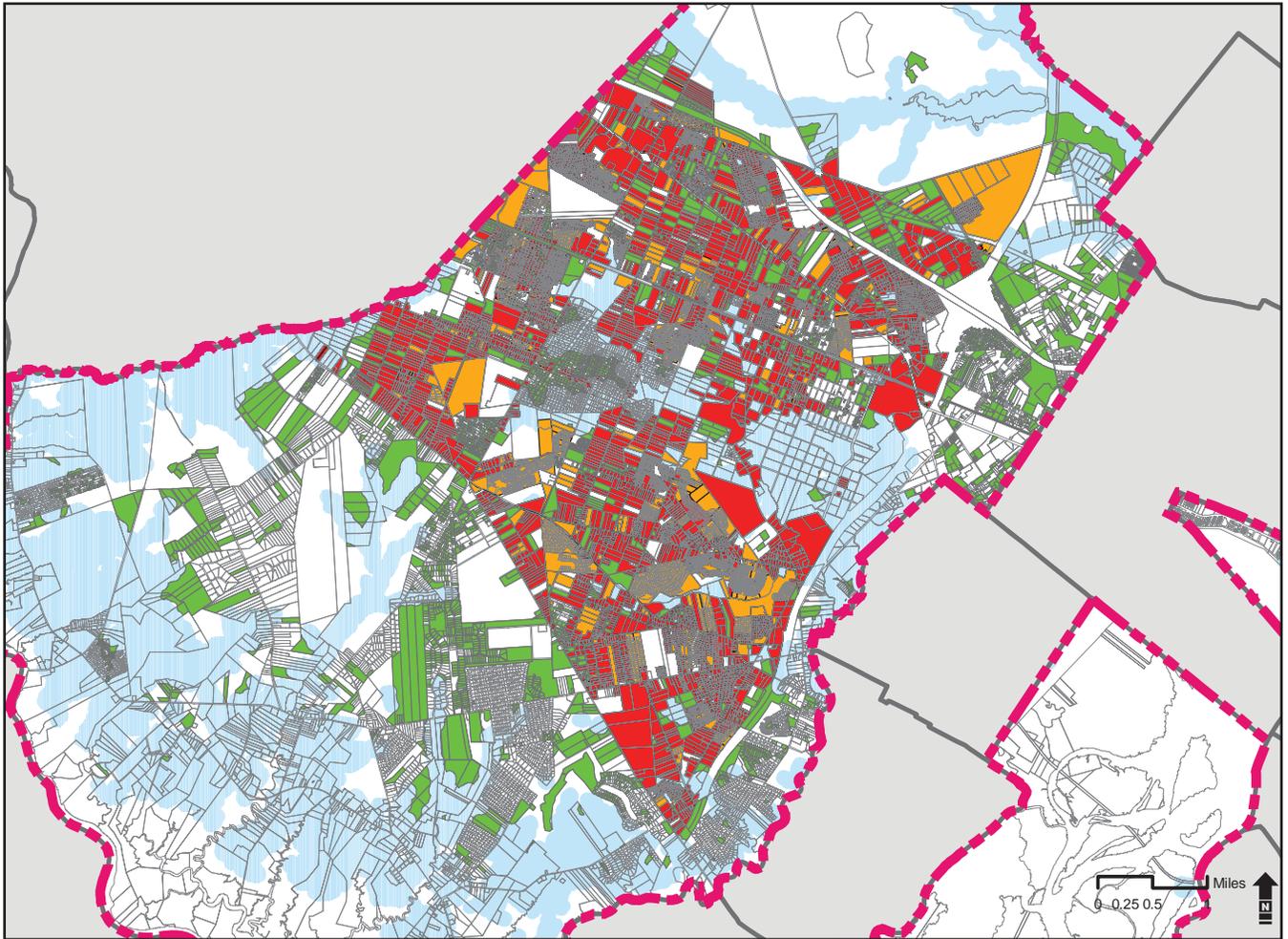
² Analysis derived from 'Lot Status' GIS data from January 2006 and June 2006. data provided by the Pinelands Commission.



Signs of pending developments in Egg Harbor Township.



Map 2.1: Recent Growth



2.2 Demographic Trends

Egg Harbor Township has experienced growth in population in association with land development for some time. As shown in Figure 2.2, there were 30,726 people living in the Township in 2000, which is ten times as many residents as in 1930. In comparison, the population of Atlantic County as a whole has only doubled during that period. While other periods of growth have certainly had their impacts on the Township, recent growth has had a considerable impact on developed land as discussed in the previous section.

In addition, Egg Harbor Township’s population as a proportion to the total population of Atlantic County

Legend

- Lands Available for Development ■
- Lot Status January 2006**
- Developed ■
- Committed ■
- 300 Foot Buffer on Wetlands ■

Source: Development data provided by the Pinelands Commission Lot Status data set (only within the Regional Growth Area). Lands Available for Development are derived from 2003 County Tax assessment data and includes lands assessed as vacant, agricultural, and public. Wetlands data from NJ DEP.



Figure 2.2- Population Change, 1930-2000

Year	Egg Harbor Township			Atlantic County		
	Population	Change		Population	Change	
		Number	Percent		Number	Percent
1930	3,024			124,823		
1940	3,066	42	1.40%	124,066	-757	-0.60%
1950	4,991	1,925	62.80%	132,399	8,333	6.70%
1960	5,593	602	12.10%	160,880	28,481	21.50%
1970	9,882	4,289	76.70%	175,043	14,163	8.80%
1980	19,381	9,499	96.10%	194,119	19,076	10.90%
1990	24,544	5,163	26.60%	224,327	30,208	15.60%
2000	30,726	6,182	25.20%	252,552	28,225	12.60%

Sources: 2002 Egg Harbor Township Master Plan, U.S. Census Bureau

has been growing steadily as shown in Figure 2.3. The growth rate reflects three factors: 1) the diminishing role of Atlantic City as a population center; 2) the increased suburbanization of the County; and 3) the disproportionate share of population growth occurring in Egg Harbor Township as compared to other municipalities in Atlantic County.

These demographic trends suggest that there will be increased pressure on schools, recreation facilities and the road network to accommodate growth. Assuming a ‘straight line’ annual population increase, the population of Egg Harbor Township will increase nearly 50 percent to over 45,000 between 2000 and 2010 (see Figure 2.4). In the same time period the number

Figure 2.3- Proportion of Atlantic Co. Population in Egg Harbor Township

Year	Population		Percent of County
	Egg Harbor Twp.	Atlantic County	Population in EHT
1930	3,024	124,823	2.40%
1940	3,066	124,066	2.50%
1950	4,991	132,399	3.80%
1960	5,593	160,880	3.50%
1970	9,882	175,043	5.60%
1980	19,381	194,119	10.00%
1990	24,544	224,327	10.90%
2000	30,726	252,552	12.20%

Sources: 2002 Egg Harbor Township Master Plan, U.S. Census

Figure 2.4- Atlantic Co. Population Forecast, 2025

	2000	2025	Net Increase	Percent
Egg Harbor Township	30,726	55,804	25,078	81.6%
Galloway Township	31,209	53,561	22,352	71.6%
Atlantic City	40,517	41,425	908	2.2%
Hamilton Township	20,499	34,245	13,746	67.1%
Pleasantville City	19,012	20,520	1,508	7.9%

Source: South Jersey Transportation Planning Organization



of children under the age of 18 will increase by 58 percent (Figure 2.5) assuming the current proportion of 30 percent of the total population as less than 18 years of age holds true.

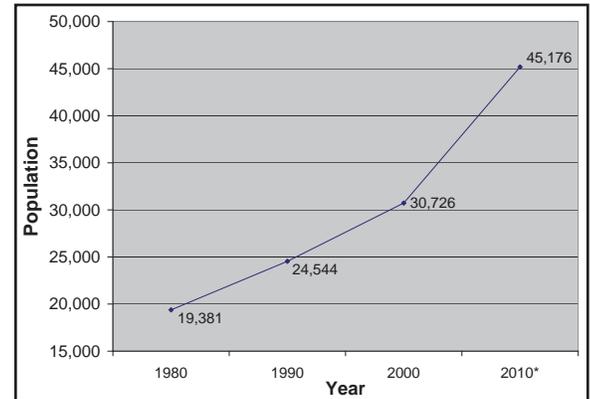
2.3 Budget and School Trends

Growth has meant increased revenues, largely from new residential units, and increased municipal expenditures to meet rising demand for services. The overall Township budget has increased just over 40 percent from \$18.9 million in 2000 to \$26.5 million in 2005. Despite the large budget increase, tax rates have remained fairly steady, which suggests that the Township is doing a good job of managing growth financially. Ratables from residential units, however, often come with the expensive cost of educating the children that live in those residences. School enrollment has increase between 300 to 400 students each year for the past seven years. As a result, the overall school budget has been increasing greatly every year. The proposed 2006-2007 school year budget of over \$85 million is six percent more than the previous year, and 51 percent more than the 2002-2003 school year.

2.4 Conclusions

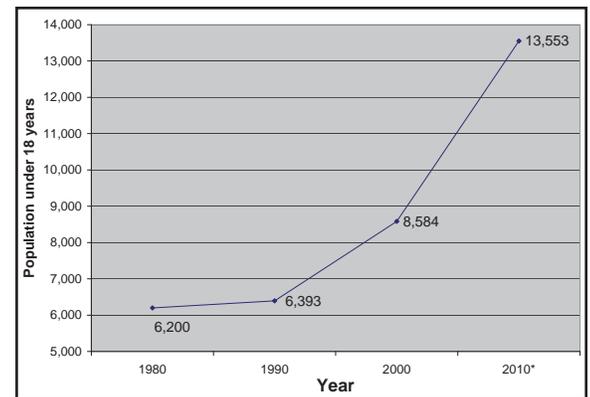
Growth in Egg Harbor Township can be expected to continue. How it continues will have a tremendous affect on what the Township looks like physically and financially. Current trends of large single family detached developments are bulldozing wooded lots at an alarming rate. While new homes generate tax ratables, single family detached units are geared toward families, which create school children and drive the school district budget higher. For the Township to sustain wooded areas and their budget in light of growth, new development patterns will need to be employed.

Figure 2.5- Population Increase to 2010



Source: Pinelands Commission Long Term Economic Monitoring Program
 Note: 2010 population is a projected value.

Figure 2.6- Population under 18 Years of Age



Source: Pinelands Commission Long Term Economic Monitoring Program



3. NATURAL ENVIRONMENT AND RECREATION

Limitations to Egg Harbor Township's natural environment and recreational facilities do not result from deficient quantity or quality of the resources, but from deficient access. There is an abundance of high quality natural resources in the Township including the Great Egg Harbor River, Patcong Creek, extensive tidal wetlands, and wooded stretches of Pine Barrens. Similarly, parks such as Tony Canale Park, Veterans Memorial Park, the Township's multiple golf courses, and many other facilities provide numerous recreational opportunities. Access to these resources can be limited, however, particularly if you do not have a car or do not drive. There are very few sidewalks, trails, or paths that residents can use to walk, bike, run, rollerblade, or otherwise get to these sites other than by car.

3.1 Current Conditions

Hydrology

Egg Harbor Township has superb salt and freshwater lakes, streams, bays, and rivers. These include Great Egg Harbor River, numerous creeks and runs, Patcong Lake, Great Egg Harbor Bay, Scull Bay, Little Bay, Lakes Bay, Steelman Bay and Absecon Bay. An extensive system of saltwater wetlands runs through the eastern segment of the Township, which provides habitat for a wide array of wildlife, including several endangered species (see Map 3.1). The area north of Great Egg Harbor River and around Patcong Creek contains



Wetlands in eastern Egg Harbor Township



Ball field at Childs-Kirk Memorial Park

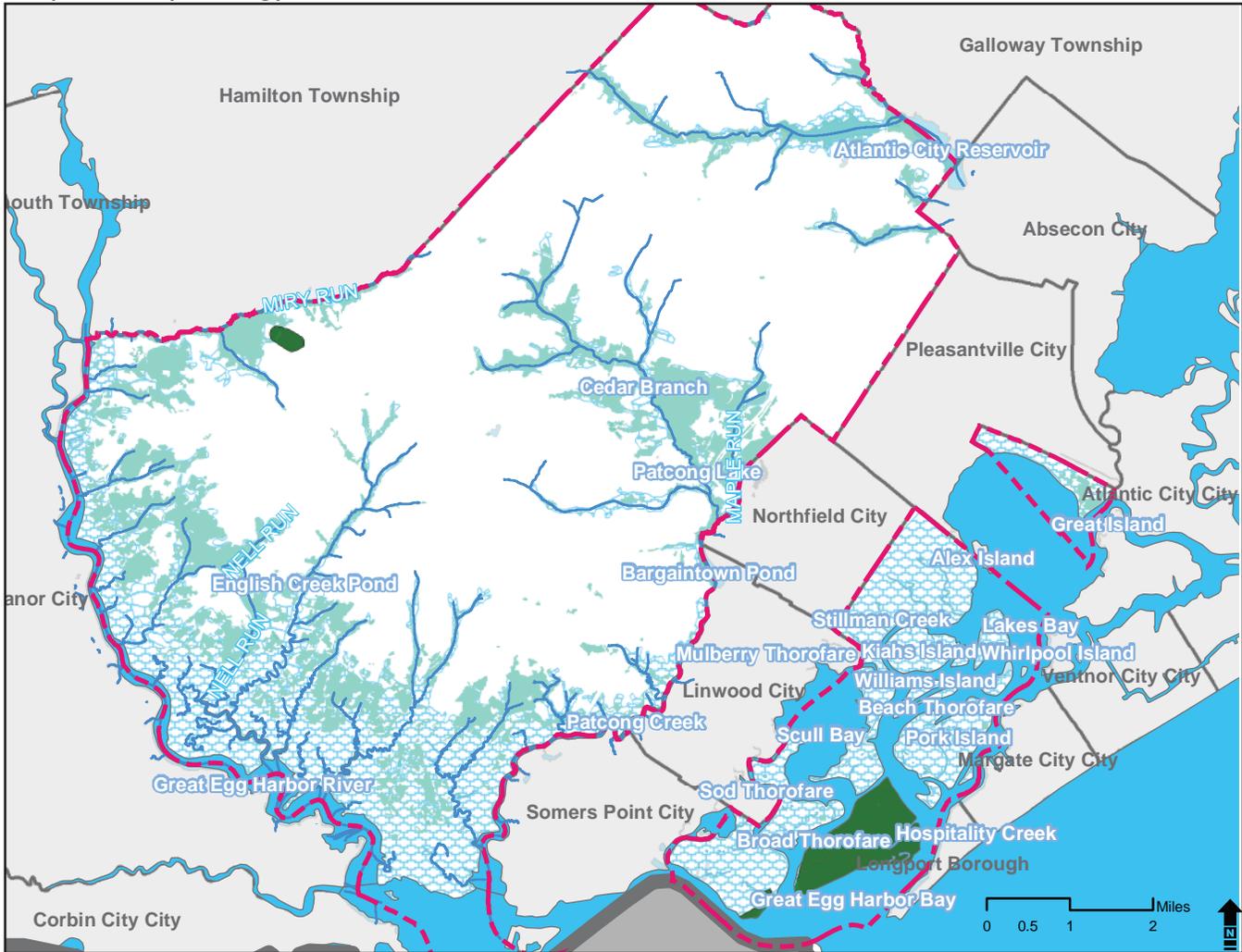


Atlantic County Bike Trail

Egg Harbor Township has rich natural resources and recreational amenities.



Map 3.1- Hydrology



Legend

- EHT Boundary
- Fresh Water Wetlands**
- Fresh Water Wetlands
- 100-Year Floodplain**
- USGS Documented Floodprone Area
- Undocumented Floodprone Area
- Natural Heritage Priority Areas**
- B3 Standard Site (High Significance)

Source:
 WETLANDS are from NJ DEP Freshwater Wetlands data.
 FLOODPLAINS provided by USGS.
 NATURAL PRIORITY AREAS
 The Natural Heritage Priority Sites Coverage was created to identify the best habitats for rare plant and animal species and natural communities through analysis of information in the NJ Natural Heritage Database. Natural Heritage Priority Sites contain some of the best and most viable occurrences of endangered and threatened species and natural communities, but they do not cover all known habitat for endangered and threatened species in New Jersey. If information is needed on whether or not endangered or threatened species have been documented from a particular piece of land, a Natural Heritage Database search can be requested by contacting the Office of Natural Lands Management.

roughly 10.5 square miles of freshwater wetlands. Miry Run is a protected Category One quality stream.¹ Great Egg Harbor River is designated as a National Wild and Scenic River by the National Park Service.²

Woodlands

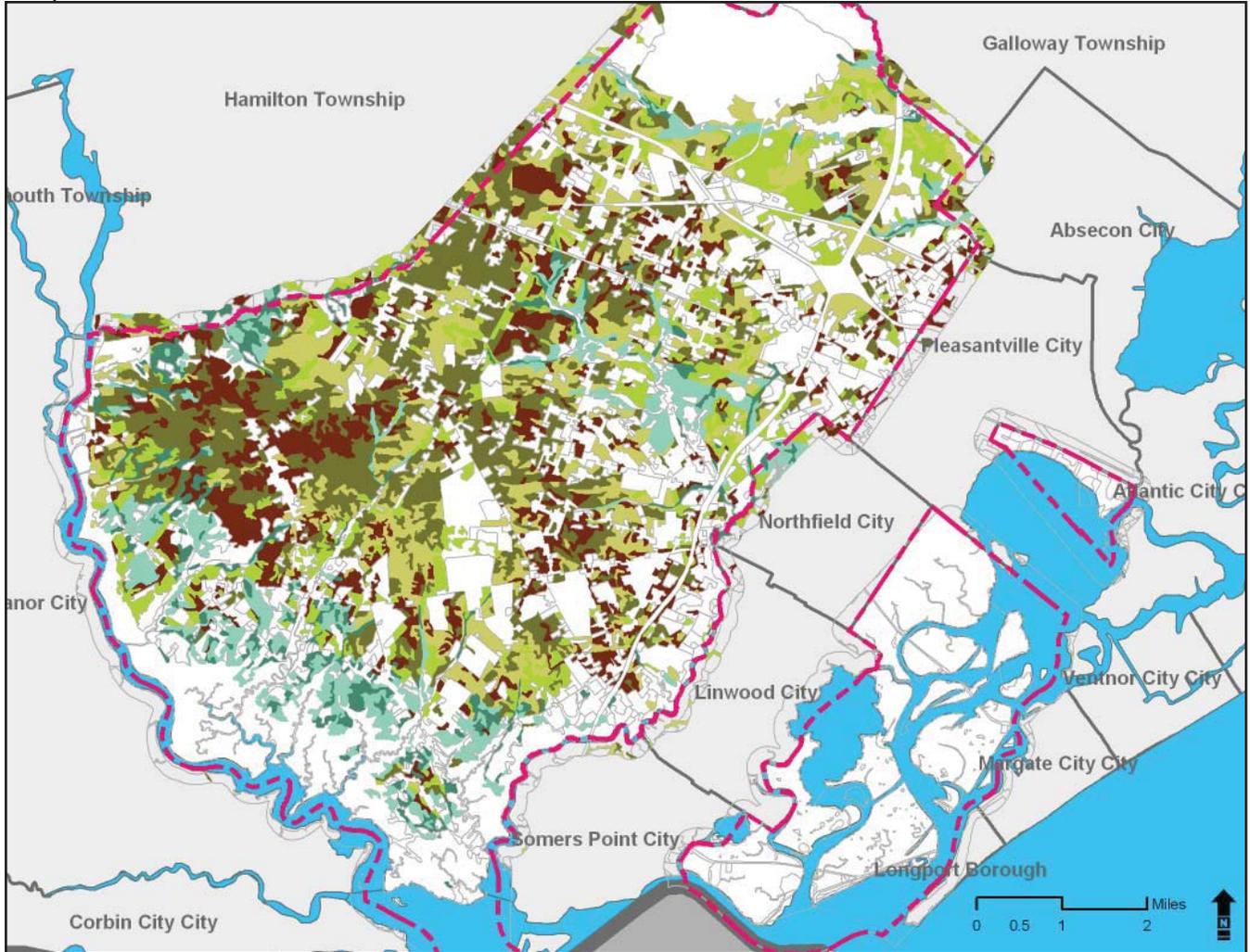
A significant portion of Egg Harbor Township still is wooded even as new development threatens the woodland character. Preserving the remaining

¹ Category One water bodies are determined to have exception ecological significance and are provided additional protection to help water degradation and discourage development where it would impair natural resources.

² Designated in October 27, 1992. From the mouth of Patcong Creek to the Mill Street Bridge. From Lake Lenape to the Atlantic City Expressway. From the Williamstown-New Freedom Road to the Pennsylvania Railroad right-of-way



Map 3.2- Wooded Lands



woodlands and the woodland character is very important to the Township, as discussed in Section 6 of this Plan. Map 3.2 shows wooded areas from 1997. Although many of these wooded areas have been destroyed by development in the last 10 years, the Township still presents a mainly wooded character.

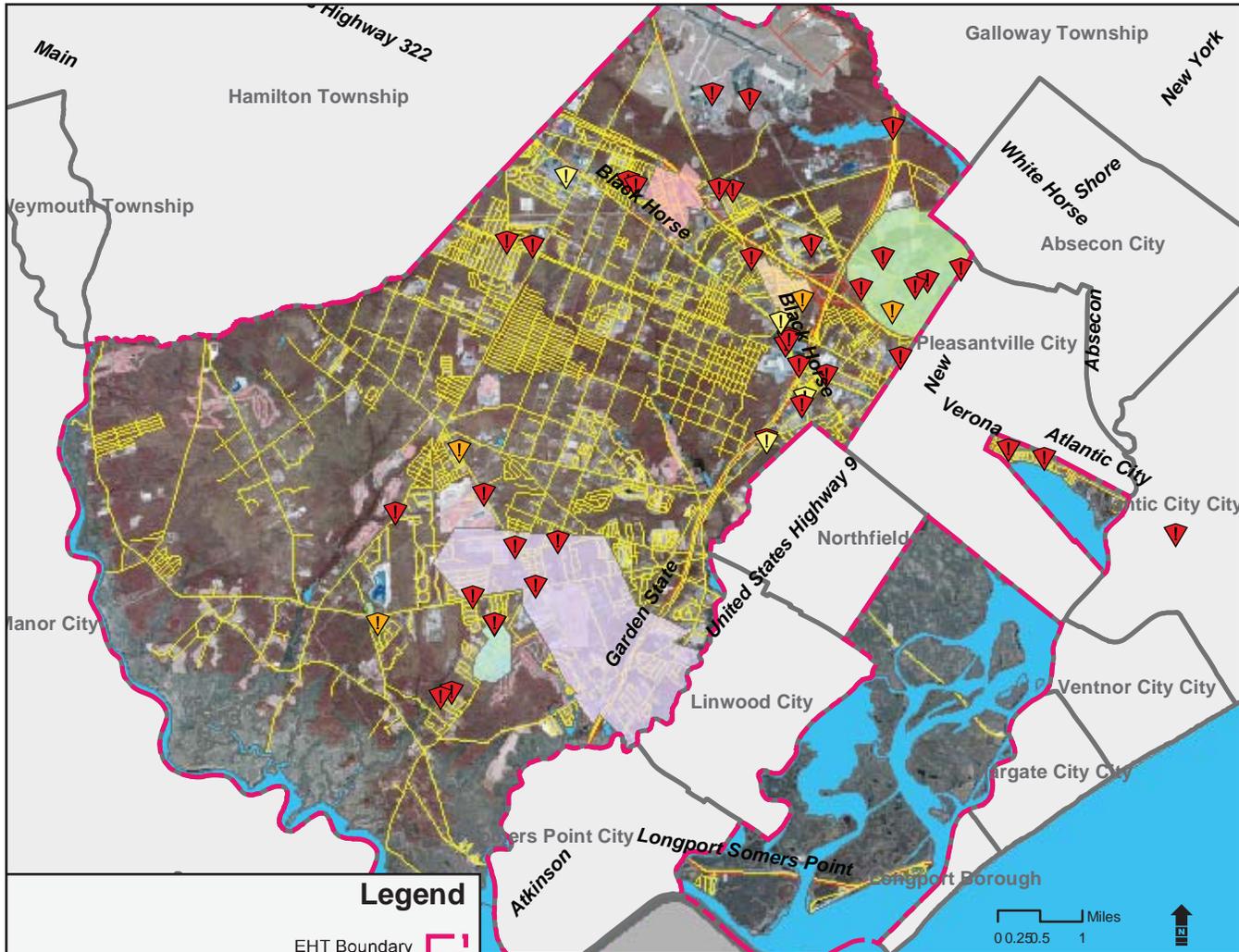
Legend

- EHT Boundary
- Forested areas - 1997**
- Non-Forested
- Coniferous Forest
- Coniferous/Deciduous Forest
- Deciduous/Coniferous Forest
- Deciduous Forest
- Coniferous Wooded Wetlands
- Deciduous Wooded Wetlands

Source: Wooded areas are from the NJ DEP GIS 1997 Land Use/Land Cover polygon shapefile for New Jersey's Watershed Management Areas.



Map 3.3- Environmental Contaminants



Legend

- EHT Boundary
- Groundwater Contamination Areas**
 - Mercury
 - Mercury, Mixed Volatile organic compounds
 - Mercury, Mixed Volatile Organic Cpd
 - Mercury, TCE, PCE
 - TCE, PCE, cis 1,2 DCE
- Known Contaminated Site**
 - A: Sites with On-Site Sources of Contamination
 - B: Sites with Unknown Sources of Contamination
 - C: Closed Sites with Restrictions

GROUNDWATER CONTAMINATION AREAS
 This data layer contains information about areas in the state which are specified as the Currently Known Extent (CKE) of ground water pollution. CKE areas are geographically defined areas within which the local ground water resources are known to be compromised because the water quality exceeds drinking water and ground water quality standards for specific contaminants. CKEs are used by NJDEP staff, water purveyors, and local officials to make decisions concerning appropriate treatment and/or replacement of contaminated drinking water supplies.

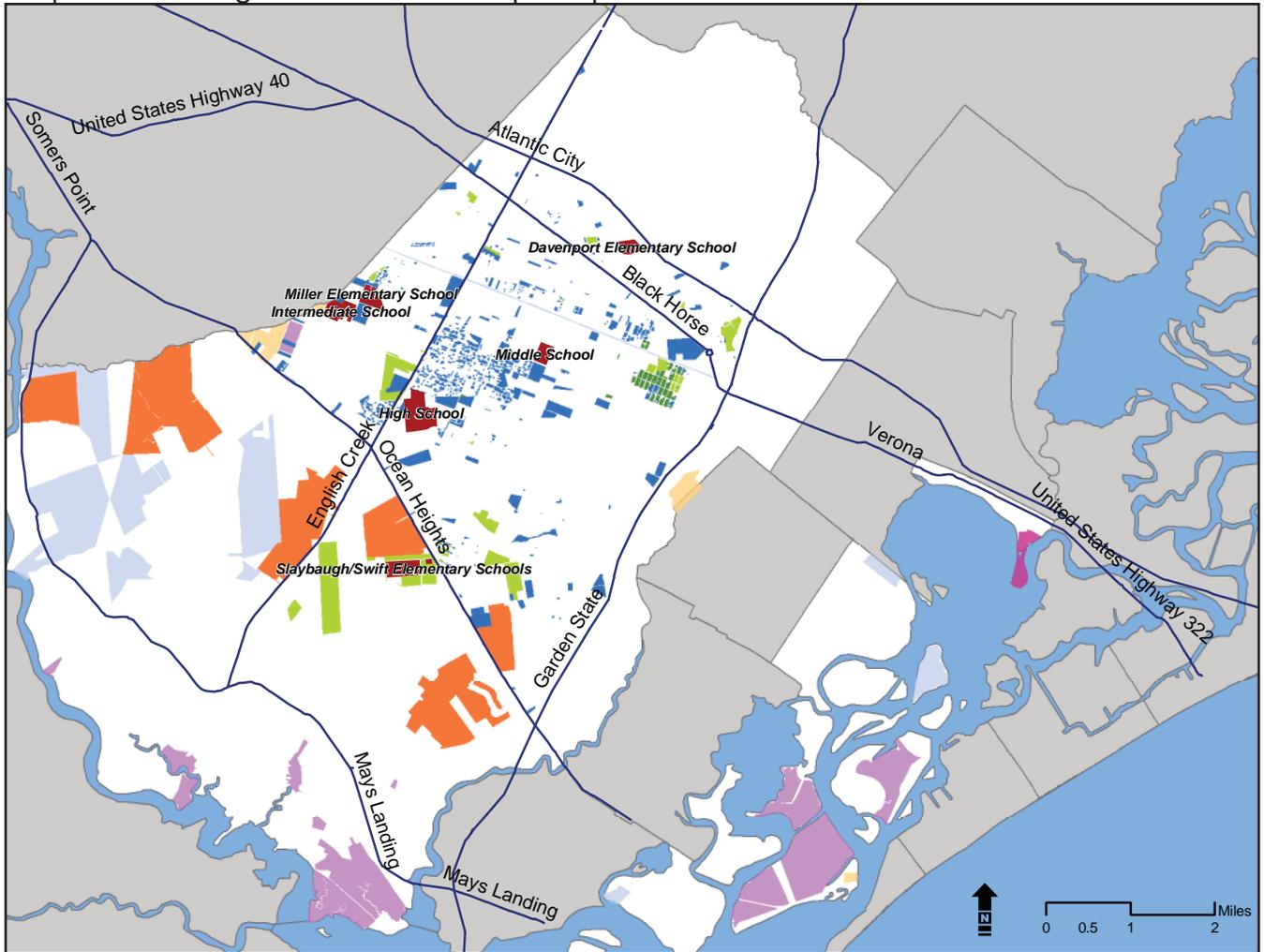
KNOWN CONTAMINATED SITES
 The Known Contaminated Sites List for New Jersey 2005 are those sites and properties within the state where contamination of soil or ground water has been identified or where there has been, or there is suspected to have been, a discharge of contamination. This list of Known Contaminated Sites may include sites where remediation is either currently under way, required but not yet initiated or has been completed.

Environmental Constraints

The New Jersey Department of Environmental Protection has recognized 53 areas in the Township as having ground, soil, or water contamination, many of which are considered brownfields³ (see Map 3.3). All but four sites are still in active use, many as gas stations, auto repair shops, and other light industrial uses. While groundwater contamination is a serious issue, and there are areas of the Township where contamination exists from lead, mercury, and mixed organic compounds, 3 Known Contaminated Sites in NJ Report, 7th Ed., Spring 2006. The term 'brownfield site' means real property, the expansion, redevelopment, or reuse of which may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant. (www.epa.gov/brownfields/glossary.htm)



Map 3.4- Existing Recreation and Open Space Facilities



Legend

- Egg Harbor Township - Recreation
- Egg Harbor Township - Open Space
- Atlantic County
- Various Public - NJPC
- NJDEP Div. of Fish, Game & Wildlife
- Non-Profit Open Space
- NJ Natural Lands Trust
- Golf Courses
- Schools
- Major Roads

Source: NJDEP Green Acres and Base Layers, NJDOT Road Layer, Egg Harbor Township Parcel Tax Layer

there is no indication that ground water supplies are being seriously affected by contaminated sites.

Recreation Facilities and Open Space

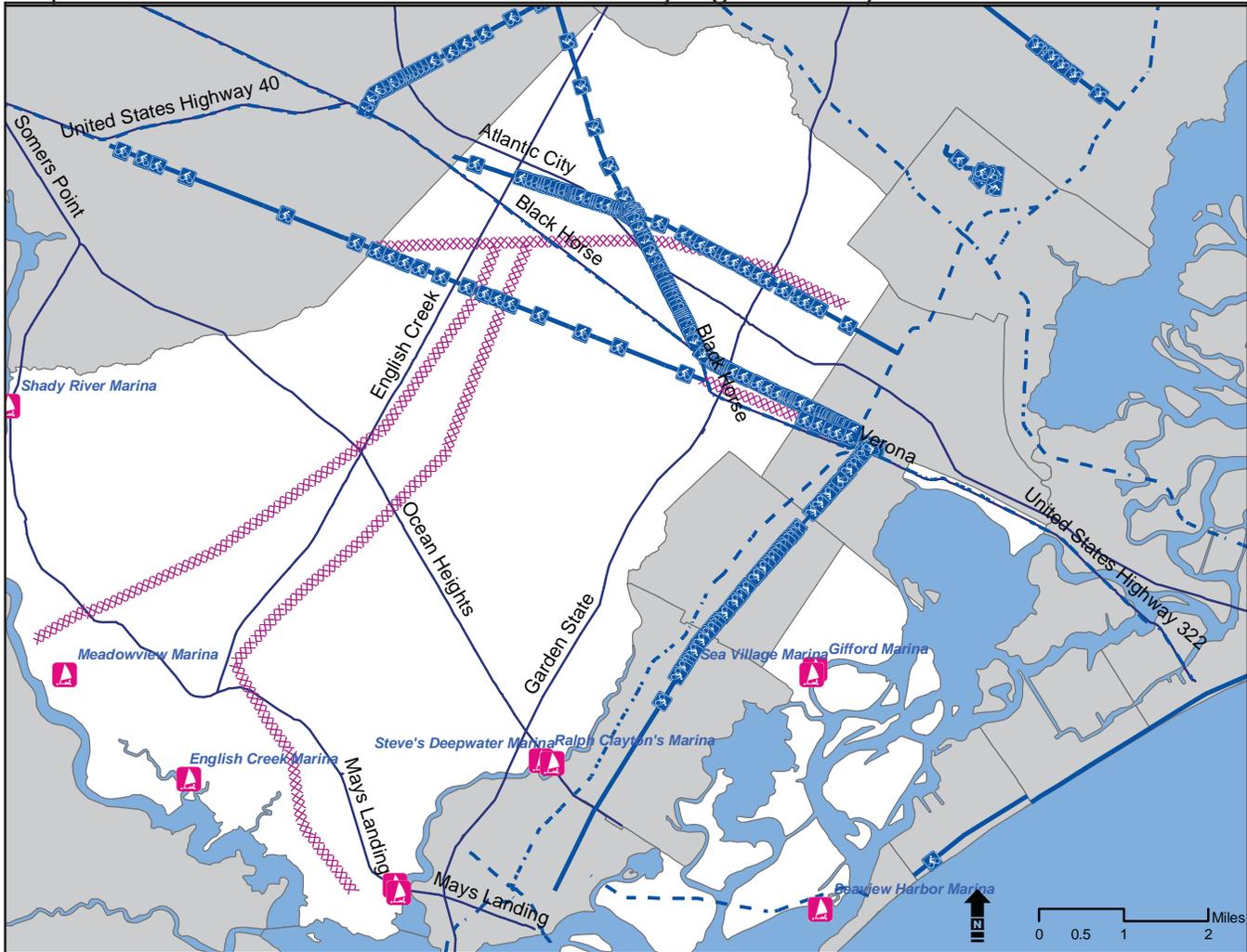
For the 2004 estimated Township population of 36,877, the cumulative existing open space acreage offers 117 acres of open space⁴ per 1,000 people. This ratio far exceeds National Recreation and Park Association (NRPA) open space adequacy standard of 10 acres per 1,000 residents.⁵ This standard is a

4 Open space area includes all open space listed in Figure 2.1 except Golf Courses

5 Source: 1996. Park, Recreation, Open Space and Greenway Guidelines. National Recreation and Park Association. J. Mertes and J. Hall.



Map 3.5- Preserved and Public Lands and Utility Rights-of-Way



Legend

Utility Right-Of-Ways

Bike Paths

- Existing Atlantic County Facility
- Existing Atlantic Co. Shoulder Facility
- Existing Municipal Facility
- High Point to Cape May
- Proposed Atlantic County Facility
- Proposed Municipal Facility
- Proposed NJDOT Shoulder Facility

Points of Interest

- Library
- Marina

Source: Atlantic County GIS data

general guide that reflects the quantity of open space in the Township, but not the quality. Difficult to access lands like wetlands or the needs of specific population groups, such as individuals who cannot drive, are not addressed by this standard. Additional information about the Township parks, recreation, and open space is available from the Egg Harbor Township Revised Recreation and Open Space Element (2002) prepared by Mott and Associates.

Recreation Programs

The programmed use of recreation facilities by sports leagues and others is managed by the Egg Harbor Township Department of Recreation. There are also five



community learning and recreation centers that host a range of recreation programming (see Appendix C). A new community center is currently being planned at the intersection of English Creek and Arizona Avenues, adjacent to the Tony Canale Training Center. This facility will offer a large gym, multi-purpose room, meeting room, and several activities rooms for recreation and educational programs.

Passive Recreation and Paths

Egg Harbor Township’s passive recreation parks include Spruce & Ninth, Ridge Avenue, and the Temple Tract. These areas offer facilities for All Terrain Vehicles, mountain biking, equestrians, and miscellaneous trail use. Additional passive recreation opportunities, such as bird watching, boat launches, and nature trails, exist, often informally, in other public and private preserved areas of the Township. Though no official trails exist, utility right-of ways are used for equestrian uses, ATVs, running, and biking. Most equestrian activities occur south of Ocean Heights Avenue.

Bike paths exist along West Jersey Avenue, Tilton Road, and Delilah Road. The paths on Tilton Road and Delilah Road are on-road and separated from vehicle traffic by lane markings. The path along West Jersey Avenue is built on a former rail corridor and is separated from the roadway. The rail corridor continues to the east beyond the mall on the other side of the Black Horse Pike and becomes a bike trail again in Pleasantville. There are a number of bike paths that interconnect adjacent municipalities and other shore destinations as shown on Map 3.5.

3.2 Analysis

Areas in Need of Preservation

Township wetlands are protected by the Pinelands

Figure 3.1- Open Space Area Ownership

Ownership	Acres
Egg Harbor Township Parks and Recreation and Open Space	569
Atlantic County	1,774
Egg Harbor Township Schools	263
Golf Courses	2,032
NJ Natural Lands Trust	168
NJDEP Div. of Fish, Game & Wildlife	1,486
Non-Profit Open Space	64
Total	6,356

Source: Areas calculated from GIS parcel data. Ownership from Atlantic County, the Pinelands Commission, and Egg Harbor

“There are so many kids in the Township now that second and third leagues need to be created.”
 – Comment from stakeholder interviews.

1,718 acres or 3.9% of the Township land area is owned by public or non-profit organizations, excluding the Federal Aviation Administration land.



Two of the Township’s many recreation facilities. The baseball diamond is located at Childs-Kirk Memorial Park and the playground is located at Veteran’s Memorial Park.





The above aerial view is an example of clear-cut development practices that do not preserve site vegetation.



Often development does not match state-designated wetlands boundaries, as seen in the above image.

Protection Act through a 300 foot restricted-use buffer area within the Regional Growth Area⁶ and by the New Jersey Freshwater Wetlands Protection Act outside the Growth Area.⁷ The NJDEP delineation of freshwater wetlands provides a generalized location of wetlands, but analysis of specific sites often result in wetland boundaries that are significantly different, and often less inclusive, than the state’s approximate delineation. Simply drawing a 300 foot boundary around the state designation freshwater wetlands, therefore, does not provide the Township with an accurate account of which of its lands are protected under state law, as illustrated at left.

Woodland areas are protected by the Township’s lot

⁶ Pinelands Protection Act - N.J.S.A. 13:18A et seq.

⁷ New Jersey Department of Environmental Protection Freshwater Wetlands Protection Act - N.J.S.A. 13:9B



disturbance standards;⁸ however, exceptions to these standards are commonplace. Development practices that clear cut and intensively grade sites prior to construction appear to be the norm based on site visits, plan reviews, and aerial photography. Regulations that protect woodlands exist within the Township code and are supported by the Pinelands Comprehensive Management Plan.⁹ The Township's lot disturbance standards, however, provide an applicant the option to provide a "landscaping plan" if they are "not able to meet" the stricter standards (Section 94-36 D). Most developers claim to be unable to meet the standard and instead prepare a landscape plan which includes clearing the tract of existing trees and vegetation.

Recreational Needs

Recreational fields, courts, and other facilities in the Township are generally adequate, if well used, but they are overly auto-dependent. This significantly limits the recreation opportunities of the non-driving public. As addressed in Section 5, Transportation and Pedestrian Safety, the entire community faces severe constraints on pedestrian and bicycle access due to the absence of sidewalks and bicycle facilities on arterial roads.

The Egg Harbor Township Department of Recreation does an excellent job of meeting the rising demand for active recreational needs, especially for school-aged residents. Residents who participated in stakeholder interviews during the planning process often suggested that more adult recreation opportunities are needed.

⁸ Egg Harbor Township Design, Performance, and Improvement Standards § 94-36. Lot disturbance

⁹ The CMP states "a municipal master plan or land use ordinance must provide for the protection of the integrity of Pinelands vegetation" in order to be certified (CMP 7:50-6.22)



The area of the Township in CAFRA's jurisdiction (south of Ocean Heights Avenue) is in effect the Township's passive recreation right now.

– Comment from Visioning Team

"Sporadic sidewalk availability is dangerous – it invites children to walk/bike where there is no path.

– Comment from Visioning Team

There is an excellent array of quality golf courses in and around the Township that could be marketed to attract a broader range of golfers and tournaments. One of these, McCullough's Emerald Links Golf Course, on Ocean Heights Avenue, belongs to Egg Harbor Township and was developed as a reuse for a former solid waste landfill.

Passive Recreation Needs

Preserved and open lands in the Township offer outstanding opportunities for bird watching, canoeing, nature walks, and a variety of other passive recreation activities. Despite the opportunities in the Township, there are a limited number of formally designated areas, like the new arboretum, that invite and encourage passive activities. Likewise, opportunities for bike riding, rollerblading, walking or jogging, and horse riding exist, but are limited in the Township.

3.3 Solutions

Conserve Environmentally Sensitive Areas

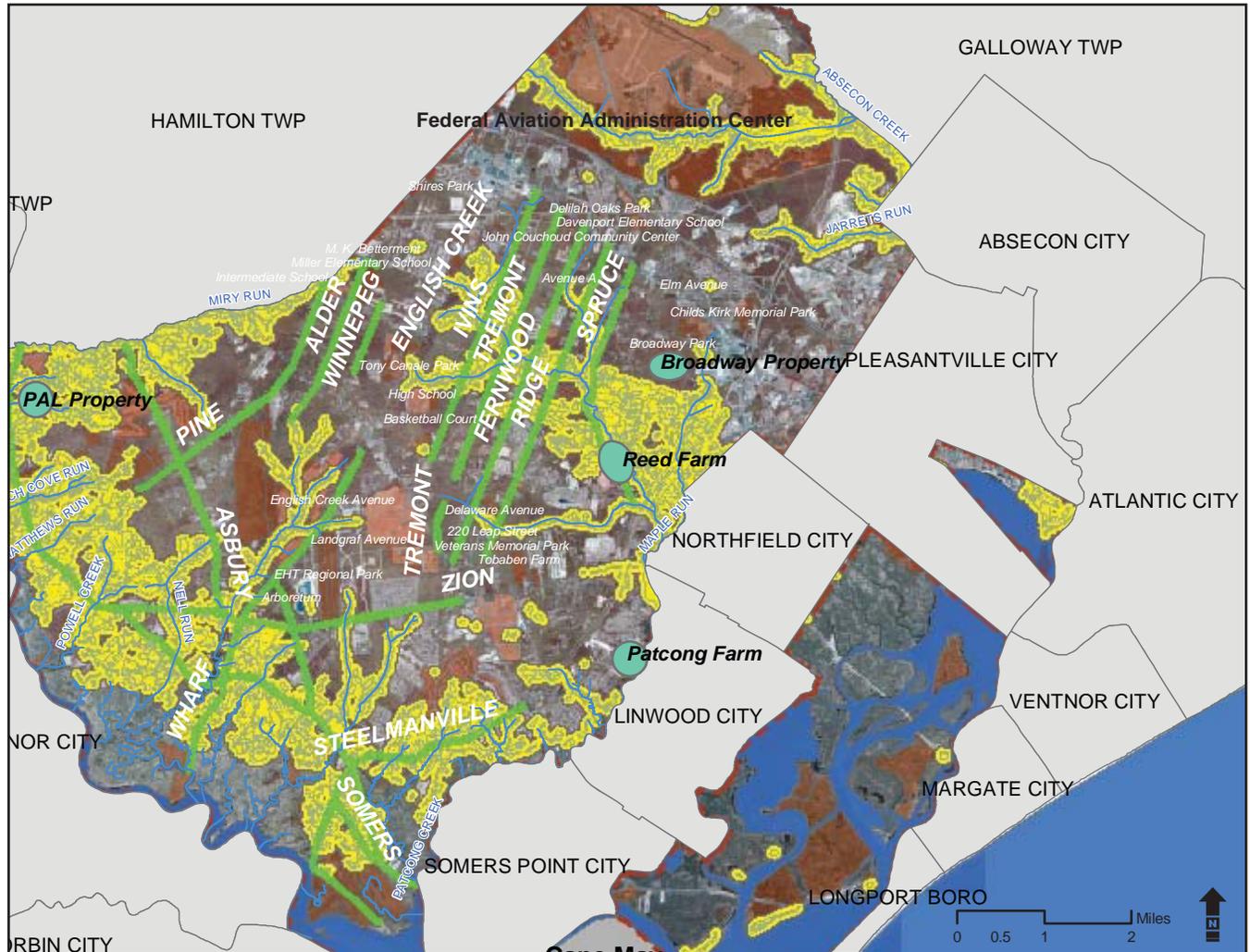
Areas within or adjacent to NJDEP-designated freshwater wetlands should be conserved by limiting the maximum site coverage allowed for development. Clustering techniques and conservation of existing trees and vegetation during the development process are feasible and would protect natural features. These options are discussed further in Section 6.

Wooded areas should be conserved through more vigorous enforcement of the existing Township tree conservation ordinance.¹⁰ Clear cutting and intensive grading of lots for development should be regulated against. The definition of specimen trees should be expanded to preserve trees of significant quality per the

¹⁰ Egg Harbor Township Zoning Code § 94-32 Specimen Trees



Map 3.6- Conservation Recommendations



Township specimen trees ordinance. The Township Environmental Commission should be allowed greater latitude to declare specimen trees to increase overall tree quality in the Township.

To protect the visual quality of woodlands along the Township’s roadways, trees located along certain roadways should be protected. A ‘Green Roads’ technique should be employed to maintain the rustic Pine Barrens character evident along many roads in the Township.

Legend

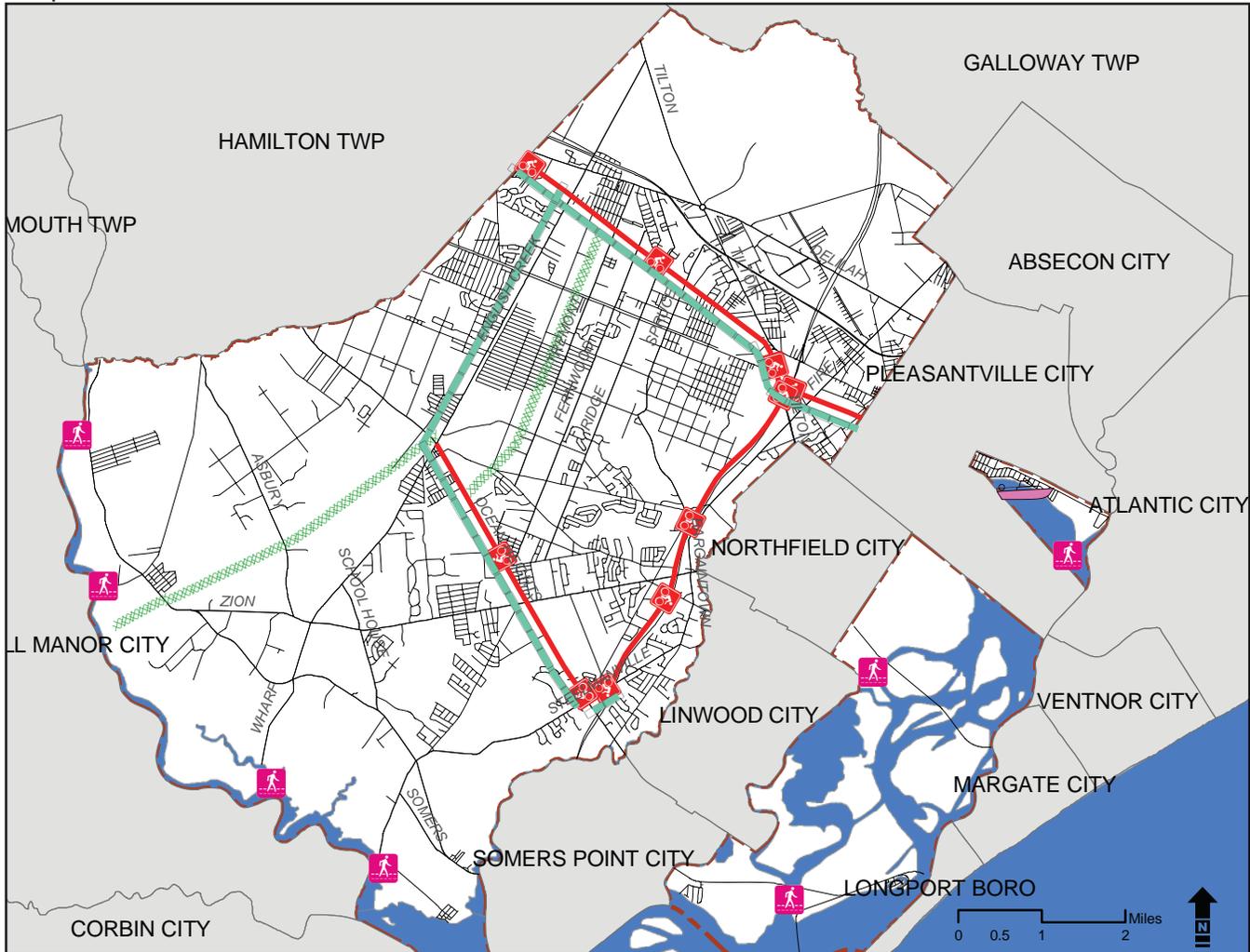
- Conservation Area**
- Township Green Roads**
- Preserve Key Open Spaces**

Existing Public Lands, Open Spaces, and Environmental Features

- Current Open Space and Public Land
- Fresh Water Wetlands



Map 3.7- Recreation Recommendations



Legend	
	Recreation Path on Utility ROW
	Bike Paths
	Sidewalks
	Improve Access to Water
	Promote Waterfront Recreation

Preserve Vulnerable Environmental Resources

There are a number of parcels of particular cultural and historical importance to the Township that are vulnerable to development and of high environmental quality. These areas are the Reed Farm, the Patcong Farm, the Police Athletic League property on Mays Landing Somers Point Road, and the Broadway Tract. A concerted effort to protect these tracts is needed.

Develop Recreation Linkages

The greatest passive recreation need in the Township is for non-automotive linkages between schools, neighborhoods, recreation centers, shopping areas, and other destination points. To create these needed



linkages, new sidewalks, bike lanes and other paths should be developed (see Map 3.6). The utility right-of-ways that run south of Ocean Heights should also be improved for bikes and for equestrian uses. Motorized vehicles should be prohibited on these right-of-ways. These recommendations are discussed in further detail in the Transportation Section, Section 5.

Lakes Bay has the only sand beach off of the [ocean] shore and there will be access whether or not we plan for it.
– Comment from first public meeting

Expand Active Recreational Facilities for Adults

To meet recreation programming demands, the Township should expand recreational opportunities for adults through a variety of programming and facility changes. This issue will be partially addressed through the development of the community center on English Creek Avenue. Other improvements can be funded through the Township's recreation impact fee ordinance. The ordinance requires a developer to provide on-site recreation or post an off-tract assessment for open space and recreation. It establishes a cost per lot of \$5,600 for in-lieu recreation contributions. In addition, it increases the amount of land that must be provided for developed recreation in any major residential development from 2.5 acres to 8 acres.

Expand Passive Recreation

Egg Harbor Township's numerous water-based passive recreation opportunities should be formalized and expanded by the addition of official Township signage, parking, trails, small boat launches, and other amenities at selected sites with access to water or other natural features (see Map 3.6 for recommended sites). Along Lakes Bay, in West Atlantic City, greater access to the water would provide an excellent opportunity for a large variety of waterfront activities including a promenade, windsurfing center, and waterfront park.



3.4 Conclusion

As the Township continues to grow, it will become increasingly important that environmental and recreational resources serve residents and that the quality of these resources is preserved. Many of the Township's existing regulations can effectively preserve wooded areas when carefully implemented. Where preservation tools do not exist, new regulations that reduce the impact of development will need to be created. The Department of Recreation should develop new programs and facilities targeted to adults. For all residents to take advantage of these numerous resources, the Township will need to develop better access to facilities through trails, paths, signage, and advertising.



4. SCHOOLS AND COMMUNITY SERVICES

Egg Harbor Township has done an excellent job of responding to increased demand for community services in recent years. Increased demand, however, has meant spending more on services ranging from sanitation, policing, community development and especially education. These costs continue to rise at a faster pace than ratables have been added to the tax base. As a result, many residents are rightfully concerned that their taxes may increase.

4.1 Current Conditions

School Facilities

The Egg Harbor Township School District operates seven schools, including four elementary schools, two middle/intermediate schools, one high school, and an alternative school, the Eagle Academy (see Map 4.1 for school locations). In 2005, the Township approved a \$55 million bond referendum for two new primary schools and an expansion of the high school. In response to rapid increases in enrollment, trailer classrooms have been in regular use. In addition, renovations will be completed at the Intermediate School in the fall of 2007. The conversion will result in two middle schools. The Egg Harbor Township School Board initiated a planning process in the spring of 2006 that will identify the School District's facility needs for the next five years to 2011.¹ The Five-year Long Range Facilities Plan, which is being drafted by the Design

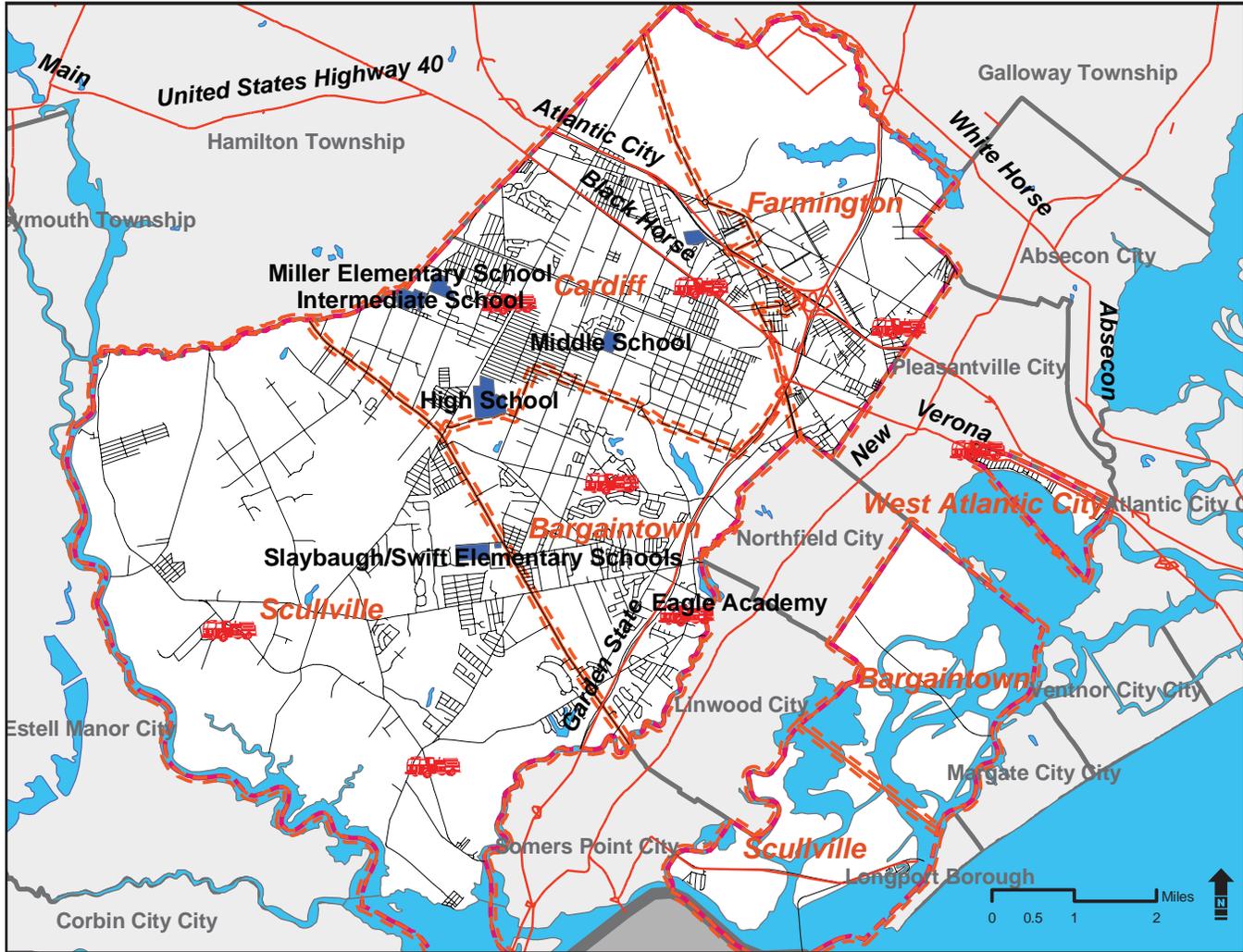
¹ The New Jersey Educational Facilities Construction and Financing Act (2000) requires school districts to prepare a Long Range Facilities Plan every five years to be eligible for state funding.



Egg Harbor Township High School and temporary class rooms



Map 4.1- School and Community Facilities



Legend

- Fire Districts 
- Fire Stations 
- Schools 

Source: School locations from 2003 tax assessment data. Fire Districts hand digitized from paper maps provided by Egg Harbor Township.

Collaborative of Stone Harbor, New Jersey, will be completed after this report has been completed.

Student Body

The school district reports that overall enrollment has been increasing by 300 to 400 students per year for past seven years, as shown in Figure 4.1. Increased attendance will possibly require up to two new schools. The school district’s 5-year facilities plan will provide an enrollment projection ranging from an estimated 8,445 students to 11,200 students in 2011 (1,492 to 5,833 more than 2005 enrollment).



School Budget

The overall school budget has increased rapidly. The proposed 2006-2007 school year budget of over \$85 million is six percent more than the previous year, and 51 percent more than the 2002-2003 school year (see figure 4.2 below).

Diminishing or static state funding for school operating costs and increasing demand for capital funds for new facilities places an enormous amount of pressure on the School Board. Expansion costs are compounded by increased insurance and salary costs. For 05-06, spending per pupil in Egg Harbor Township was the 7th lowest of the 104 New Jersey districts, \$8,965 per pupil, as compared to the state average of \$11,673 per pupil.² This per pupil cost includes the bussing of 100% of district students, which requires three runs for each vehicle each morning and evening.

Figure 4.3 shows that the local share of expenses has increased by 9 percent over three years, while state aid has decreased by 10 percent as a proportion of the total budget. Under the law that provides State Education Aid, the Comprehensive Education Improvement and Financing Act of 1996 (CEIFA), the State Department of Education imposes a ten percent cap on the growth of state aid given to a district over the prior year's state aid. This cap applies regardless of the actual growth in student population.

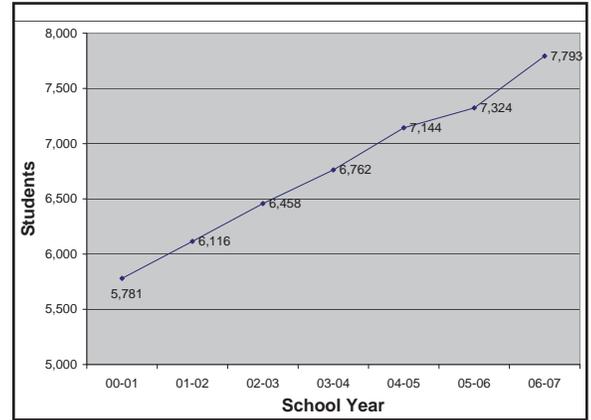
Figure 4.2- Egg Harbor School District Budget

	2002/03	2003/04	2004/05	2005/06	Proposed 2006/07
Budget	\$56,394,106	\$67,650,014	\$72,923,418	\$80,576,682	\$85,102,108

Source: Egg Harbor Township School District

² Department of Education (DOE) 'Comparative Spending Guide'

Figure 4.1- Enrollment in Egg Harbor Township School District



Source: Egg Harbor Township School District

"Children have been taught in trailers for eight years."
- Comment from first public meeting

Between classes it is tough to move in the hallways. There are too many students and not enough room.
- Interview with Egg Harbor Township High School student

Figure 4.3- Egg Harbor Township School District Revenue Sources

	2002-2003	2003-2004	2004-2005
Local	48%	55%	57%
State	50%	41%	40%
Federal	2%	3%	2%
Other	0%	1%	1%

Source: Egg Harbor Township School District

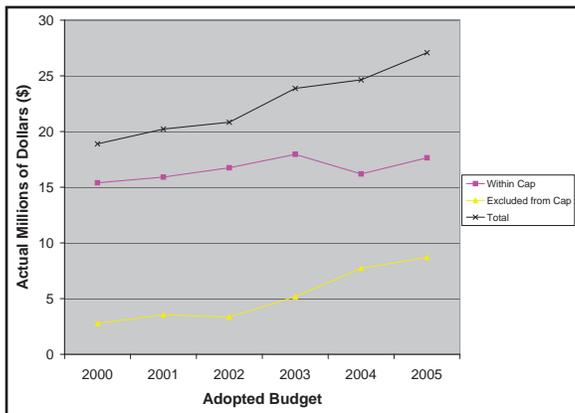


“Township schools do a good job with what they are dealt. State funding is not fair. It should be provided on a per student basis.”
 – Comment from public meeting.

Community Services

The community services examined in this report include fire, health, sanitation, police, libraries, and school services (addressed above). Of these services, the Township operates fire, police, sanitation, and school. Other services are provided through private or county companies, programs, and agencies. Appendix D provides a detailed description of all community services.

Figure 4.4- Township Budget Appropriations, 2000-2005



Source: Egg Harbor Township Administrator

Egg Harbor Township Finances

The Township budget has increased at a rapid rate over the past five years. The annual appropriations of the adopted budget have increased by 43 percent since 2000 (Figure 4.4).

Budget increases are the result of more spending on required services to accommodate growth. The largest increases between 2000 and 2005 occurred in Police Dispatch/911 and the Department of Public Works. Figure 4.5 provides a snapshot of the most significant departmental increases between 2000 and 2005.

Figure 4.5- Department Budget Increases from 2000 to 2005

Police Dispatch / 911	53.4%
Public Works	44.0%
Governing Body	39.1%
Utilities	33.7%
Community Development	33.5%
Recreation	33.4%
Police Dept	30.5%
Fire	7.2%

Source: Egg Harbor Township Administrator

4.2 Analysis

Status of School Facilities

The financial burden caused by the rapidly growing student body, static State funding, and a residential tax base that is growing much faster than the commercial or industrial tax base, is the most pressing issue for the Egg Harbor Township School Board. The five-year facilities plan will likely recommend one or possibly two new schools. It should be noted that the 5-year horizon mandated by the state is highly inefficient for a township such as Egg Harbor Township that has high rates of growth and needs to plan further into the future.



It is not within the scope of this plan to address how the state funds school districts. It is clear, however, for municipalities that are experiencing high rates of growth, such as Egg Harbor Township, that it is impractical to set funding at fixed levels that are unresponsive to actual enrollment. Given this situation, it will be important for the Township to increase real estate tax ratable base and do so in ways that do not add children to the system. The Township can also push for state enabling legislation that would permit education impact fees on new development.

While Egg Harbor Township schools have strong connections to the community (three of the public meetings for this plan were held at schools), the schools and the community lack a physical connection. Access to the schools is auto or bus dependent and pedestrian access is extremely limited or discouraged.

Taxes and the Cost of Community Services

In general, the Township's health, emergency, and sanitation services all appear to be meeting the needs of Egg Harbor Township residents. However, the demand for services is increasing with the growth in the Township's population as is the cost to provide services.

From 1998 to 2005, the effective tax rate³ in the Township has been fairly steady fluctuating from \$2.10 to \$2.51 per \$100 of taxable assessed value. This has been somewhat lower than towns within the Pinelands area and lower than the rest of South Jersey over the past two decades.⁴ Recent increases in revenue have come

³ According to the State of New Jersey's Division of Taxation, effective tax rate is "a statistical study that enables the comparison of one district to another district (based on the assumption that all districts are at 100% valuation)."

⁴ Pinelands Commission

Figure 4.6- Township Assessment Class Proportions, 2004

	Parcels	Assessed Value	Percent
Vacant	5,667	\$170,624,300	8.5%
Residential	11,300	\$1,395,556,600	69.7%
Farm land	22	\$3,392,900	0.2%
Farm homestead	65	\$467,900	0.0%
Commercial	847	\$423,454,900	21.2%
Industrial	0	-	0.0%
Apartment	21	\$8,452,000	0.4%
Total	17,922	\$2,001,948,600	100.0%

Source: NJ Department of Community Affairs, Division of Local Government Services



from single family detached residential development, which tend to add costs to the school system at a far faster rate than they add revenue. This is especially true in Egg Harbor Township where the household size (2.74) and population under 18 (27.9%) are greater than in the rest of Atlantic County (household size of 2.59 and population under 18 of 25.3% in 2000). Figure 4.6 shows the 2004 assessment classes. Nearly 70 percent of the total Township assessment in 2004 was from residential property, slightly lower than Galloway Township and slightly higher than Hamilton Township.

4.3 Solutions

The five-year school facilities plan will determine the size, grade range, and number of new school facilities required for 2011. Previous facilities plans selected school sites based largely on what properties were under Township control. A more deliberate effort to site a school so that it could contribute to the nearby neighborhoods should be made. The location of new school facilities should be guided by criteria meant to create neighborhood schools. Central to these criteria is the desire to create a 'community' where students that live in the immediate area can walk to school. Complimentary uses such as recreation and community centers and even commercial uses such as a book store or cafe should be included in the criteria. Once sites are identified, the Township should develop an official map to help secure desired school sites.

A neighborhood school must provide appropriate infrastructure to ensure safe walking routes and must meet federal and state requirements for heterogeneous classroom composition. Sidewalks, controlled roadway crossings, appropriate lighting, and crossing guards where appropriate must be in place before



any student is asked to walk to school. There are few areas in the Township that currently have all the desired characteristics, though most new developments have internal sidewalks. Neighborhood schools are also challenging because they make it more difficult to control the ethnic, gender, socioeconomic, and performance makeup of the student body. The state and federal governments link their aid packages to the composition of the student body, so it is critical that the school board control these ratios. Limiting a student body to a specific area could make these ratios impossible to meet requiring some bussing.

Increase Ratables

Egg Harbor Township needs to increase ratables to match more closely the growth rate of the population and especially the cost of educating school children. The amount of required additional funding can only be estimated. Every \$1 million dollars of assessed land in the Township provides roughly \$30,000 in revenue. If, as forecasted, 3,000 new students move to the Township by 2011 and the cost of their education is roughly \$10,000 per student per year, that cost is \$30 million per year. To meet that cost strictly through property tax, ratables would need to increase by \$100 million.

To achieve this level of increase in that time frame, and to do so either in non-residential uses or in housing that is not family oriented, the commercial ratable base would have to increase by about 25%. This is a very large increment to achieve in that timeframe. Moreover, current tax abatement policies for commercial development have the effect of shifting almost the entire cost to homeowners.



4.4 Conclusion

Dramatic increase in the cost of providing municipal services, especially education, is very concerning to the Township and tax payers. Recent growth has provided new revenues, but they have been disproportionately from residential building, which adds school-aged children and costs. To support a stable tax base rooted in commercial ratables, the Township needs to look toward intense land uses in centers with non-family-oriented residential units. Section 6 of this report makes recommendations for changing land uses and intensities along the Black Horse Pike and Ocean Heights Avenue that offer an opportunity to increase tax revenues.



5. TRANSPORTATION AND PEDESTRIAN FACILITIES

The road network that serves Egg Harbor Township is best understood as consisting of two layers, one of local roads that were once intended for light use in a large, sparsely populated woodland area, and a second of major highways designed to carry motorists to and from destinations that are beyond, often far beyond, the Township. In the face of the very rapid growth of the Township, these layers leave local residents with an often poorly functioning internal road system, and with access points to the regional highway network that are confusing and inconsistent. Facilities for pedestrian movement lag still farther behind.

5.1 Current Conditions

The Major Highways

There are three major highways that pass through Egg Harbor Township: US Routes 40/322 (Black Horse Pike), the Garden State Parkway, and the Atlantic City Expressway. Each was built to serve travelers destined to points beyond the Township, and key design decisions were made based upon the assumption that the Township would continue to be a sparsely occupied woodlands.

The Black Horse Pike is part of a roadway that opened in 1927 and extends from San Francisco to Atlantic City and was, and still is in some sections, known as US Route 40. Another adjoining route, US Route 322, runs from Cleveland, Ohio, to Atlantic City. In New



Historic advertisement of US Route 40 - the Black Horse Pike.



Traffic on the Black Horse Pike.





The McKee City Diner that once stood along the Black Horse Pike.



Uncontrolled access points are common on the Black Horse Pike

Jersey one impetus behind US 40/322 was to provide ready access for the burgeoning motoring public from Philadelphia to Atlantic City and another was to provide farmers from Southern New Jersey easier access to the Philadelphia market.

Commercial activity along the Black Horse Pike commenced as soon as it opened. Farm stands, motels, and auto service businesses cropped up quickly. Thus, the Black Horse Pike became Egg Harbor Township's 'Main Street', its principal commercial corridor. Today, the Black Horse Pike is a four-lane, divided highway which extends 5.2 miles within the Township. There are traffic signal controlled intersections at Tower Avenue, English Creek Avenue, Fernwood Avenue, Spruce Avenue, Tilton Road and Fire Road (See Map 6.2). Peak hour congestion is routine according to local residents, especially in the vicinity of Fire Road, Tilton Road and to the west on the approach to the Hamilton Mall area where a partial interchange with the Atlantic City Expressway is located.

The Garden State Parkway is a limited-access design, toll financed, for automobiles only, and not for heavy truck traffic. These constraints permit a slightly lower standard of highway design. For instance, full shoulders are not provided along much of the route, with a grass verge serving as the breakdown area. While the first segments opened in 1954, the portion through Egg Harbor Township did not become fully operational until 1958 when the Great Egg Harbor Bridge was opened. There is full interchange capability in the Township from Tilton Road and Fire Road but it is spread apart and widely described as confusing. The only other connection in the Township is a pair of ramps to and from the north that connect to Washington Avenue, north of the Black Horse Pike. The next access point to



the south is a split interchange in Somers Point, more than six miles away, with ramps to and from the north at Laurel Drive and to and from the south off US Route 9, just north of the Great Egg Harbor Bridge (see Map 5.1). Again, this configuration is frequently described as confusing – especially by visitors.

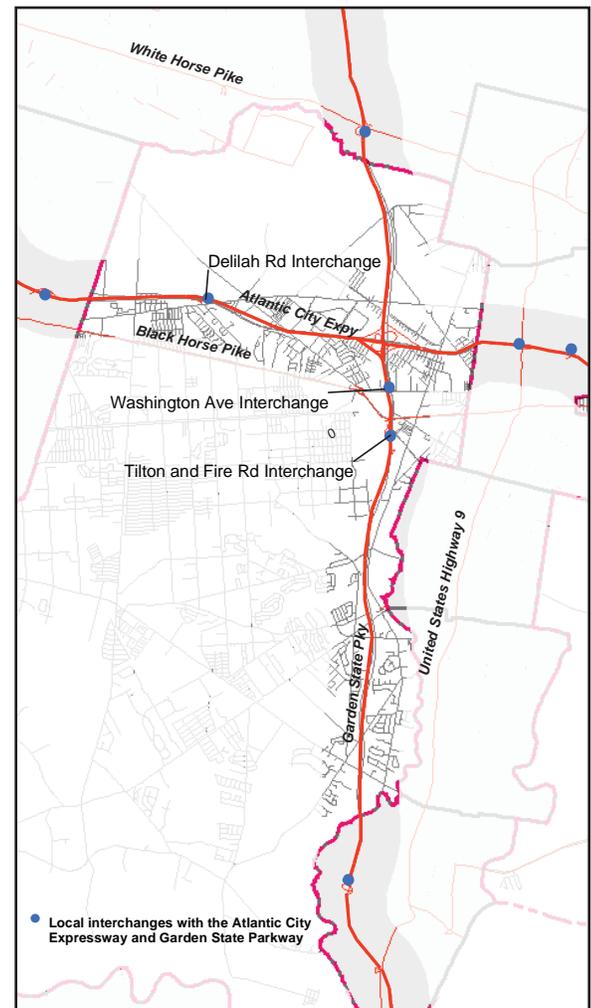
By the 1960s it had become apparent that the Black Horse Pike was congested and functionally obsolete. The Atlantic City Expressway was constructed between Atlantic City and Philadelphia to resolve congestion. While various local road connections were assumed the only full scale, high speed, interchange was to be with the Garden State Parkway in Egg Harbor Township. Effective local service to Egg Harbor Township from the Black Horse Pike corridor was clearly not a priority when the Expressway was conceived.

A split interchange, with access to and from the west at Wrangleboro Road (County Route 535) and to and from the east off Access Road is provided in Hamilton Township, just to the west of Egg Harbor Township. There is also an interchange in the Township on Delilah Road, which provides access to and from the west and to the east. One of these ramps, to the Expressway westbound, involves making a near U-turn off Delilah eastbound to the ramp. The ramp designs are substandard. The next local interchange is in Pleasantville where, in 2002, a full interchange with US 9 was opened.

5.2 Local Road Network

The majority of local roads in Egg Harbor Township are two-lanes and were designed to meet the needs of a rural population by connecting small villages to each other. Over the last several decades, a large population has grown up around these rural roads and

Map 5.1 - Township Expressway and Parkway Interchanges



Map 5.2- Road Network



Legend

- Traffic signals 
- Roadways**
- Toll Highway 
- Highway 
- County Road 
- Streets 

Source: Roads data from Atlantic County

the road system has become strained. The key arterial roads are largely owned by Atlantic County (See Map 5.2). While traffic is a major concern to residents, investment in the local network by Atlantic County has been very modest. For a more detailed description of Egg Harbor Township’s roadways, see Appendix E.

Traffic

According to the 2003 Traffic Circulation Plan for Egg Harbor Township, “morning and afternoon peak hour traffic has been further aggravated by the rapid residential expansion in the Township.” (Adams, Rehmann, Heggan Associates, Inc.) The majority of the congested intersections are on arterial roads, which



are mostly County operated. The County has made several intersection improvements in recent years, but rapid growth requires additional improvements. Between 1999 and 2002, Egg Harbor Township Police reported 2,299 accidents, or almost two per day for 3.5 years. The intersections with the most frequent accidents are located on major roadways. The highest accident locations and frequency are listed below:

Highest Accident Locations (1999 – 2002)

1. Cardiff Circle (prior to reconfiguration), 385 accidents
2. NAFEC Circle (a.k.a. Airport Circle), 227 accidents
3. Shore Mall, 211 accidents
4. Black Horse Pike/English Creek Avenue, 176 accidents
5. Black Horse Pike/Fire Road, 155 accidents

Alternatives to the Automobile

Sidewalks are required in new residential developments but are in very short supply elsewhere in the Township. Where new developments occur along existing roadways developers often pay a fee in-lieu-of building new sidewalks.

Limited bicycle facilities are available in the Township. The Atlantic County Bike Path runs along West Jersey Avenue and features 7.5 miles of the off-street path. There are also shoulder bike lanes on Tilton and Delilah Roads.

Transit

New Jersey Transit bus service provides Township residents limited access to points within the Township, Atlantic City, and throughout southern New Jersey. However, all of this service is accessed along or north



Reconfiguring Cardiff Circle was one of the improvements made by Atlantic County in recent years. The original circle is shown above.



Bicyclists and pedestrians often do not have a safe place to ride and walk in the Township



Atlantic County Bike Path adjacent to West Jersey Avenue.





A woman waits for a bus on the Black Horse Pike.

of the Black Horse Pike with almost no bus services elsewhere in the Township (See Map 5.3). None of the roughly 30 bus stops in the Township have shelters.

NJ Transit bus routes include:

- Route 502: Atlantic Cape Community College to Atlantic City, via Black Horse Pike – stops include English Creek Shopping Center, Cardiff Power Center and Shore Mall
- Route 507: Atlantic City to Ocean City via West Atlantic City
- Route 508: Atlantic City to Hamilton Mall – stops in West Atlantic City, limited service to Social Security office
- Route 553: Upper Deerfield to Atlantic City – limited service on Black Horse Pike in Egg Harbor Township.

The NJ Transit Atlantic City rail line goes through the very northern top of the Township but there is no stop within Township boundaries. The nearest stops are Absecon and Atlantic City.

5.3 Analysis

Major Highways

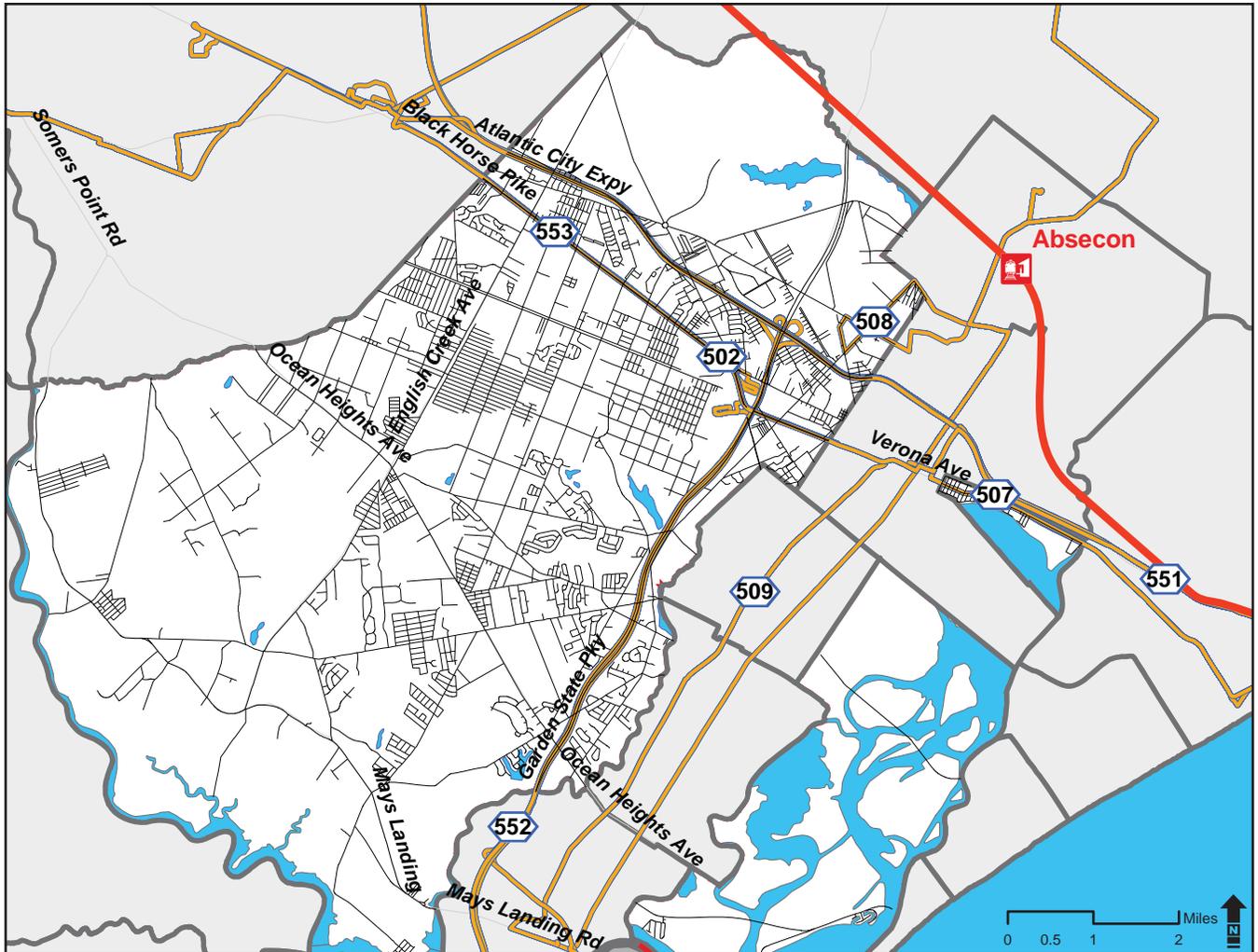
The Black Horse Pike is functionally obsolete as a main street for Egg Harbor Township and as a commuter road to employment centers to the east and west. Driveways, which are numerous and haphazardly located, need to be rationalized and better facilities are needed for pedestrians and cyclists. The appearance of the corridor is chaotic, largely unpleasant, and does not reflect the importance of the roadway to the Township. Strip commercial development, largely in areas close to the Black Horse Pike, has added curb cuts which generate conflicts with accelerating and decelerating vehicles when cars accelerate into moving traffic.



The Black Horse Pike, above, has heavy traffic and is often unsafe and unpleasant for pedestrians.



Map 5.3- Transit Routes



The Garden State Parkway does not provide sufficient service to the Township, especially in the south. It is impossible for northbound traffic in southern Egg Harbor Township to divert to the Garden State Parkway to avoid local roads such as Ocean Heights and Fire Roads. An additional interchange would be a significant benefit to Egg Harbor Township, and other nearby communities.

The Atlantic City Expressway also has limited access within the Township and creates an enormous barrier to the northern part of the Township. Essentially there are two communities, north and south of the Expressway. The ability to travel north-south across the

Legend

- Bus Routes — (orange line)
- Streets — (grey line)
- NJ Transit Rail — (red line)
- Rail Station — (red square icon)

Source: Roads data from Atlantic County





Traffic on English Creek Avenue.

Expressway is particularly important as a large number of Township residents are employed by the William J. Hughes Technical Center (FAATC), the Atlantic City International Airport, and in Atlantic City, which are accessed primarily from the northern parts of the Township.

Local Road Network

During the planning process, many residents expressed concerns about severe congestion problems on Township roads. The local road network is becoming increasingly strained by growth and improvements will likely be needed for several intersections. The Mill and Fire Road intersection, for example, suffers from significant delays during morning and evening peak periods. While improvements may help alleviate congestion at the intersection, it may be improved in part by providing access to and from the north via the Garden State Parkway as described later in this section.



The top photo shows a sidewalk from a new development that ends into the road. The bottom photo, at Zion Road and Ocean Height Avenue, shows curb cuts and crosswalks but no sidewalks.

Numerous Township residents and Visioning Team members suggested that existing north-south connections are frequently congested. Three County Routes, English Creek Avenue (Routes 575, 603, 604), Spruce Avenue (Route 684), and Fire Road/Bargaintown Road (Route 651) are the primary north-south roadways. By far the most important north-south route is English Creek Avenue because it is the principal access route to and from the Black Horse Pike for much of the Township. It has a modernized signal and channelized lane approaches at the Black Horse Pike. This type of intersection modernization is needed in many locations in the Township. Additional north-south capacity will be critical in the future as the casino industry grows and more people need to make their way north through the Township.



Pedestrian and Bicycle Facilities

There are very limited opportunities for children and others who cannot drive to playgrounds, schools or shops in Egg Harbor Township. Internal streets within subdivisions often have sidewalks but they typically end at main arterial roads. This disjointed system presents a dangerous situation for residents who walk or run for recreation or transportation. Also, many roadways lack appropriate crosswalks, paving, and walk signals and are difficult and unsafe for pedestrian crossings.

There are no north-south bicycle paths in the Township and on-street biking is often dangerous due to high traffic volumes and narrow or nonexistent shoulders. The County bicycle plan calls for the provision of a shoulder bike path whenever a roadway is being improved or repaved, if possible within right-of-way constraints. This provision has not yet led to additional facilities which address north-south connections or safety issues.

Transit

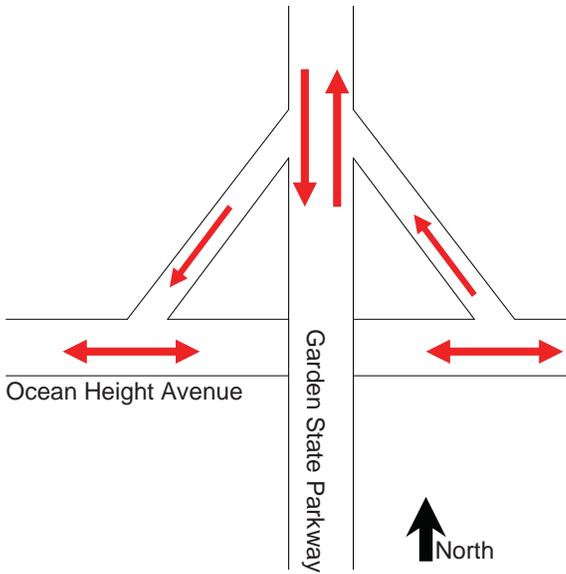
Bus routes in the Township serve primarily through-passenger commuters, and are east-west oriented. Existing bus routes run on the Black Horse Pike, the Atlantic City Expressway, and in a small loop in the north-eastern section of the Township on Fire and Delilah Roads. Service to residential neighborhoods, schools, and community amenities south of the Black Horse Pike is very limited. There are no north-south connections to the Black Horse Pike commercial corridor or job centers, such as the FAA facility. Existing bus stops are noted only by signs, do not provide benches or shelters and there are generally no connecting sidewalks to nearby neighborhoods.



A cyclist on English Creek has no dedicated land to safely ride in.



Figure 5.1- Proposed Garden State Parkway Interchange



Proposed half interchange on the Garden State Parkway to provide access to the and from the north.



The recently improved intersection at Ocean Heights and English Creek Avenues

5.4 Solutions

Major Highways

Better north-south connections are necessary to facilitate the flow of traffic in the Township. A new half interchange should be developed on the Garden State Parkway at the intersection of Ocean Heights Avenue to provide better access to and from the North. This would provide considerable relief to the Fire Road/Bargaintown Road and English Creek corridors. It should be noted that Pinelands Commission’s Comprehensive Management Plan does not currently allow for addition interchanges on the Garden State Parkway. The Pinelands will need to amend the Comprehensive Management Plan to allow this additional interchange (subject to a Secondary Impacts Assessment and with the support of the NJ Turnpike Authority) change this policy as one in many steps they are taking to acknowledge the additional needs of communities designated for growth.

Local Road Network

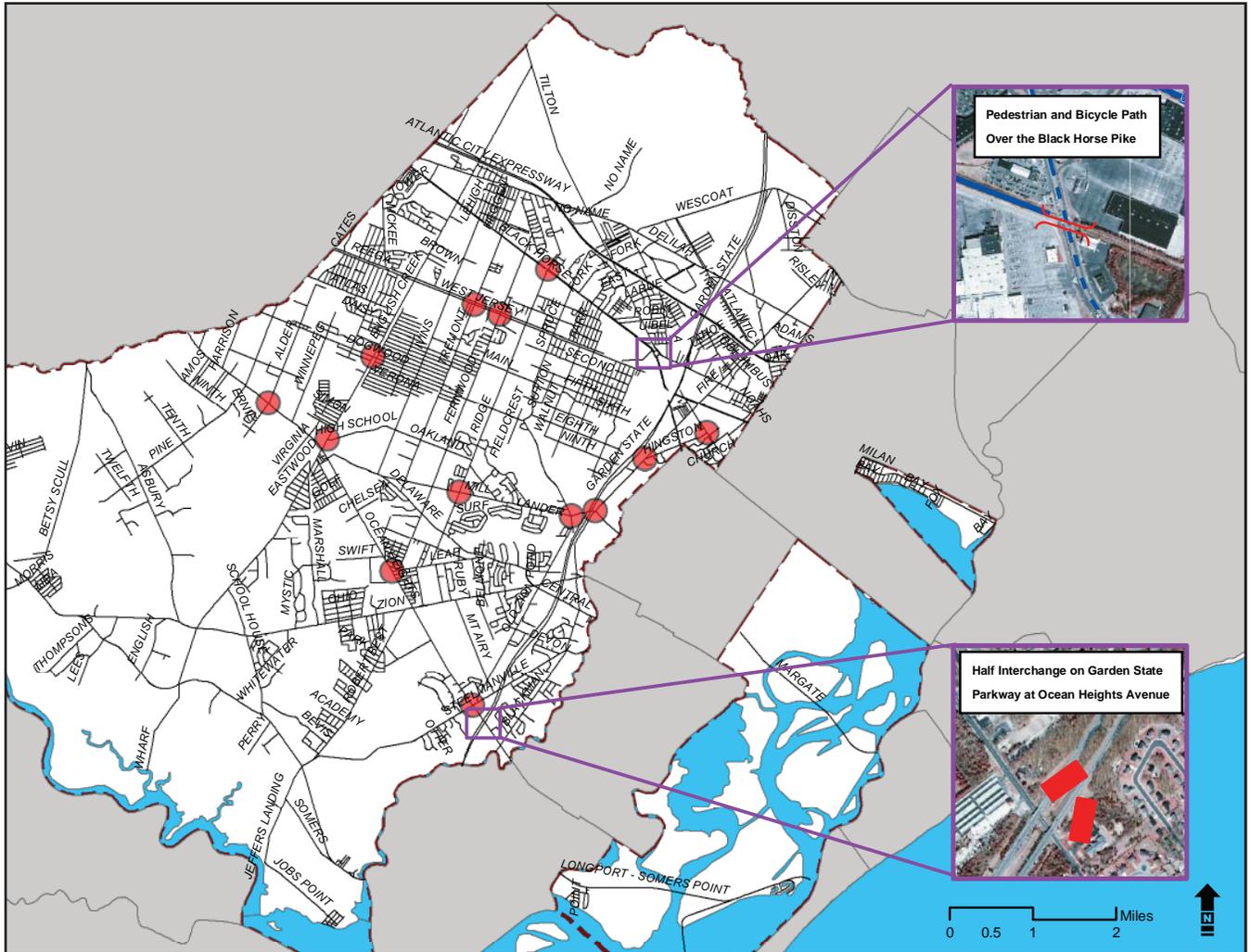
The local road network should be improved through a series of intersection enhancements. Members of the public and the Visioning Team suggested intersection improvements in several locations with high congestion, safety, or signaling issues. Designated turning lanes, intersection widening, clearly-delineated cross walks, and timed signals can alleviate congestions at many of these intersections. Traffic studies are required to determine where need is greatest and to recommend design solutions. The Township should begin studies on the sections of roadway that have the most problematic intersections and provide Atlantic County with conceptual designs and cost estimates.

Provide Sidewalks

Expanded pedestrian facilities throughout the Township are needed to connect the existing disjointed sidewalk



Map 5.4- Transportation and Circulation Enhancements



system and offer more recreation and safe pedestrian transportation opportunities. A continuous sidewalk should be provided along Black Horse Pike and on English Creek between the Black Horse Pike and Ocean Heights Avenue. The sidewalk should be continued on Ocean Heights Avenue east of English Creek to Steelmanville Road. Several Township schools and recreation facilities are adjacent to this route, which would increase walking opportunities for Township residents to schools and parks. Because these are state and county roads, the state and the county must take the lead in their design and implementation.

A pedestrian bridge over the Black Horse Pike is

Legend

Proposed Transportation Improvements

- Intersection Improvements
- Dogwood Ave and English Creek Ave
- Ridge Ave and Black Horse Pike
- Ridge Ave and Mill Road
- Spruce Ave and Mill Road
- Mill Road and Fire Road
- English Creek Ave and High School Drive
- Hingston Ave and Old Egg Harbor
- Fire Road and Hingston Ave
- Leap Street and Ocean Heights Ave
- Ocean Heights Ave and Alder Ave
- West Jersey Ave and Fernwood Ave
- Ocean Heights Ave and Steelmanville Rd
- West Jersey Ave and Tremont Ave

▭ **Major Facility Improvements**

- ▭ Pedestrian Bridge over the Black Horse Pike
- ▭ Partial Interchange at Ocean Heights Ave and the GSP





Egg Harbor Township utility rights-of-way with and without trails

proposed to connect the West Jersey Avenue bike trail to the Cardiff Center, and ultimately to the eastern portion of the County Bike Trail, which leads to Atlantic City. Such a pedestrian bridge would also support planned redevelopment of these commercial sites discussed in section 6.

Develop Bike Paths

On-road bike paths should be established along the Black Horse Pike and Ocean Heights Avenues. Additional bike paths should eventually be added to connect interior residential areas to the arterial roadway bike paths.

Atlantic City Electric Company has agreed to cooperate with the Township to formalize their right-of-ways for recreational activities. A bike path should be established between Ocean Heights Avenue and the Black Horse Pike on the right-of-way east of English Creek Avenue.

Develop Recreation Path Adjacent to the Parkway

The Garden State Parkway has a wide right-of-way through most of Egg Harbor Township, which provides a crucial north-south route and opportunity for a recreational path, as shown in the adjacent photo, taken at another parkway type facility. Access to other proposed sidewalks and bike facilities would be enhanced by a parkway recreation path. The path would run on the west side of the parkway, begin at the intersection of Ocean Heights Avenue and the Garden State Parkway and end at the intersection of the Atlantic County bike path at the Shore Mall. This would complete a recreation loop in the middle of the township with Ocean Heights Avenue, English Creek Avenue and the Black Horse Pike.



The George Washington Parkway, outside of Washington DC, provides a well used recreation path.



Improve Transit Service

Transit service in the Township should be accessible from residential neighborhoods and connect to community and employment centers in both north-south and east-west directions. An additional bus route from the airport south past the Black Horse Pike on English Creek Avenue and east on Ocean Heights Avenue should be pursued to connect the southern part of the township with the commercial and employment corridor. This route would connect to NJ Transit Routes 502 and 553 on Black Horse Pike and NJ Transit Route 507 on Shore Road in Linwood via Ocean Heights Avenue. The proposed route would provide linkages to the proposed expanded bike and pedestrian facilities, schools, residential neighborhoods, and Township recreation facilities.

Covered bus shelters should be provided at each bus stop to accommodate riders during waiting time and inclement weather.

A previously-proposed regional rail commuter connection between the Township and Atlantic City would alleviate traffic and offer an alternative to the bus. The proposed route would have a western station on the east side of US Route 40/322 at Cardiff Plaza. This extension would involve rerouting the Atlantic City bike route, which is partially built on a railroad right-of-way.

5.5 Conclusion

Egg Harbor Township's rural history did not require an extensive road system or accommodation for pedestrian movement. The three major highways that run through the Township were built to serve people passing through, not the local community. As the Township grew and developed, however, circulation



Bus shelters not only protect riders from the elements, they can be attractive parts of the streetscape that help to identify a community



needs were not improved to meet the needs of the population. These improvements must now be made. Better access to the Garden State Parkway and Atlantic City Expressway must be created. County arterial roads need to be improved to handle larger volumes of traffic. Accommodation for pedestrian and bicycle riders need to be improved. The Black Horse Pike must be transformed into a functioning main street that serves the needs of the businesses and communities along the corridor. Large investments must be made to improve circulation in the Township and the support of the state, the county, and regional transportation organizations is essential.



6. COMMUNITY FORM

One of the most striking things about Egg Harbor Township is that there is no downtown or 'Main Street.' There are no special gathering places where people go to meet others, shop, grab a bite to eat or a cup of coffee, or otherwise spend time with friends and neighbors. Egg Harbor Township's original towns were along the coast while small rural villages located within present day Egg Harbor Township served as the gathering spots. Township residents hope to preserve the rural character that is rapidly being lost to residential development, yet no 'village' or other center has emerged. Such a center might consist of a cluster of intermingled uses, residential within easy walking distance of retail and office, and possibly public uses such as schools and libraries. The growth can be shifted towards centers of varying sizes from areas of the Township where the rural and environmental character is still strong and where significant development is not appropriate.

Providing a mix of uses is integral to creating centers in the Township. In mixed-use development there is a symbiotic relationship between all uses. Ground floor retail uses create a welcoming environment for pedestrians and encourage exploration of places. Upper story uses such as residential or office space generate more traffic within the area to support the retail uses. An active streetscape is critical to the success of any district. As new properties are developed and underutilized parcels are redeveloped, particular attention should be paid to building higher buildings



The intersection of Somers Point-Mays landing Road and Steelmanville Road is one of Egg Harbor Township's traditional village centers.



Areas of the Township, such as shown in the top photo can be better preserved when housing is concentrated in centers as is done in Mays Landing Village below.





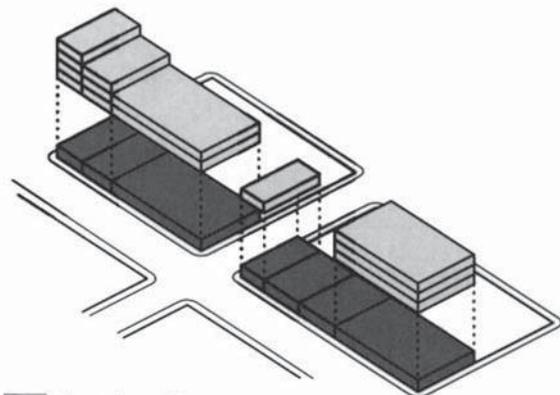
with ground level retail. An excellent example of how mixed-uses help to create a sense of place and a functioning town center is in Clarendon Market Common in Virginia, shown at left. Clarendon Market Common provides a significant percentage of the municipality’s tax revenues.



6.1 Existing Conditions

The Egg Harbor Township Center

Because the coastal communities broke away from Egg Harbor Township the Township has no concentration of commerce and civic amenities that would characterize a true neighborhood or mixed-use town center. Instead, commercial development has predominantly sprouted along the Black Horse Pike and, to a lesser extent, Fire Road and other major thoroughfares. The closest things in the Township to a main street are a number of small crossroad hamlets, such as at Ocean Heights Avenue and Zion Road, and older strip commercial developments, which are often underutilized and have now obsolete layouts.



Residential
 Commercial

Clarendon Market Common in Virginia has ground floor retail, great pedestrian spaces, upper story residential, civic uses, and active streetscape. This mix-of uses is an essential element in the success of this center, as shown in the above diagram.



Commercial businesses along the Black Horse Pike and Somers Point Mays Landing Road.



Neighborhood Centers

Egg Harbor Township's traditional neighborhoods were village centers, including McKee City, Scullville, Bargaintown, Cardiff, English Creek, and Steelmanville (See Map 6.1). The Township's new residential developments generally do not provide connections to these historic centers. New residential development does not link to existing commercial areas and has not, to date, generated the synergies that such connections can engender. Site design and street configuration in subdivision layouts compounds the problem. To illustrate, three adjacent developments in the Township, none of which provide direct linkages to the others, are shown in the below plan.



None of the three adjacent Township developments in the below parcel line drawing feature direct linkages to one another.

Neighborhood Centers are further weakened by a limited range of housing types. According to the 2000 Census, over two-thirds of housing units in the Township were single-family detached dwellings. The next most prevalent type was mobile homes, which comprised 15 percent of the municipality's dwelling units. Remaining housing units include relatively minimal numbers of one-family attached dwellings, two-family homes and multi-family dwellings. There is variety in the age, size and design of single-family detached homes but rapid growth over the past decade has been entirely single family three or four bedroom homes, a house type designed for young families. There are few

Where is Egg Harbor Township's center?

When asked this question, Township residents, stakeholders, and Visioning Team members did not have a clear and consistent answer. Responses included:

- The Township has no center
- Cardiff Circle (reconfigured several years ago)
- Shore Mall
- The Hamilton Mall (not in Egg Harbor Township)
- The Cumberland Farms parking lot at Zion Road
- Intersections at:
 - English Creek Avenue and the Black Horse Pike
 - English Creek Avenue and Ocean Heights Avenue
 - Zion Road and Ocean Heights
- The Delaware Avenue Corridor
- The Black Horse Pike Corridor
- The Municipal Complex on Bargaintown Road

Map 6.1- Traditional Village Locations





Examples of housing types in Egg Harbor Township

housing options for many of the Township's young and old residents with limited incomes other than mobile homes. There are also few options for residents who prefer small yards and commercial amenities within close walking distance.

Woodland Character

Preserving the wooded look of Egg Harbor Township was one of the main concerns expressed by the Visioning Team and the public in the process of preparing this plan. Many of the Township's roads still have the wooded appearance seen throughout the Pine Barrens. New development tends to clear woodlands and replace the wooded character with that of typical suburban residential development.

6.2 Analysis

The Egg Harbor Township Center

As the Township grew from a population of 3,000 in 1930 to over 40,000 today, formerly forested land and open space were converted to housing without a corresponding increase in commercial development – at least not in an arrangement that resulted in walkable nodes of activity or centers. The absence of corresponding commercial development also reflects a tax base that is heavily reliant on residential uses. Existing commercial land, where a center might have otherwise developed, is generally underutilized and could be better developed for retail, office, and residential uses.

While most town centers are older areas that traditionally had a mix of shops, offices, and residences, new town centers are being developed around the country in municipalities that encourage mixed-use developments. These municipalities, such as Washington Township in Mercer County, New Jersey, understand the benefits

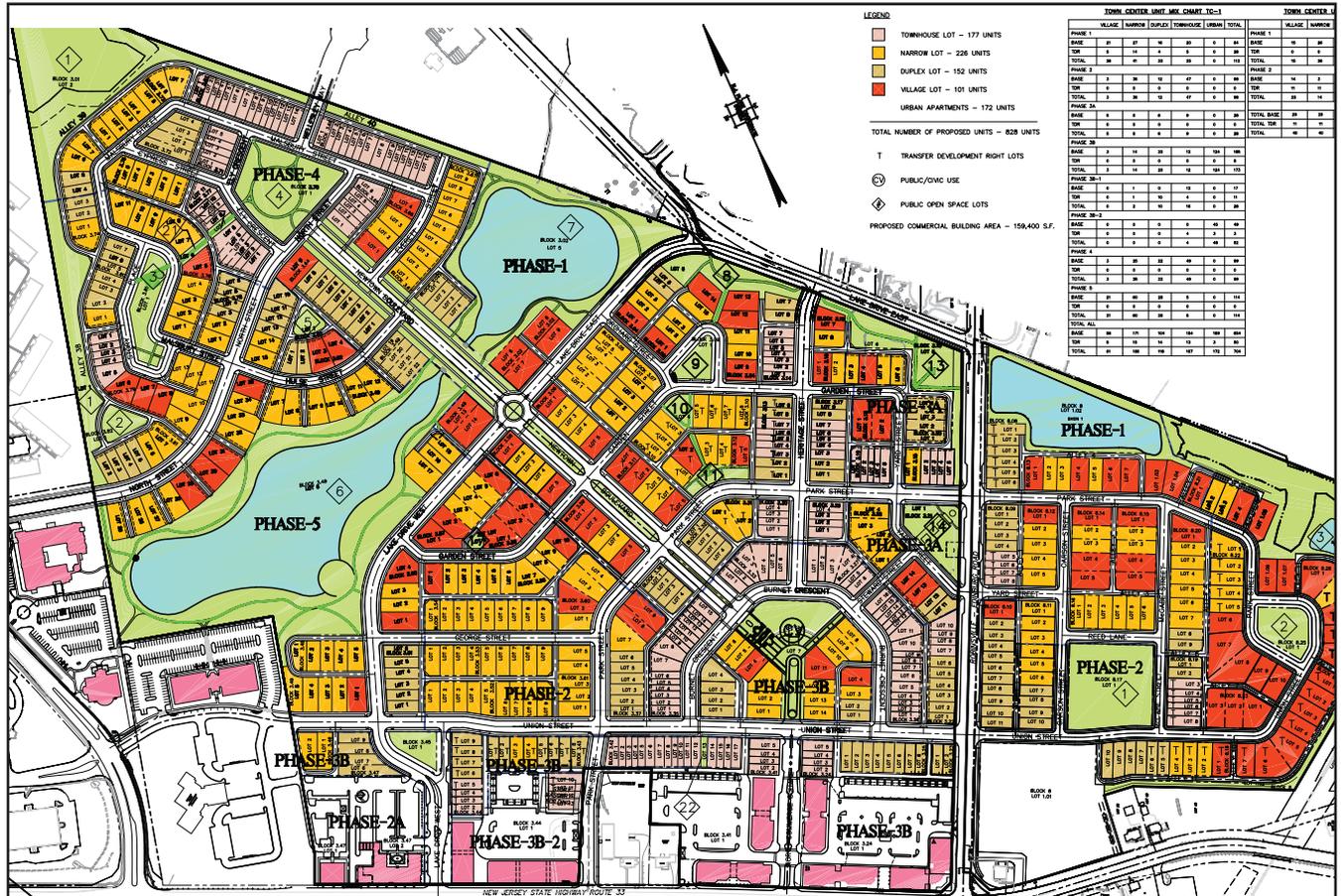


of walkable human-scale development that creates a sense of community.

Municipalities are not the only ones interested in encouraging mixed-use development. Developers have long understood that greater profits are possible when more diverse and intense land use is permitted. The Urban Land Institute (ULI), a non-profit education organization that provides international leadership on real estate development, financing, and regulatory trends, published its second edition of the Mixed-Use Handbook in 2005, which serves as a developer’s manual for selecting, financing, promoting, and building mixed use developments. ULI provides pro forma financial analysis for the different uses in a mixed-use development to help builders understand their project costs and income and to secure capital



Washington Town Center (plan below) is a newly built community in New Jersey that provides mixed-uses and housing types.





Riverside Development in Atlanta is an example of a new development where people live and shop.



Recent Development on the Black Horse Pike provides no integration of uses and few pedestrian or streetscape amenities.



Current uses on the Black Horse Pike

from lending agencies. Dozens of examples of mixed-use developments are cited in the Handbook, several from municipalities with similar concerns as Egg Harbor Township's.

Black Horse Mixed-Use District

The Black Horse Pike functions inadequately as a main street and is deteriorating as a transportation corridor. It also does not reflect the character of the Township, yet it was cited by many in the interview process that started this study as the 'center' of Egg Harbor Township. There are no distinguishable features that raise any awareness of Egg Harbor Township. Features that do exist are often framed by underutilized, vacant, or uninviting lots and buildings. While there are several successful and well-maintained developments on the Black Horse Pike, they lack distinctive site design elements that could be associated with Egg Harbor Township's character.

Neighborhood Centers

Traditional neighborhood centers or villages are nearly lost in Egg Harbor Township and places such as Scullville are used frequently to describe the history of the Township rather than its future. While a few of these traditional centers are still active, they are being overwhelmed by homogenous residential development with no commercial uses. Most of the new residential developments lack design elements that create a sense of place, offering a nearly uniform appearance, sometimes lined up along the new streets with laser precision.

Bayview Economic Development District

West Atlantic City, which is physically separated from the main section of the Township by the City of Pleasantville, consists of a stretch of land paralleling the Black Horse



Pike up to Atlantic City. Lakes Bay provides nearly 1.5 miles of shoreline and beautiful water views along West Atlantic City’s southern edge. A long stretch of mostly underutilized commercial uses (many of which are motels) are located to the north of the Black Horse Pike. Residential areas, beach, and marshlands exist to the south of the Pike. The whole area has enormous potential for economic redevelopment because of its close proximity to Atlantic City and beautiful views of Lakes Bay. The area’s underutilized and obsolete properties offer significant opportunity for site specific redevelopment.



New Development can preserve the Township’s woodland character, as seen in the top photo, or can be transformed into a typical subdivision. Photos are of Dogwood and Delaware Avenues

Woodland Character

Delineating environmentally sensitive, wooded, and rural lands for preservation within the Regional Growth Area in Egg Harbor Township is a difficult task due to the fragmented pattern of recent residential development. South of Ocean Heights Avenue, however, there is significantly more undeveloped land. This land includes wetlands and flood-prone areas which are



This subdivision plan, approved by the Township in 2006, proposes to clear a portion of a large wooded lot and will provide uniform lots with newly planted smaller trees. The road in the bottom right, has a landscape buffer that does not preserve existing trees.



already state protected.

The woodland character and rural environment is a central concern to many residents and a main reason why people move to the Township. Egg Harbor Township has made some effort to preserve trees during construction through its lot disturbance ordinance, but relatively few mature trees are actually being preserved. Newer subdivisions are largely barren, without evidence of tree-preservation measures.

6.3 Solutions

Egg Harbor Township's community form can be better managed by establishing centers and conserving the remaining areas that still have a rich woodland character. Centers are recommended to create a commercial core for the Township and to create several smaller neighborhood areas with residential uses integrated within commercial and civic uses. A major state-backed corridor improvement plan is recommended for the Black Horse Pike. The plan will employ growth objectives of the State and the Township to create walkable mixed-use development. West Atlantic City should be redeveloped to maximize tax ratables and celebrate access to Lakes Bay. Proposed center locations are shown in Map 6.2.

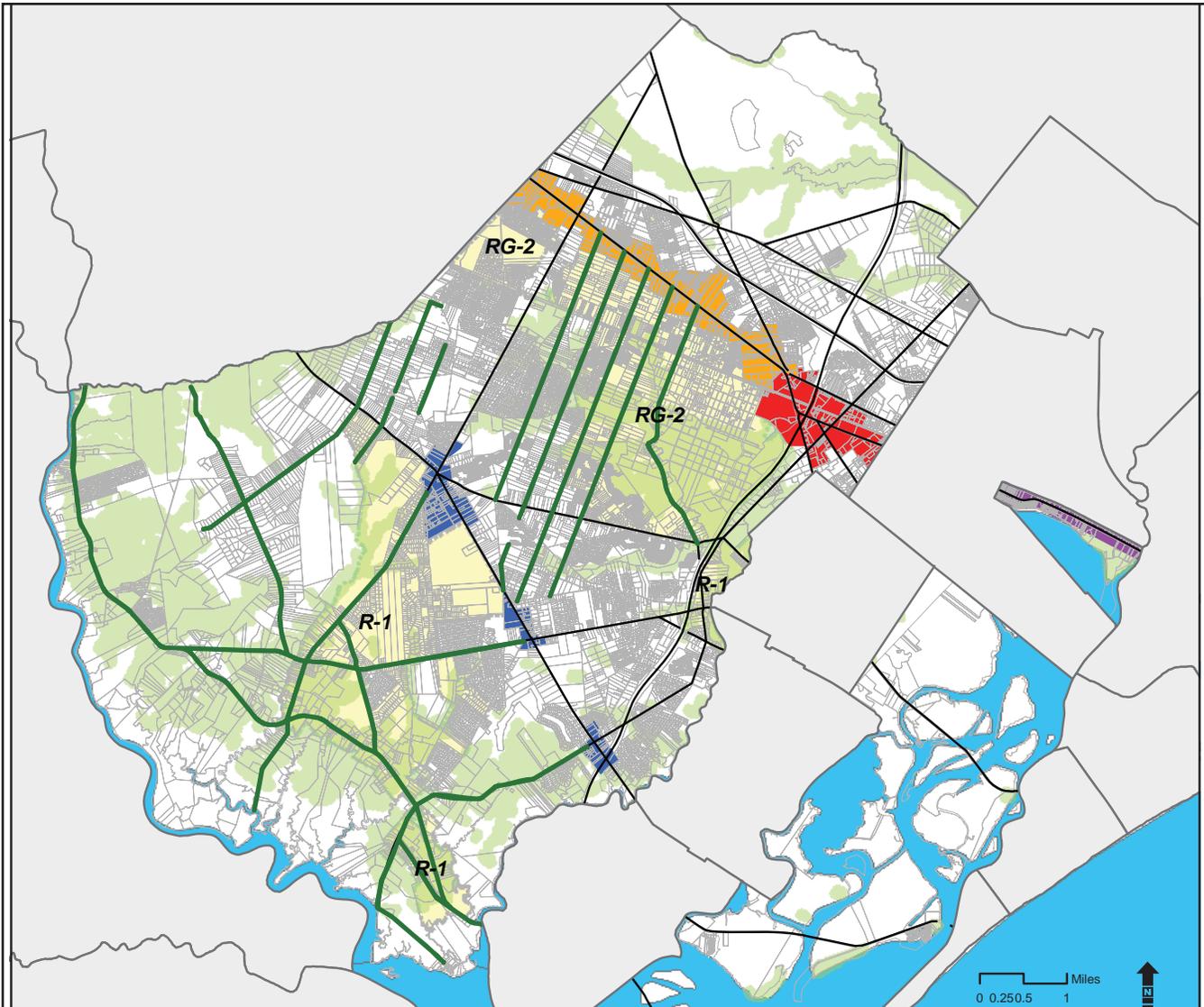
To offset the growth along the Black Horse Pike and in centers, a zoning capacity shift is recommended that will take development pressure off of wooded areas. Down-zoning residential areas is recommended to decrease densities and several conservation techniques are proposed to ensure that the Township maintains its woodland character.

Create an Egg Harbor Township Town Center

Egg Harbor Township has a rare opportunity to develop a town center and create an identity for



Map 6.2- Focusing Growth



Egg Harbor Township Center

Site: 23 acres (within 1,000 acre master planned community)
 Retail, Dining, Entertainment: 1,501,275 sq ft
 Office: 126,976 sq ft
 Employment Space: 487,000 sq ft
 Residential: 600 adjacent luxury townhomes and apartments
 Hotels: 870 rooms

Neighborhood Centers

Conservation Area

Black Horse Pike Mixed-Use District

Green Roads

27' Front Yard Setback | 4' Sidewalk | 20' Curbside | 4' Sidewalk | 21' Green Buffer

Down Zoning

Bayview Economic Development Area



itself that can be carried forward as the community continues to grow. The identity should incorporate components of a contemporary center that include a mix of uses, pedestrian orientation, continuity with existing communities, and active civic spaces. Mixing and concentrating residential uses with commercial uses will absorb growth pressure faced by the Township while leaving environmentally sensitive areas unspoiled. Concentrating growth in mixed use centers will not only absorb growth pressure and free up sensitive areas but also potentially reduce service demands, provide for alternative housing options, create community focal points, reduce congestion, and create opportunities for alternative transportation modes.

The location envisioned for the Town Center is one of the underutilized commercial areas along the Black Horse Pike near the intersection with the Garden State Parkway (see Map 6.2). This portion of the municipality appears to qualify as an area “in need of rehabilitation” pursuant to the New Jersey Local Redevelopment and Housing Law. The law applies to “properties where there is a quantifiable ‘underutilization’ or lack of proper utilization.”¹ According to the Redevelopment Handbook this may include obsolete commercial and industrial facilities. A rehabilitation plan allows the Township to target land use tools to guide future development of specified areas.²

New land use code must be created that supports

¹ New Jersey Department of Community Affairs, “The Redevelopment Handbook” (2003) p. 54

² “[Designating] an area in need of rehabilitation permits a municipality or redevelopment entity to use all of the powers of redevelopment with the exception of eminent domain...Designating an area in need of rehabilitation may be an attractive...option...where the rehabilitation of existing buildings and structures is the primary objective. This designation also permits municipalities to grant five-year tax abatements and exemptions that may encourage private property owners to rehabilitate and reinvest in their properties.” “The Redevelopment Handbook” (2004), p. 74



the development of a town center. At least three uses with significant physical and functional integration of project components including uninterrupted pedestrian connections should be required. Greater building height should be encouraged to allow for office or residential uses above ground-floor retail. Public spaces where people can sit, talk, and informally gather should be required. Parking requirements should be shared by allowing one space to be used by several users such as by day shoppers and residents. The maximum building height and Floor Area Ratio (FAR) should be higher for mixed-use developments than non-mixed-use to encourage developers to build mixed-use.

The town center also offers an opportunity to supply housing types that are not currently well-provided in Egg Harbor Township. Buyers with a broad range of financial resources want to live close to amenities where more services are provided rather than in a typical suburban residential development. Townhouses, duplexes, and apartments provide for a range of family sizes and income levels. Apartments can have a range of unit sizes. Units focused on adult occupants may be appropriate as well. It is therefore recommended that no more than 50% of one housing type is allowed in a given development.

Figure 6.1 shows the existing standards for the RCD District, which encompasses proposed town center, and recommended changes. See Appendix F for a model town center code.

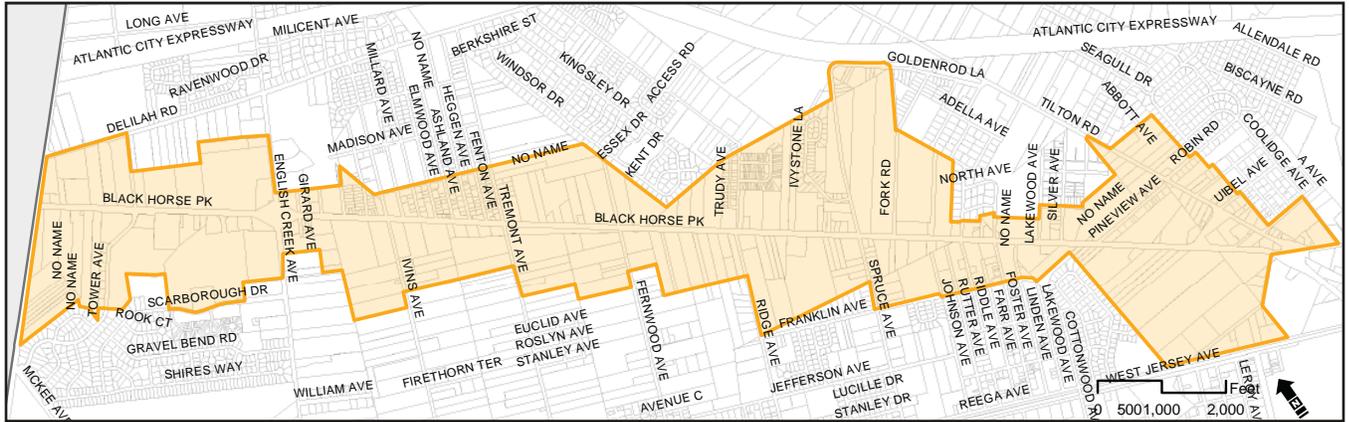


Figure 6.1- Town Center Regulatory Recommendations

Standard	Existing RCD District Standards	Recommended for Town Center	
		Non-Mixed-Use	Mixed-Use
Permitted Principal Uses	<ul style="list-style-type: none"> Offices Light industry Wholesaling or retailing of goods and/or services Various retail and service establishments Various food service establishments Scientific or research laboratories Education facilities Service stations Auto sales and leasing Commercial recreation facilities Funeral homes Shopping centers Restaurants Banks Clubs and eleemosynary uses Motels Cell towers up to 120 feet in height 	<ul style="list-style-type: none"> Same as currently permitted, with changes noted below Replace "motels" with "hotels" 	<p>Mixed-use Residential (no more than 50% of units can be of a given type):</p> <ul style="list-style-type: none"> Multifamily (only with retail on the ground floor) Row homes Duplex <p>Hotels Offices Retail Restaurants Live Theater Venue Movie Theaters Religious Assembly Financial Services Personal Services (health clubs and gyms) Art galleries Civic Uses:</p> <ul style="list-style-type: none"> Museum Library Outdoor auditorium Parking structures <p>High schools Childcare Fire station Police station</p>
Open Space and Civic Use* Minimum	--	5% of gross tract area	5% of gross tract area
Mixed-Use in a Single Structure	--	NA	A min of 15% of total square feet in a development must be mixed-use in a single structure
Residential Requirement	--	NA	30%-50% of total square feet in a development must be residential
Commercial Retail	--	NA	20%-40% of total square feet in a development
Commercial Office	--	NA	10%-40% of total square feet in a development
Permitted Accessory Uses	<ul style="list-style-type: none"> A single dwelling unit physically attached to the principal building 	--	Parking garages
Permitted Conditional Uses	<ul style="list-style-type: none"> Fast food restaurants Arcades Drive-through banks 	Same as currently permitted	
Minimum Lot Area	3 acres	3 acres	15 acres
Minimum/Average Front Yard	80 ft. Min	50 ft. Min	30 ft. avg. on the Black Horse Pike, Washington Avenue, Tilton Road, Fire Road 20 ft. avg on local Township Roads
Max. Building Height	45 ft.	45 ft.	95 ft.
Max. Building Coverage/FAR	70% Building Coverage	.05 FAR	1 FAR
Max. Impervious Coverage	--	55%	85%
Maximum Density	--	NA	18 dwelling units per acre**
Maximum driveways	1 per 150 ft. of lot frontage, 3 per any one street	Traffic study required.	Traffic study required.
<p>*Civic uses are community uses open to the public including: meeting halls, libraries, schools, child care centers, police stations, fire stations, post offices (retail operations only, no primary distribution facilities), religious halls, museums, cultural societies, visual and performance arts, transit centers, and government functions, especially those involving the public.</p> <p>** Density is inclusive of PDC usage.</p>			



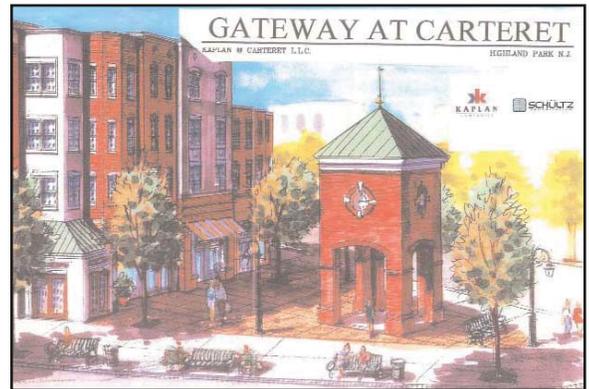
Map 6.3- Black Horse Mixed-Use District



Black Horse Mixed-Use District

The Black Horse Pike corridor represents a superb opportunity for the State of New Jersey to demonstrate how they are working toward smart growth in the state’s communities. The road is currently a sprawling collection of uncoordinated commercial business that is unfriendly for pedestrian usage and undistinguishable from many other corridors across the country. Yet, there is an opportunity to transform the Black Horse Pike into a model of neotraditional smart growth development. Significant physical improvements are needed to the corridor to improve transportation operations, safety, and aesthetics. Assembly of vacant or underutilized parcels should be coordinated along the Black Horse Pike to attract new smarter development to areas where it is needed most. The corridor plan must address streetscape, pedestrian movement, transit operations, and vehicular circulation issues. This corridor is a vestige of the 1940s that can be transformed into a vibrant gem through a coordinated effort.

Residential units should also be integrated into development on the Pike to support a range of commercial and civic uses. A diverse housing stock should be permitted to meet a range of needs of the community. Senior and/or age-restricted (i.e.,



The Gateway at Carteret is an example of the type of development that could occur on the Black Horse Pike. It is an 8.5 acre project currently under development. The project will include 378 units and 42,000 square feet of retail.



Figure 6.2- Black Horse Mixed-Use Regulatory Recommendations

Standard	Existing Highway Business District	Recommended BHP Mixed-Use District	
		Non-Mixed-Use	Mixed-Use
Permitted Principal Uses	<ul style="list-style-type: none"> Restaurants Professional or business offices Banks Private or public schools, clubs and eleemosynary uses Various retail and service establishments Various food service establishments Warehouses Commercial recreation facilities Funeral homes Shopping centers Cell towers up to 120 feet in height 	<ul style="list-style-type: none"> Same as currently permitted, with changes noted below Add "Mixed-use developments" as a permitted use Remove "warehouses" as permitted use 	<p>Mixed-use Residential (no more than 75% of units can be of a given type):</p> <ul style="list-style-type: none"> Residential above (only with retail on the ground floor) Row homes Duplex <p>Hotels Offices Retail Restaurants Movie Theaters Religious Assembly Financial Services Personal Services (health clubs and gyms) Art galleries Civic Uses:</p> <ul style="list-style-type: none"> Museum Library Parking structures <p>High schools Childcare Fire station Police station</p>
Civic Use* Minimum	--	5% of gross tract area	5% of gross tract area
Mixed-Use in a Single Structure	--	NA	15% - 40% of total square feet in a development must be mixed-use in a single structure
Residential Requirement	--	NA	30%-60% of total square feet in a development must be residential
Commercial Retail	--	NA	20%-40% of total square feet in a development
Commercial Office	--	NA	10%-30% of total square feet in a development
Permitted Accessory Uses	<ul style="list-style-type: none"> A single dwelling unit physically attached to the principal building 		Parking garages
Permitted Conditional Uses	<ul style="list-style-type: none"> Service stations Fast-food restaurants Arcades Auto sales and leasing Drive-through banks Motel/hotel 	<ul style="list-style-type: none"> Same as currently permitted, with changes noted below Replace "motel/hotel" with "hotels" 	-
Open Space			
Minimum Lot Area	80,000 sq. ft.	2 acres	10 acres
Minimum Front Yard	50 ft.	50 ft	25 ft. on BHP 15 ft. on other
Maximum Front Yard	--	100 ft.	35 ft.
Max. Building Height	30 ft.	30 ft.	60 ft.
Max. Building Coverage/FAR	70% Max Building Coverage	.05	.75
Max. Impervious Coverage	--	50%	85%
Maximum Density	--	NA	8 dwelling units per acre, 12 dwelling units per acre where affordable and/or "workforce" housing is provided (min. 15% of units) *

* Density is inclusive of PDC usage.



age 55 and over) housing should be close to retail uses to provide needed access and convenience. Loft apartments should provide housing for younger people who currently have few housing options in the Township. Residential development will not only support commercial and civic uses on the Pike, it will also take residential growth pressure off other parts of the Township.

Neighborhood Centers

New residential development in the Township should be anchored to a system of community infrastructure that connects complimentary uses and creates neighborhood centers. By establishing neighborhood centers, Egg Harbor Township can provide a way for new residential development to be integrated into the community. New local roads can be directed toward neighborhood centers through the adoption of an Official Map, a tool municipalities can use to determine the layout of their road system.

Map 6.4- Neighborhood Centers



Ocean Heights Avenue is an ideal corridor to develop centers around because it has access to many civic uses, parks and playgrounds, and residential areas. The intersections at English Creek Avenue, Zion Road, and Steelmanville Road are connected to separate residential areas that are distinct and well-spaced and therefore should be developed as distinct Neighborhood Centers with sidewalks, store fronts, and public or civic



Aggie Village in Davis California is a 10 acre neighborhood center with 54 residential units and 150,000 square feet of retail.



areas. New development in these centers should be mixed-use, at a pedestrian scale, and offer pedestrian and bicycle connections to local residential areas, parks, and schools. A mix of housing types should be allowed, including residential units above retail, townhouses, and single-family detached units on small lots.

The intersection of English Creek Avenue and Ocean Heights Avenue presents an excellent opportunity to establish a neighborhood center. The intersection is close to Tony Canale Park, immediately adjacent to the High School, and a short bicycle ride from the Intermediate School, the Twisted Dune Golf Course, and a large residential population. New development at the intersection could serve the neighborhoods, provide open public space, and create a positive public atmosphere. Pedestrian paths to the high school and parks should be required improvements for development in the area.

To achieve development that creates a neighborhood center, the Township land use code must be amended. These changes are outlined in Figure 6.3. District boundaries should be adjusted to account for existing lot configurations.



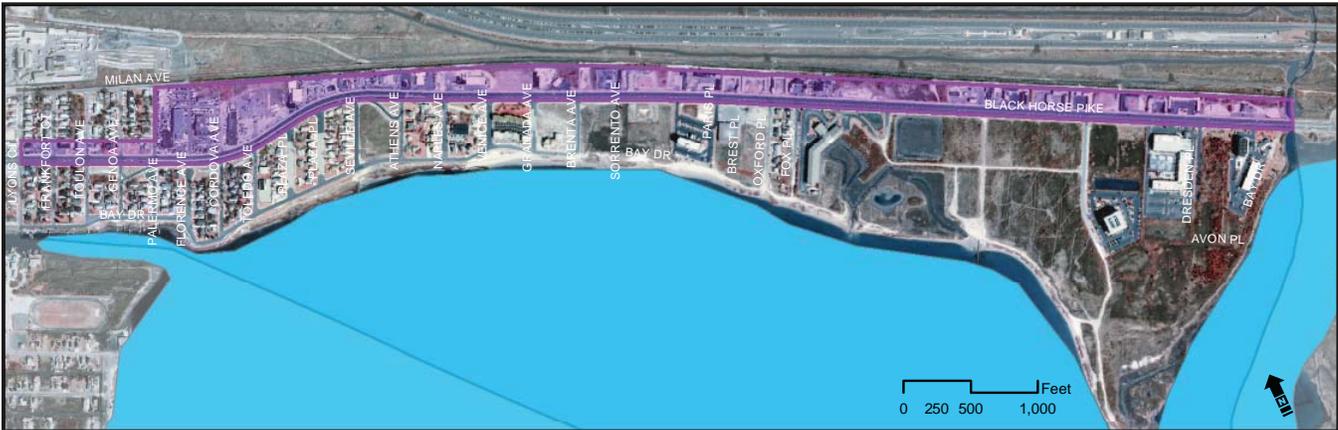
Figure 6.3- Neighborhood Centers Regulatory Recommendations

Standard	Existing Neighborhood Business District	Recommended	
		Non-Mixed-Use	Mixed-Use
Permitted Principal Uses	<ul style="list-style-type: none"> Restaurants Professional or business offices Banks Private or public schools, clubs and eleemosynary uses Food markets, delicatessens, bakeries Liquor stores Personal service establishments Business services Cell towers up to 120 feet in height (NB) 	<ul style="list-style-type: none"> Same as currently permitted, with changes noted below Retail and service commercial uses 	<p><u>Mixed-use</u></p> <p>Residential:</p> <ul style="list-style-type: none"> Residential above retail on the ground floor Row homes Duplex Single family detached (not more than 50% of total units) <p>Offices</p> <p>Retail</p> <p>Restaurants</p> <p>Religious Assembly</p> <p>Financial Services</p> <p>Personal Services (health clubs and gyms)</p> <p>Art galleries</p> <p>Civic Uses:</p> <ul style="list-style-type: none"> Museum Library <p>Childcare</p> <p>Fire station</p>
Open Space* Minimum	--	5% of gross tract area	5% of gross tract area
Residential Requirement	--	NA	30%-60% of total square feet in a development must be residential
Commercial Retail	--	NA	20%-30% of total square feet in a development
Commercial Office	--	NA	0%-20% of total square feet in a development
Permitted Accessory Uses	<ul style="list-style-type: none"> A single unit physically attached to the principal building (CB) 	Same as currently permitted	Same as currently permitted
Permitted Conditional Uses	<ul style="list-style-type: none"> Automotive repair and service (NB) Service stations (CB) 	Automotive repair and service uses	Automotive repair and service uses
Minimum Lot Area	40,000 sq. ft. (NB Zone), 60,000 sq. ft. (CB Zone)	60,000	3 acres
Minimum Front Yard	50 ft.	50 ft.	0 ft.
Maximum Front Yard	--	--	15 ft.
Max. Building Height	60 ft.	60 ft.	60 ft.
Max. Building Coverage	75% (NB), 70% (CB)	--	--
Max. Impervious Coverage	--	50%	85% where open space or community facilities open to the public are provided
Maximum Density	--	--	4 dwelling units per acre. 6 units per acre where greater than 10% of tract area is open space or community facilities open to the public are provided*

* Density is inclusive of PDC usage.



Map 6.5- Bayview Economic District



This type of paved promenade, located in Scotland, could be used along the shores of Lakes Bay.



Two approaches to development in Egg harbor Township

Bayview Economic Development District

West Atlantic City has enormous potential for economic redevelopment because of its proximity to Atlantic City and beautiful views of Lakes Bay. North of the Black Horse Pike, there are numerous underutilized and obsolete properties that are well suited for redevelopment. The Township should use regulations contained in the New Jersey Local Redevelopment and Housing Law (LRHL) to revitalize this area. The plan should target properties along the north side of the Black Horse Pike for assemblage and redevelopment as modern hotels and residential condominiums. The residential areas south of the Pike do not require extensive improvements, but they would benefit from enhanced streetscapes, infrastructure, and new waterfront public access amenities.

Land Conservation

Conservation of natural areas is needed to balance the growth directed toward centers in other parts of this plan. Wooded areas should be down-zoned to offset the amount of growth that the Township is experiencing. Just decreasing the number of units in a District will not preserve wooded areas. It is therefore necessary to provide stricter tree protection standards through stricter lot disturbance standards, clustering development, and protecting the wooded look of the Township’s scenic roadways.



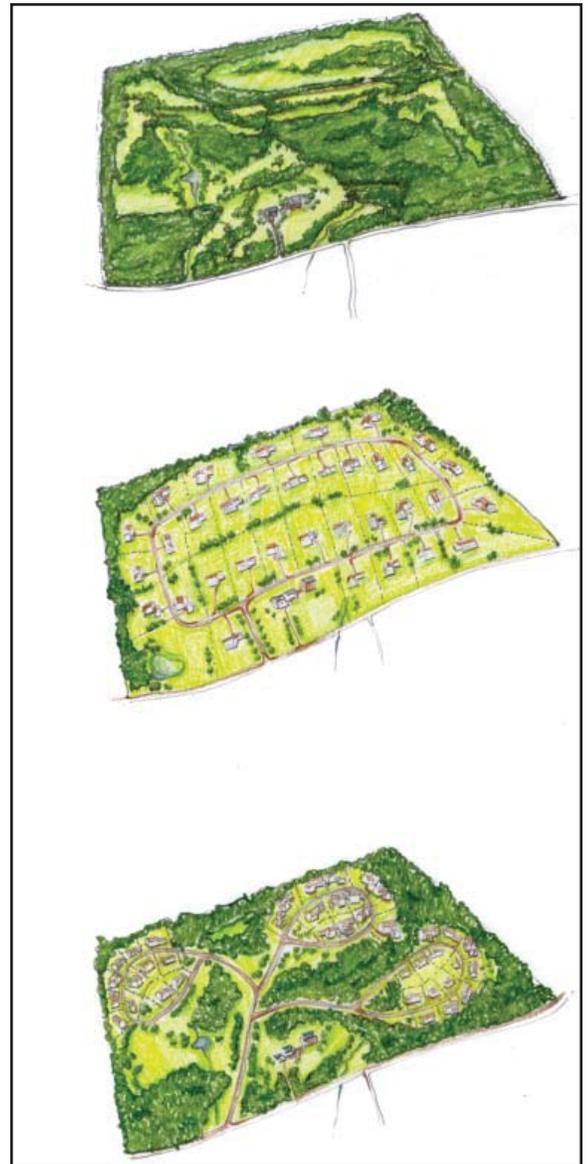
Conservation overlay district

A conservation overlay district should be developed that includes the fresh water wetlands in the Township and a protection buffer area 300 feet beyond the wetlands (see Map 6.2). Development in this buffer area would require clustering. Where a portion of a lot is inside the buffer area, new development should be located on the portion of the lot that is outside the buffer to the greatest degree possible without affecting lot yield. This will provide the Township with some control over the intensity of the development that occurs adjacent to wetlands.

Down Zone RG-2 and R-1 Districts and require clustering

The existing RG-2 District allows for a base density of 2 units per acre or 3 units per acre if Pinelands Development Credits are used in an approximately 4,100 acre area roughly in the center of the Regional Growth Area. The District's maximum permitted density should be reduced to 1.5 units per acre to decrease the number of homes built in the District. However, given the relatively low land price in Egg Harbor Township it is unlikely that this reduction in density would reduce the amount of land developed. Requiring clustering whenever two or more units are proposed the Township could reduce the impact of development on the wooded character. New developments of this type in these Districts would retain the wooded character of the Pine Barrens instead of the ubiquitous suburban character that is seen through New Jersey and the country.

The R-1 District permits a density of 1 unit per 40,000 square feet (just under an acre). The R-1 density should be reduced to 1 unit per 5 acres to take significant development pressure off of the District. Requiring clustered development that preserves wooded lands



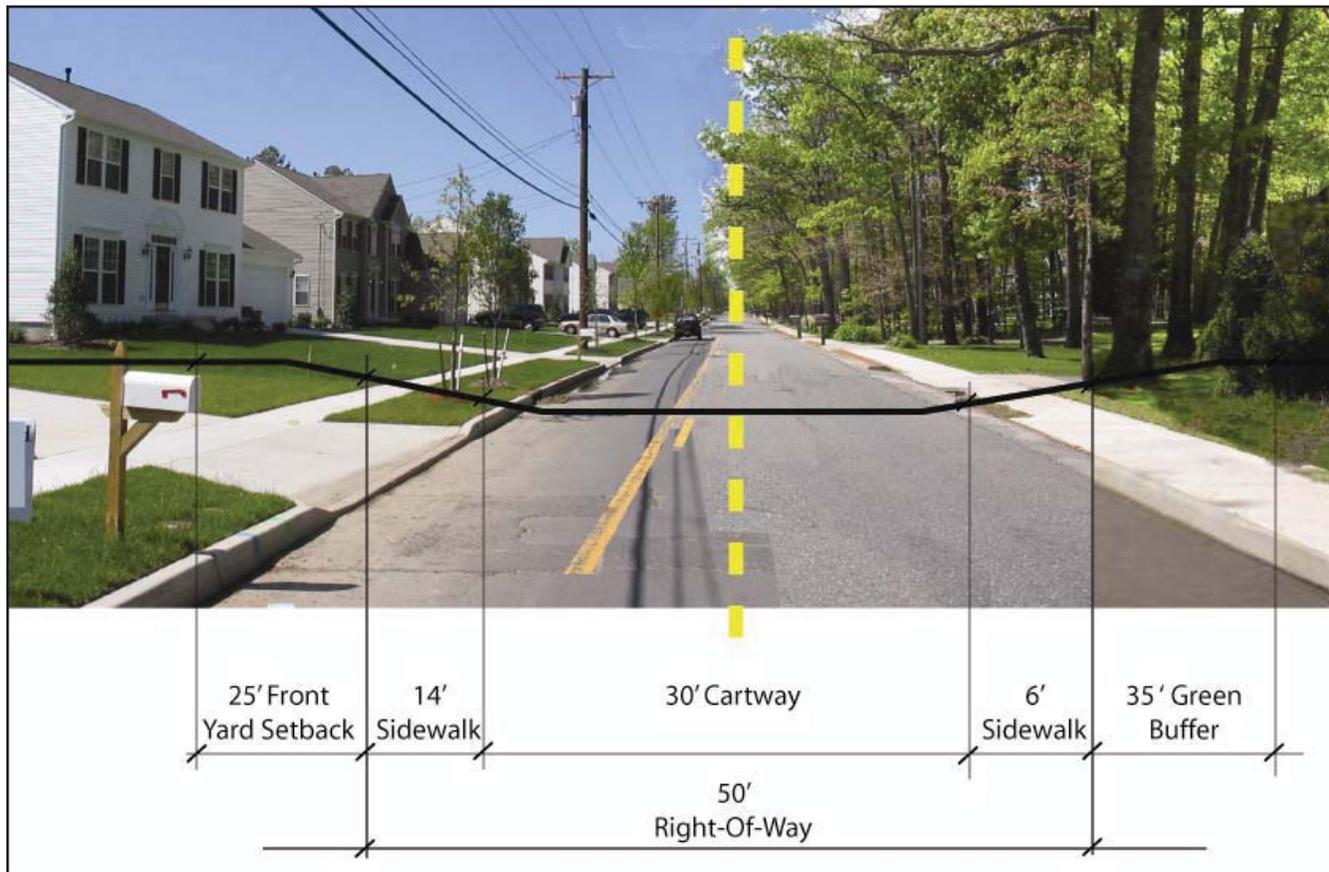
The above figures illustrate a parcel (1) before development, (2) with conventional development practices, and (3) with cluster development practices.



Figure 6.4 Green Roads Example

Typical Section

Desired Section



would further preserve the Township’s rural character. The CRW Conservation-Recreation-Wetland District and RA Rural Agriculture District are immediately adjacent to the R-1 District to the south and west respectively. Reducing development pressure in the R-1 District would therefore support a contiguous area of low-impact developable lands.

A Green Roads technique is proposed to help retain the wooded character along scenic roadways in the Township (Green Roads are shown on Map 3.5). This technique creates a scenic buffer that maintains the wooded Pine Barrens look of a road by limiting tree removal. An example of the Green Roads technique is provided above.



6.5 Conclusion

The suburbanization of the Township's neighborhoods and commercial corridors has occurred over the last 50 years, although more dramatic changes are more recent. Building a community form that reflects the character of Egg Harbor Township and strengthens the residential and commercial fabric of the community will take years to develop. This section of the Plan employs mixed-use centers that directs development away from natural areas toward livable community nodes where people will not only live, but shop, work, recreate, and contribute to a unique sense of place in Egg Harbor Township. Centers will create an identity and sense of place that is being rapidly lost in recent growth. If Egg Harbor Township employs these techniques, combined with the recommendations from the other sections of this Plan, they will have taken a meaningful step toward creating a strong and cohesive community form.



7. PLAN IMPLEMENTATION

New planning and investment policies that better enhance the development of livable communities are being adopted by Egg Harbor Township and by agencies, departments, and commissions at many levels of government across the State of New Jersey, including the Pinelands Commission. Individually, these policies are having some impact, but collectively they have the potential to make meaningful changes in Egg Harbor Township and demonstrate how planning, permitting, and funding decisions can create communities with a rich and positive character. This Plan proposes to bring these agency's collective and complimentary policy making powers and resources to bear on a community that is looking for help to focus its growth.

This section of the Plan provides specific actions that agencies must undertake individually and together to change land use regulations and target funding for capital improvements. The time frames in which actions are to be completed are recommended and estimated projected costs and potential funding sources are identified. To track accountability for each action item, an Implementation Committee consisting of local and agency stakeholders must be formed. The Implementation Committee should use this section of Livable Community Plan as a manual to



coordinate, guide, and encourage action on the part of all agencies involved. A comprehensive listing of all the recommended actions and descriptions of how the action items are to be carried out are provided in this chapter.

Implementation Partners

The State of New Jersey has an outstanding opportunity in Egg Harbor Township to demonstrate how their smart growth policies can be meaningfully implemented. The State must be able to offer meaningful funding and other support options in order to engage the Township in this effort. Any relationship forged between the State and the Township to implement this plan must be results driven. The State Office of Smart Growth (OSG) should serve on the Implementation Committee and be empowered to advance the Township's planning, permitting, and funding needs across departmental lines. Specific planning, permitting, and funding needs have been defined in this plan, however, it must be understood that a flexible and results driven effort is needed and that the implementation process will likely result in new or modified action items over time.

In addition to the OSG, support from the State of New Jersey will be needed from the Department of Transportation, Department of Environmental Protection, Department of Education, and the State Agricultural Development Committee.

The Pinelands Commission has critical interest in the future development of Egg Harbor Township and must continue to provide political support, refined and supportive regulatory systems and technical expertise in the development of land use ordinances. While the Commission has limited funding resources, it is able to provide political strength to bring other agencies to the



table. The Commission should also be active in the Implementation Committee.

Active support from other regional and county agencies that is needed to implement this plan includes support from the following agencies:

- Atlantic County,
- The South Jersey Transportation Planning Organization,
- The New Jersey Turnpike Authority,
- The South Jersey Transportation Authority,
- The Casino Reinvestment Development Authority, and
- The Atlantic County Improvement Authority.

Each of these agencies should participate in the Implementation Committee and will be responsible for recommended action items.

Egg Harbor Township must drive the implementation of this plan. By approving this Plan, the Township committee will have taken the first step by giving their approval to each recommended action item. The Township must continue to be active in realization of each action item through adoption of appropriate recommendations by the Planning Board and involvement by the Implementation Committee. Numerous recommendations are dependent on Township action.

7.1 Plan Initiation

1. Convene Implementation Committee

The Implementation Committee is essential to coordinate and maintain the involvement of the agencies participating in this effort and to ensure that action items are completed in a timely fashion. Technical and administrative support must be provided



by Egg Harbor Township, the State Office of Smart Growth, and the Pinelands Commission. These three agencies will serve as an executive committee and are expected to meet monthly through the first two years. Each agency must agree to a higher level of coordination, communication, and commitment than existing and past growth planning efforts.

Sub-committees on environment, transportation, design, and economic development are expected to meet quarterly. The Implementation Committee will be responsible for setting deadlines for the completion of the action items, assigning responsible parties, and generating progress reports.

Composition of Committee

The Livable Community Plan Visioning Team should serve as the foundation of the Implementation Committee and should contribute to both the executive committee and the sub-committees. They should also meet semi-annually with the Township Committee to review implementation progress. Other members should include Atlantic County, the Casino Reinvestment Development Authority, the South Jersey Transportation Planning Organization, the South Jersey Transportation Authority and the Atlantic County Improvement Authority. The Township, in adopting this plan, should authorize its Administrator to establish the Implementation Committee, recommend its members to be appointed, and be the staff delegate to the Committee. One new staff person, preferably a professional planner, should be added to the Township's administrative staff to both provide day-to-day management of this effort and to assist the review of new development proposals made under the revised ordinance.



2. Hold Partnership for Livable Community Summit

A one-day summit should launch this planning effort and be used to ensure that the Implementation Committee has the full support of the participating agencies. The summit should be hosted by the Mayor of Egg Harbor Township, Atlantic County Freeholders, and the appropriate State legislators. The local and state press should be invited. The Pinelands Commission should lend administrative and political support in bringing this event together and should coordinate with the Office of Smart Growth to detail the initial resources that they will bring to this effort. Other key players from each agency on the Implementation Committee must be brought to the table to fully develop the role they will play in Egg Harbor Township’s future. Commitments of time and resources by all parties will be required to implement this plan.

Action	Responsibility	Timing	Cost	Funding
1. Convene Implementation Committee	Township Committee	Short-term	\$0	-
2. Hold Partnership for Livable Community Summit	Pinelands Commission	Short-term	\$5,000	Pinelands Commission and OSG

7.2 Enhance Natural Environment and Recreation

Recommendations for enhancing environmental and recreational resource focus on the quality of the resources and creating new linkages that will improve their utility and accessibility. These are issues that can be partially addressed through changes in Township regulations and development of targeted improvement plans. The Township can address many of the needed changes, but additional funding will be necessary for capital projects and these funds will need to be provided by other agencies including NJDOT, Atlantic County, the State Agricultural Development Committee.

Conserve Environmentally Sensitive Areas

3. Enforce lot disturbance standards

Section 94-36 Lot Disturbance of the Egg Harbor Township Code provides restrictions for the removal of



trees during the planning and construction phases of development. Subsection D provides an applicant the option of using a landscaping plan if they are not able to meet the standards for preserving the existing trees. Most developers use the landscaping plan option to clear a lot of all vegetation prior to development. Removal of trees should be “limited to the clearing necessary to construct all roadways and drainage facilities only... (§94-36.C).” Subsection D should be removed from the Township’s Code.

4. Assess fines for removing trees

Fines should be assessed for removing trees that have been agreed to be saved in the subdivision design process. Proceeds should be used to fund inspection activity as part of enforcement. A Violations and Penalties section must be added to Chapter 94 of the Township Code to allow fines to be assessed.

5. Enforce specimen tree protection regulation

Specimen Trees are defined as significant trees listed by the state but can also be designated by the Egg Harbor Township Environmental Commission (§94-32). The Township Code states that during the development process, specimen trees may not be removed. To ensure specimen trees are protected on a proposed development site, an applicant should be required to submit a letter from the Environmental Commission with a major development application. The Township Planner or Township Zoning Officer, who is responsible for enforcing the protection of specimen trees, should consider any application that does not have a letter from the Environmental Commission incomplete.

6. Preserve Existing Farms

Four specific properties were recommended for preservation by the Visioning Team and residents of



trees during the planning and construction phases of development. Subsection D provides an applicant the option of using a landscaping plan if they are not able to meet the standards for preserving the existing trees. Most developers use the landscaping plan option to clear a lot of all vegetation prior to development. Removal of trees should be “limited to the clearing necessary to construct all roadways and drainage facilities only... (§94-36.C).” Subsection D should be removed from the Township’s Code.

4. Assess fines for removing trees

Fines should be assessed for removing trees that have been agreed to be saved in the subdivision design process. Proceeds should be used to fund inspection activity as part of enforcement. A Violations and Penalties section must be added to Chapter 94 of the Township Code to allow fines to be assessed.

5. Enforce specimen tree protection regulation

Specimen Trees are defined as significant trees listed by the state but can also be designated by the Egg Harbor Township Environmental Commission (§94-32). The Township Code states that during the development process, specimen trees may not be removed. To ensure specimen trees are protected on a proposed development site, an applicant should be required to submit a letter from the Environmental Commission with a major development application. The Township Planner or Township Zoning Officer, who is responsible for enforcing the protection of specimen trees, should consider any application that does not have a letter from the Environmental Commission incomplete.

6. Preserve Existing Farms

Four specific properties were recommended for preservation by the Visioning Team and residents of



the Township during public meetings. These include the Reed Farm (65 acres), the Patcong Farm (72 acres), the Police Athletic League (PAL) property on Mays Landing Somers Point Road (92 acres), and the Broadway Tract (numerous parcels, many owned by the Township, in excess 100 acres). The Reed farm and the Patcong farm are eligible to participate in New Jersey State Agriculture Development Committee's Farmland Preservation Program or State Acquisition Program. The Office of Smart Growth should facilitate a meeting between the property owners and the SADC. If the property owners are interested in pursuing one of the state's programs, the OSG should ask for prioritized funding for the preservation of the farms. Atlantic County should also assist in the preservation efforts through the Atlantic County Open Space Preservation Fund. The projected cost for preserving the farms are approximated at \$14 million at an estimated cost of \$100,000 an acre.

7. Acquire key recreation parcels

The Broadway Property and PAL tracts should be acquired by the Township for future passive recreational uses. The Broadway tracts could also be shared with a new school building if recommended by the School Board's five-year facilities plan. The costs to acquire the Broadway tract are reduced greatly because the Township already owns numerous lots in the area. The PAL property has limited development potential because of its location and the presence of protected wetlands. The cost to acquire the property would be approximately \$3.7 million at a per acre price of \$40,000, but may be available for a lower price or for a land trade with the Township.

Action	Responsibility	Timing	Cost	Funding
3. Enforce lot disturbance standards	Planning Board and Pinelands Commission	Short-term	\$0	NA
4. Assess fines for removing trees.	Township Committee	Short-term	\$0	NA
5. Enforce specimen tree protection regulation	Township Committee and the Pinelands Commission	Short-term	\$0	NA
6. Preserve Reed and Patcong Farms	OSG and ADC	Mid-term	\$14 M	ADC
7. Acquire key recreation parcels	Township	Mid-term	\$3.7 M	Township



Expand Recreational Facilities

Active recreational facilities targeted toward the adult population in Egg Harbor Township are needed. Some adult recreation needs are met through equestrian, running, and biking paths located along utility and road right-of-ways as described later in this section. These represent an important improvement opportunity that deserves near-term attention.

8. Establish adult sports league

Adult sports leagues should be established by the Department of Recreation or an outside community organization. This would require additional programming for the Department of Recreation but not additional facilities. Only minor start-up costs are anticipated as it may be possible to operate this system on user-fee income.

9. Include adult recreation amenities in new facilities

As the Township develops new recreation facilities, such as the proposed community center facility at the intersection of English Creek and Arizona Avenues, additional adult recreation facilities should be included. These could include a rock climbing gym and racquetball courts. The cost of these additions are estimated at \$15,000 and \$35,000 and will vary widely depending on the size of the facility.

10. Expand advertisement for Adult Community School

The Egg Harbor Township School District provides excellent recreational opportunities through the Adult Community School. The District should work with the Township to grow this capability by better advertising these quality services in methods beyond current website-based listings.



Action	Responsibility	Timing	Cost	Funding
8. Establish adult sports league	Dept of Recreation	Short-term	\$0	NA
9. Include adult recreation amenities in new facilities.	Township	Mid-term	\$50,000	Township Budget
10. Expand advertisement for Adult Community School	Egg Harbor Township School District	Short-term	\$0	NA

Expand Passive Recreation

11. Improve water access points

Map 3.7 indicates six sites where access to the water should be improved by providing amenities such as parking, signage, trails or walk ways, interpretive information, boat launches, and other appropriate amenities. The Implementation Committee should prioritize the water access points and initiate a planning and development process that improves one access point every two years. Priority should be given to the sites that present the greatest opportunity and access to the public and which present the least site constraints, such as wetlands. An initial prioritization is established in the following table with Longport Somers Point being the highest priority and Jeffers Landing the lowest. The prioritization should be reviewed by the Township's Department of Public Works and the Environmental Commission. Costs will vary depending on the extent of the facility proposed. A minimum of \$50,000 should be allowed for each access point for signage, garbage receptacles, and improved parking. Other amenities could include boardwalks and interpretive signs.

12. Create water-based amenity on Lakes Bay

The Township with financial assistance from the Casino Reinvestment Development Authority should develop a plan for a promenade along Lakes Bay. The promenade should be implemented through the redevelopment plan for West Atlantic City, discussed below, and through private investment. Amenities that could tie into the promenade include restaurants/cafes, kayaking, and wind-surfing facilities. The promenade is estimated to be 2,000 feet long and at \$35 a linear foot would cost roughly \$700,000.



Action	Responsibility	Timing	Cost	Funding
11. Improve Water Access Points				
Longport Somers Point	Township	Short-term	\$50k	Township
Harbor Road	Township	Mid-term	\$50k	Township
West Atlantic City	Township	Mid-term	\$50k	Township
Betsy Scull	Township	Long-term	\$50k	Township
Wharf Road	Township	Long-term	\$50k	Township
Jeffers Landing	Township	Long-term	\$50k	Township
12. Create water-based amenity on Lake Bay	Egg Harbor Township	Mid-term	\$700k	CRDA

Recreation Linkages

13. Develop bike path on utility right-of-ways

Recreation trails should be constructed along utility right-of-ways in the Township. Between Tremont Avenue and Filmore Avenue, North of Ocean Heights Avenue to the Black Horse Pike, an asphalt path ten feet wide should be constructed for bicyclists, walkers, joggers, and rollerbladers. This stretch or ROW is roughly 20,100 feet (3.5 miles). The cost per square yard (including clearing and grubbing, a gravel base and the asphalt) is estimated at \$31 a square yard. Approximately 22,500 yards are required for the trail yielding a project cost of \$700,000.

14. Develop equestrian path on utility right-of-ways

Another utility right-of-way runs south of the intersection of Ocean Heights and English Creek Avenues to Asbury Road, just north of the intersections with Zion Road. A woodchip path should be developed on this right-of-way for equestrian and other activities that do not require a paved area. Motorized vehicles should not be allowed on any of these trails. The path is 20,000 feet long and would require an estimated 2,500 cubic yards of wood chips will be required for the path. Project costs are estimated to be \$100,000 including clearing and grubbing, woodchips, a log edge, and some gravel for wet areas.

Action	Responsibility	Timing	Cost	Funding
13. Develop bike path on utility right-of-ways	Township	Mid-term	\$700,000	Township
14. Develop equestrian path on utility right-of-ways	Township	Mid-term	\$100,000	Township



7.4 Schools and Community Services

15. Neighborhood schools

The School Board should investigate the construction of a neighborhood school to meet part of their future facilities needs. To encourage the School Board to move in this direction and to offset increased site costs, the State Department of Education should offer capital funds for the construction of the school. An initial contribution from the DOE for the neighborhood school should be \$3 million to augment increased land costs (the site will be close to existing development and not in a ‘greenfield’ as is typical) and other costs related to infrastructure improvements for connecting the school to a neighborhood. This amount should not come from regularly programmed construction funds obligated to the school district. It is recommended that the following concepts be considered in school site decisions.

- Location adjacent to established or planned residential communities constructed at comparatively high densities, such as six units to the acre,¹
- Location along or connected to existing or planned pedestrian or bicycle facilities,
- Connection to existing or new recreation facilities,
- Served by a system of neighborhood and Township-wide sidewalks,
- Avoid being adjacent to or within a half of a mile of a major roadway.

Action	Responsibility	Timing	Cost	Funding
15. Encourage neighborhood schools	School Board	Near-Term	\$3 mil	State DOE

¹ Planning literature does not provide a recommended density required to support a neighborhood school. However, a neighborhood school should serve an area within a half-mile radius so most children can walk to school. There are approximately 500 acres contained in the area within a half mile radius. If 400 of those acres are developable at six units to an acre, 2,400 units might be expected to support the school.



Increase Non-residential Ratables

16. Adjust tax abatement policy

A stable ratable base is necessary to ensure the financial health of the Township and school system. Commercial uses provide revenues without the expense associated with educating children. Commercial ratables are therefore very important to the Township. Currently the Township provides abatements of these taxes to new commercial developments greater than 5,000 s.f. These taxes should only be abated when new development can demonstrate to the Township that the business will still be viable beyond the five year abatement period. The Township Committee should also implement changes recommended in Section 6 of this report that will increase the intensity of the land use, attract development, and thereby increase the tax base.

Action	Responsibility	Timing	Cost	Funding
16. Adjust tax abatement policy	Township Committee	Short-term	\$0	NA

7.5 Transportation and Pedestrian Safety

Intersection Improvements

17. Improve intersections

Recent intersection improvements, such as Zion Road and Ocean Heights Avenue have demonstrated that substantial improvements to traffic operations can be achieved without major widenings of the arterial roads. The Visioning Team and Township residents suggested intersection improvements in many additional locations. The County should initiate traffic studies that include conceptual design and cost estimates for each intersection. Required improvements will likely range from adding new striping and changing traffic light timing to providing new traffic signals and adding additional turning lanes. The costs of the improvements will vary depending on the extent of the required improvement. Past intersection improvements



have ranged from \$326,000 for Fire Road and Delilah Road to \$1.4 million for West Jersey and English Creek Avenues according to County records. The Township cost for initial conceptual design is estimated to be \$15,000 per intersection.

Improvements should be grouped by roadway segments at roughly three a year. Signals along Ocean Heights Avenue should be addressed first, followed by English Creek Avenue, West Jersey Avenue, Fire Road, Ridge Avenue, and the Hingston Avenue intersections. The designs and estimates should be submitted to Atlantic County, which controls most of these roads, for inclusion in their Highway Improvement Program and Annual Transportation Program. Atlantic County must increase the pace at which intersection upgrades are provided. Where the intersections are under Township jurisdiction funds should be solicited from the NJDOT Municipal Aid Program. Costs shown below reflect study costs only.

Action	Responsibility	Timing	Study Cost	Funding
17. Improve intersections				
Ocean Heights Avenue and Leap Street	County	Short-Term	\$15,000	Township
Ocean Heights Avenue and Alder Avenue	County	Short-Term	\$15,000	Township
Ocean Heights Avenue and Blackman Road	County	Short-Term	\$15,000	Township
English Creek Avenue and Dogwood Avenue	County	Mid-term	\$15,000	Township
English Creek Avenue and High School Drive	County	Mid-term	\$15,000	Township
West Jersey Avenue and Spruce Avenue	County	Mid-term	\$15,000	Township
West Jersey Avenue and Fernwood Avenue	County	Mid-term	\$15,000	Township
West Jersey Avenue and Tremont Avenue	County	Mid-term	\$15,000	Township
Ridge Avenue and Black Horse Pike	County	Mid-term	\$15,000	Township
Ridge Avenue and Mill Road	County	Mid-term	\$15,000	Township
Fire Road and Hingston Avenue	County	Long-term	\$15,000	Township
Hingston Avenue and Old Egg Harbor	County	Long-term	\$15,000	Township

Sidewalks

18. Develop new sidewalks

Sidewalk improvements, on at least one side of the road, should be made on the following arterial roads (shown in Map 3.7):

- Black Horse Pike,
- English Creek Avenue (from Black Horse Pike to Ocean Heights Avenue), and
- Ocean Heights Avenue (from English Creek avenue



to Steelmanville Road).

These road segments total over 66,000 linear feet (11.6 miles), which cannot be realistic constructed under a single project. Sidewalk construction should therefore be phased at roughly 10,000 linear feet a year. Atlantic County should work with the Township to prioritize sidewalk improvements and coordinate them with their other maintenance projects. Costs for sidewalk improvements are estimated to be \$500,000 a year and include clearing and grubbing, gravel foundation, and poured cement at a combined \$8 per square foot. In some sections, roadway edge drainage systems may need to be modified to accommodate sidewalks. These conditions will increase costs in those areas.

19. Install a pedestrian bridge

A pedestrian bridge should be installed over the Black Horse Pike to provide a safe crossing over the roadway, connect the Shore Mall and the Cardiff Center, and provide a link between the bike path on West Jersey and the rail right-of-way/bike path to Atlantic City. At present, it is very difficult to safely cross the Black Horse Pike on foot. Such enhancements are eligible for federal funding. Funds for preliminary design should be added to the SJTPO’s Transportation Improvement Program.

Action	Responsibility	Timing	Cost	Funding
18. Develop new sidewalks	Atlantic County	Phased	\$200,000/ year	Atlantic County
19. Install a pedestrian bridge	NJDOT	Long-term	\$200,000	NJDOT

Trails and Bike Paths

20. Add new on-road bike paths

On-road bike lanes should be installed on the Black Horse Pike and Ocean Heights Avenue as indicated in Map 3.7. Atlantic County has been adding bike lines when roadways are improved for several years



and part of the costs of the lanes should be covered in regular roadway improvements. The total length of the proposed bike lanes is roughly 41,000 linear feet (7.2 miles) much of which has shoulders that can accommodate the lanes. The cost for stripping the lines and supporting signage is estimated at \$0.60 a linear foot for a total of \$50,000. A bike lane is not recommended for English Creek Avenue because an off-road bike path is recommend for a utility right-of-way that parallels the roadway (Action item 13 above).

Action	Responsibility	Timing	Cost	Funding
20. Add new on-road bike paths.	Atlantic County	Phased	\$24,600	Atlantic County

Parkway Recreation Path

21. Develop recreational trail along the Garden State Parkway

A ten-foot wide asphalt recreation trail along the western side of the Garden State Parkway should be constructed by the New Jersey Turnpike Commission. The total length of the trail is 20,700 feet. Using the same cost estimated for the path on the utility right-of-way (\$31 per square yard), the cost for the Garden State path is estimated to be \$720,000. This does not include road crossings of which there are three. Bike and pedestrian traffic can either be routed to the nearest controlled crossing or a new overpass structure for the path attached the Garden State Parkway bridges can be investigated.

Action	Responsibility	Timing	Study Cost	Funding
21. Develop recreational trail along the Garden State Parkway	New Jersey Turnpike Authority	Long-term	\$716,910	New Jersey Turnpike Authority

Transit

22. Expand bus service

An additional bus route from the airport south past the Black Horse Pike on English Creek Avenue and east on Ocean Heights Avenue is needed to connect the southern part of the Township with the commercial and



employment centers in the north and to the existing east-west routes in the Black Horse Pike Corridor. New Jersey Transit should investigate the feasibility of providing this service.

23. Install bus shelters

Bus shelters should be installed at all bus stops in the Township. The Township should install three a year. The cost of the shelters could be offset, in part, by advertising revenues if this approach proves acceptable. Durable shelters are offered by many distributors. An estimated cost for one shelter from Polygon, Inc., is \$9,400. Installation costs are estimated to be an addition 35%, for a total of \$12,690 per shelter. Transit use should be encouraged.

24. Investigate commuter service to Atlantic City

The South Jersey Transportation Planning Organization prepared the South Jersey Regional Rail Study that investigated the feasibility of creating rail commuter service to Atlantic City from the Cardiff Center. They estimate the cost to restore rails service to the eight-mile section to be \$58 million. Non-rail options were not investigated in the report. Transit service presents an enormous opportunity for the Township to increase ratables and create a transit oriented development in the Shore Mall/Cardiff Center area. This type of investment is ideally suited to smart growth goals and is a relatively affordable opportunity given typical new transit service costs. The OSG should work with NJDOT, the South Jersey Transportation Authority, New Jersey Transit, and Atlantic County to get this project on the list of federal New Start projects, which would qualify it for a 50% funding match.

Action	Responsibility	Timing	Cost	Funding
22. Expand bus service	New Jersey Transit	Short-term	\$0	New Jersey Transit
23. Install new bus shelters	Township	Phased	\$12,690	Township and advertising
24. Investigate Commuter service to Atlantic City.	Implementation Committee	Long Term	\$29 Mil	SJTPO



North South Capacity via The Garden State

Parkway

25. Install half interchange on the Garden State

Parkway

A very effective method for providing relief on the north-south arterial roads in the Township would be to move some of this traffic onto the Garden State Parkway. The New Jersey Turnpike Authority should initiate planning for a new half interchange at Ocean Heights Avenue that provides access to and from the north. The SJTPO, together with the New Jersey Turnpike Authority should begin the process of environmental and preliminary engineering for the project. The preliminary work is estimated to cost \$250,000. A secondary impacts analysis would also be required. Once these tasks have been successfully complete, the The Pinelands Commission must amend their policy against new interchanges on the Garden State Parkway and acknowledge the needs of growth communities.

Action	Responsibility	Timing	Cost	Funding
25. Install half interchange on the Garden State Parkway	New Jersey Turnpike Authority	Long-term	\$250k	New Jersey Turnpike Authority

7.6 Community Form

26. Hire a Township Planner

The Township should hire a planner to support the implementation committee and to help develop a form-based code and assist in the development review process. It is recommended that this individual be a full-time Township employee and be the primary staff for the implementation committee.

27. Adopt a form-based code

The Township should develop a form-based zoning code for the mixed-use district that reflects the character and ideals of the Township. The code must ensure that retail uses are carefully integrated into a mixed-use development and that shops enforce the concept



of a town center instead of that of a strip development or typical suburban mall. Retail uses should be built near the front of the property line unless a civic area is provided, such as an outdoor café, or a town square. Store fronts should be transparent from the pedestrian streetscape. Similarly, high ground floor ceilings should be encouraged to provide an open pedestrian scale.

Action	Responsibility	Timing	Cost	Funding
26. Hire a Township Planner	Township Committee	Short-term	\$60,000 yrly	Township and Development escrows
27. Adopt a form-based code	Township Committee	Mid-term	\$40,000	The Smart Future Planning Grant

Egg Harbor Township Town Center

28. Adopt Town Center code

Egg Harbor Township should adopt a Town Center code. A model Town Code ordinance is included in Appendix F of this Plan.

29. Engage Atlantic County Improvement Authority

The Township should initiate discussion with the Atlantic County Improvement Authority about funding the purchase of select properties in the Town Center for redevelopment.

Action	Responsibility	Timing	Cost	Funding
28. Adopt a Town Center code	Township	Short-term	\$0	NA
29. Engage Atlantic County Improvement Authority	Township/ACIA/ CRDA	Short-term	\$0	NA

Black Horse Mixed-Use District

30. Adopt Mixed-Use District

The Township should adopt a Mixed-Use District for the Black Horse Pike based on the parameters presented in Section 6.3. Draft code is provided in Appendix F.

31. Develop a Black Horse Corridor Plan

Because of the importance of the Black Horse Pike to the Township a corridor plan should be initiated that addresses land use, pedestrian and vehicular circulation, open space, connections to adjacent residential areas, and the physical streetscape on the Pike. Financial and



technical support for this effort should be provided by the Pinelands Commission, Atlantic County, the ACIA, CRDA, and NJDOT.

Action	Responsibility	Timing	Cost	Funding
30. Adopt Mixed-Use District	Township	Short-term	\$0	NA
31. Develop a Black Horse Corridor Plan	Township	Short-term	\$250,000	The Smart Future Planning Grant

Neighborhood Centers

32. Adopt Neighborhood Center Code

The Township should adopt a Neighborhood Center District for the areas indicated on Map 6.2. Parameters for the district are presented in Section 6.3. Draft code is provided in Appendix F.

Action	Responsibility	Timing	Cost	Funding
32. Adopt Neighborhood Center Code	Township	Short-term	\$0	NA

Bayview Economic Development District

33. Initiate Redevelopment Plan

The Township should initiate a redevelopment investigation of the Bayview District as soon as possible. The plan should target properties along the north side of the Black Horse Pike. Once a redevelopment plan is developed, it will allow the municipality to create new regulatory standards to guide future development. The redevelopment plan should encourage higher building heights to take advantage of the views of Lakes Bay and Atlantic City. Hotel construction would be ideal along this corridor because of the close proximity to Atlantic City and resulting tax revenue that could be generated without additional school-aged children. The Township will also be able to leverage the support of the Casino Reinvestment Development Authority, which has committed \$3 million to the effort to redevelop West Atlantic City.

The Township must declare an area in need of redevelopment before they can adopt a redevelopment plan. A preliminary investigation is the first step in this process. The Township with its professional planner



should meet with residents from West Atlantic City to delineate the boundaries of the area to be investigated. The preliminary investigation should then be initiated. The OSG should expedite a change in the State Redevelopment and Development Plan in this area from Planning Area 5 to Planning Area 1.

Action	Responsibility	Timing	Cost	Funding
33. Initiate Redevelopment Plan.				
Conduct preliminary investigation	Township	Short-term	\$65,000	CRDA
Create Redevelopment Plan	Township	Short-term	\$35,000	CRDA

Land Conservation

34. Develop Green Roads code

The Green Roads technique should be adopted to limit site disturbance along the edge of scenic roadways. Tree cutting, grubbing, and grading along these roadways should be severely restricted. Sidewalks should be placed within wooded areas, instead of directly adjacent to the roadway. For preservation purposes, large trees within 30 feet of the edge of the road pavement should be protected by allowing removal only with approval from the Township. Driveways will be limited to one entrance onto a roadway and the width of the drive may not exceed 12 feet within the 30 foot setback. Any new structure within this scenic buffer must be sited to minimize the removal of trees. Future disturbance should be prevented through deed restrictions or similar enforceable covenants. Sidewalks must be constructed around trees. The Township may wish to add additional sections of roadway to those proposed or require greater setbacks on roads with special significance.

35. Down Zone RG-2 and R-1 Districts and require clustering

The density standards in these Districts should be reduced as described in Section 6.3 and clustering should be required. Modifications to the Township’s clustering ordinance are provided in Appendix F.



36. Develop Conservation Overlay District

To ensure that sensitive wetlands areas outside the RG-2 and R-1 Districts are protected, the Township should develop a conservation overlay district that requires clustering.

Action	Responsibility	Timing	Cost	Funding
34. Develop Green Roads code	Township	Short-term	\$5,000	The Smart Future Planning Grant
35. Down Zone RG-2 and R-1 Districts and require clustering	Township	Short-term	\$0	NA
36. Develop Conservation Overlay District	Township	Short-term	\$5,000	The Smart Future Planning Grant

7.7 Conclusions

Decades of intensive residential growth in Egg Harbor Township have occurred without an equal effort to maintain community infrastructure. Strains to the Township's road infrastructure, schools, community, and overall quality of life were the result of state, county, regional, and local policies and funding decisions over the past several decades. It will take a determined effort, over an extended period of time, with support from numerous parties to accomplish this ambitious agenda. The Implementation Committee established in this plan is meant to sustain and coordinate efforts and to achieve effective accountability. Energetic implementation of this Plan will guide Egg Harbor Township toward becoming a more cohesive community that respects its Pine Barrens heritage and that provides a high quality of life for all its residents.



Interview Questionnaire

“Livable” Community Planning
Egg Harbor Township

Interview Team: _____ Date: _____

Interviewee(s): _____

Agency/Interest: _____ Years lived/worked in EHT? _____

Summary Instructions

Intro and brief overview of project and team with focus on physical study. Quick discussion of recent trends – population, dwelling units, etc.

Interviewee background with or in Egg Harbor

Questions will be selected based on area of expertise of the individual

- Key documents or information (agency folks, i.e. school pop. Forecasts, traffic, sewage capacity etc.) _____
- What changes are anticipated – new schools etc. _____
- Characterize Egg Harbor Township – what makes its image – where is the physical heart of the township? _____
- Do you believe EHT is changing for better or worse – why? _____
- What do you like best / least about Egg Harbor? _____
 - Traffic/Congestion
 - Services
 - Quality of life
 - Recreation/environmental opportunities
 - Character/aesthetics (commercial, residential, other)
 - Sense of place/community
 - Other _____
- How do you feel about recent growth in the Township?
- Good aspects / Bad aspects: _____
- Are you satisfied with recreation and open space facilities? _____
- Are the schools satisfactory? Do they have a physical link and connection to the community? _____

- How do feel about the retail shopping in the Township?
 - Where do you shop?
 - Do you walk/drive?
 - How long of a commute is it to you shopping?

- Where are the core residential areas in the Township?

- How do find commuting to work, schools, shopping, or other places?

- Besides traveling by car, is walking or bicycling a viable option?

- What are your favorite communities that you have visited?
- What are your favorite South Jersey communities? Is there one that you like to walk around in?

- Draw the boundaries of your neighborhood on the map.
 -
 -
- Other Impressions:

- Who else should we talk to?

Visioning Team Member Biographies

Manny Aponte has lived in Egg Harbor Township since 2002. He is married with a two-year old son. Manny is a member of Township Planning Board and of the Hispanic Alliance. He works as a financial advisor for the Alquist Wealth Management Group of Wachovia Securities.

Paul Barbere has lived in the Township for 14 years. He is married with two children ages 9 and 13. Paul is an Atlantic City Police Officer and moved into the Egg Harbor Township from Atlantic City to start and raise my family.

Patty Chatigny was born and raised in Egg Harbor Township. She has been married 32 years and raised a family in the Township. Patty has been and employee of Egg Harbor Township for 25 years in various departments and has been the Township Zoning Officer for the last 7 years.

Peter Castellano has lived in the Township for several years, is married, has two daughters, ages 3 and 6. He has served for six years on the Egg Harbor Township Board of Education, three of those years as Vice President. He is also founder and Chairman of the Community Partnership for Township Schools, a non-profit foundation that raises private funding to benefit the school district. Peter works in the Township as an Attorney with the FAA Technical Center.

Nathan Davis

No information provided

Joe Gurwiz

No information provided

John Heinz Jr. is a retired State Certified Public Manager. He is the former Mayor of Egg Harbor Township, a Township Committeeman, Planning Board member, and currently the Chairman of the Egg Harbor Township Zoning Board. He served for many years as a Commissioner of the local Township Municipal Utilities Authority and the Atlantic County Municipal Utilities Authority. He also served as a commission member of the Hazardous Waste Siting Commission representing county and municipal governments.

John “Jay” Henry has lived in Egg Harbor Township for 43 years. He grew up in the Bargaintown section of the Township and still resides there. He and his wife are raising their children in Bargaintown and hope to save many of the good characteristics of the community for their children and future residents of Egg Harbor Township.

Ralph Henry has lived in Egg Harbor Township for 15 years and served on the Township Planning Board for ten years, four as chairman. Ralph works as a heavy construction contractor. He is interested in getting Egg Harbor Township on a more orderly development plan and demonstrating to the State that the Township needs some changes in the Pinelands Act.

Janis Hetrick is the Chair of the Egg Harbor Township Environmental Commission. She has been a Township resident for 34 years and proud to be called in a Press of Atlantic City editorial a long time “fierce foe” of Pinelands regulations.

Christine (Chrissy) Martin has lived in Egg Harbor Township for 15 years, nine of which have been in West Atlantic City. She graduated from Mainland High in 1971, and Atlantic Cape Community College in 1979 with high honors. Chrissy has been an active member of Greentree Church in Egg Harbor Township for 34 years. She has been a realtor sales representative for 20 years and with Balsley Losco in Northfield for 8 years.

Peter Miller was appointed Township Administrator in June 1989 and has been a resident ever since. He has been continuously employed in local government in NJ for the past 30 years. He is active in the community coaching youth sports for 14 years and serving as President of Cygnus Creative Arts Centre since 1993.

Mayor James J. "Sonny" McCullough was born in EHT. He served on the Zoning Board of Adjustment prior to being elected to Township Committee. He has served on Township Committee continuously since 1986. He has served as mayor for 18 of his 22 years of service.

Steve Skwire has degrees from Cornell and Columbia Universities where he majored in physics. He works for Lockheed Martin Corporation in support of the National Air Traffic Control System. He has lived in Egg Harbor Township for fifteen years and has observed, with dismay, the rapid changes that have happened to our community. He knows that the decisions we make today, for better or worse, will determine what kind of community we live in fifteen years from now.

Visioning Team SWOT Meeting

Location	Township Building Emergency Response Room	Time & date 4:00 PM February 21, 2006
Present	Manny Aponte, Paul Barbere, Peter Castellano, Patty Chatigny, Nathan Davis, Joe Gurwicz, John Heinz, Ralph Henry, Jay Henry, Janis Hetrick, Chrissy Martin, Peter Miller, Steve Skwire Jeremy Alvarez, Peter Mahaony, and Oliver Carley, Vollmer Associates; Paul Grygiel, Phillips Preiss Shapiro Associates; David Kutner and Christine Graziano, New Jersey Pinelands Commission	
Absent	Mayor McCullough	

Report

Paul Grygiel conducted the meeting. Email contact information was confirmed for members of the Visioning Team. The meeting schedule for the remainder of the project was discussed. The Visioning Team decided they would like to hold the public meetings the same nights of the Visioning Team meetings. The final schedule is distributed as another document.

The remainder of the meeting focused on the Strengths Weaknesses Opportunities Threats (SWOT) exercise. General topics were grouped into four areas to correspond with the next four Visioning Team meetings. The strengths, weaknesses, opportunities, and threats, of each topic area were then developed by the Visioning Team. A summary of the SWOT analysis is below.

Item No	Action Items	Individual Responsible	Due Date
	No action items		

The majority of this meeting consisted of the Visioning Team discussing issues and topics that will be further evaluated as this study progresses. This discussion was conducted as a “SWOT” (strengths, weaknesses, opportunities, threats) exercise. The general themes and ideas that came out of this meeting are listed below by topic area. The date of the future Visioning Team meeting at which the topics will be explored in depth is listed after each topic heading.

1. Environment, Open Space, and Recreation – March 7

Strengths

- Good recreation facilities
- Recreation Department: offers lots of programs, including good youth programs
- Strong open space acquisition policy
- A lot of high quality environmental lands still left
- Good waterfront property
- Bike path

Weaknesses

- Landfills, junkyards and quarries give the Township a bad image
- Bad development practices (e.g., trees are clear cut for new development)
- Sewer infrastructure
- Aquifer is being drained
- No awareness about nature center

Opportunities

- Preservation of woods, farmland, and open space
- Capitalize on golf courses
- Develop a good preservation ordinance

Threats

- Depleted air quality from cars
- Capacity: dwindling water supply, running out of places to put trash, etc.
- Loss of continuous wooded areas

2. Town/Neighborhood Centers and Development Patterns – March 21

Strengths

- Black Horse Pike corridor
- Traffic tolerable (but getting worse)
- Sidewalks are mandatory for new development
- Seven discrete areas of Township (West Atlantic City, Scullville, Bargaintown, English Creek [McKee City], Farmington, Cardiff, Steelmanville, Seaview Harbor)
- Waterfront
- FAA Tech Center

Weaknesses

- Township identity: losing historic identity, no one center of Township, three non-contiguous parts, landfills/junkyards/quarries give the Township a bad image
- Bad development practices: poor aesthetics, no interconnections between developments, lot sizes too small
- Children cannot walk or bike to school/friends/play

- No neighborhood schools – 100% busing
- Mandatory high growth designation from Pinelands
- Casino pressure – increased housing burden
- Pace of growth is too fast – cannot be controlled
- Trailer parks (2,000 mobile home dwelling units)

Opportunities

- FAA Tech Center
- Commercial base is good – Shore Mall and Cardiff Center
- Create transit-oriented development (TOD)
- Create mixed-use development in West Atlantic City
- Pedestrian communities
- Demand better design for commercial development

Threats

- Losing Township’s identity: becoming bedroom community, from blue collar to yuppie-ville
- Construction of new casinos would bring more houses to the Township
- Inward migration from barrier islands
- Increased age-restricted developments
- Potential for foreclosures on “starter castles”
- Legislative hurdles: no support from Trenton, rapidly increasing taxes, no reward for being a regional growth area, regional growth boundaries run down center of roads

3. Traffic and Pedestrian Safety – April 4

Strengths

- Black Horse Pike is a focal corridor
- Traffic infrastructure is newer and could be better managed
- Traffic is tolerable (but deteriorating)
- Mandatory sidewalks
- Bike path

Weaknesses

- Traffic light timing is off
- Traffic intensity
- Road network: confusing, streets cannot be widened, little road interconnection
- Emergency response time is slow
- Children cannot walk or bike to school/friends/play
- Sporadic sidewalk availability dangerous – invites children to walk/bike where there is no path
- Lack of public transit
- No north-south corridor in Township
- Accidents are on the rise
- Traffic is on the rise

Opportunities

- Access to malls: change perceptions, change reality (provide better access)
- Create new access to Garden State Parkway
- Detailed traffic study

- Coordinate roadways between EHT and surrounding municipalities – several intersections
- Utilize rail right-of-way and bike paths
- Connections: bridge over Black Horse Pike, rail link to Atlantic City, pedestrian connections

Threats

- County's failure to fund roads
- Failure to maintain, improve, raise taxes

4. Schools and Community Facilities – April 18

Strengths

- Schools offer great education
- Strong volunteer presence in the community
- One ZIP Code

Weaknesses

- Children cannot walk or bike to school/friends/play
- No neighborhood schools – 100% busing
- Capacity: schools overcrowded, school facilities over burdened, sewer capacity limited
- Poor school design
- Three non-contiguous parts of the Township
- Mandatory high growth designation from Pinelands
- Stagnant school aid from State
- 911 response is slow
- FAA does not add to tax base

Opportunities

- Develop neighborhood schools
- Develop a community center

Threats

- Families moving off barrier islands and into EHT (inward migration)
- Increase in student population
- Decreased funding per pupil from the state
- High school may have to split
- Legislative hurdles: no support from Trenton, lack of consideration from Pinelands, no reward for being a regional growth area
- Lack of school sites
- Rapidly increasing taxes

Visioning Team Topic 1 – Environment and Recreation

Location	Township Building	Time & date
	Emergency Response Room	4:00 PM March 7, 2006
Present	Manny Aponte, Paul Barbere, Peter Castellano, Patty Chatigny, Nathan Davis, Joe Gurwicz, John Heinz, Ralph Henry, Jay Henry, Janis Hetrick, Chrissy Martin, Mayor McCullough, Peter Miller, Steve Skwire Jeremy Alvarez, Peter Mahony, and Oliver Carley, Vollmer Associates; Paul Grygiel and Chris Rembold, Phillips Preiss Shapiro Associates; David Kutner and Christine Graziano, New Jersey Pinelands Commission	
Absent	none	

Report

Oliver Carley opened the meeting by distributing inserts for the project notebooks including a corrected contact list, a revised meeting schedule, the press release for the public meeting, and the guideline questions asked by the consultant team during the interviews with Township stakeholders. These inserts were prepared by David Kutner from the Pinelands Commission. Mr. Carley then discussed the ftp site created for the Visioning Team. An email with instructions on how to use the site was sent to everyone in the Visioning Team. The site will contain agendas, meeting reports, and other useful information. There was some confusion from Visioning Team about what information was currently available on the site and how to access it.

Paul Grygiel went over the findings of the SWOT analysis from the previous meeting (Summary of SWOT analysis was emailed to the Visioning Team on March 3). The only concern stated was about the accuracy of statements made in the SWOT about diminishing water quality and quantity.

Mr. Grygiel described the contents of the Recreation and Parks Fact Sheet for Egg Harbor Township (distributed at the meeting). The fact sheet provides information about the facilities for all of the Township’s recreation land and shows substantial amounts of open space in the Township. Several Visioning Team members commented that not all open space lands are easily accessible.

Peter Mahony lead the discussion on the Environment, Recreation, and Open Space focused on the following categories:

- Unmet Active/Passive Recreation Demand
- Land-Based and Water-Based Recreation
- Private/Public Recreation Facilities
- Use of Open Space to Buffer/Control Growth Areas

- Environmentally Sensitive Areas to be Acquired/Preserved
- Greenways as Buffers, Links, Pedestrian/Bikeways
- Operational/Maintenance issues

A more detailed description of the Visioning Team’s discussion of these topics follows.

Major issues that resonated at the meeting include:

- Identify critical tracts of lands for preservation for passive use (map to be brought to meeting)
- Create connections via utility rights-of-way (map to be brought to meeting)
- Create recreational opportunities for adults
- Create recreation opportunity for West Atlantic City – opportunity should be explored, but may be politically challenging
- Develop waterfront connections to Great Egg Harbor River

Discussion Summary

Unmet Active/Passive Recreation Demand

Issues to be addressed:

- Children’s recreation facilities and programs are important
- Need to focus more on adult recreation and activities
- Need more jogging trails and other facilities
- Passive open space important as well: arboretum, bird watching, etc.
- Save lands for passive use given future growth
- The portion of the Township in CAFRA’s jurisdiction is in effect the Township’s passive reserve right now
- Currently no parks in West Atlantic City
- Possible new facilities to be considered:
 - Lacrosse and field hockey fields
 - X-Games/“extreme sports” (e.g., skate park – but if public, what about insurance?)
 - Ice skating
 - Swimming
 - Equestrian facilities
 - Bike trails (especially in north-south direction)
 - BMX track
 - High School Stadium
 - Community center
 - Racquetball
 - Cultural arts center

Land-Based & Water-Based Recreation

- Develop boat launch ramp
- Riverbend Property Atlantic County
- Already a marina in Pleasantville, but it has problems
- Land-Based Marina activity
- Bay Views—W. Atlantic City -- Bayport property
- Simple facilities important too, such as places to take in views
- Morris Beach—area on river -- Private lots?!
- Jeffers Landing: take advantage of a few parcels owned by EHT?
- County land also could be used to access river

Private/Public Recreation Facilities

- Golf – numerous golf courses
 - although private courses not integrated with housing development may face pressure to be redeveloped for housing
- Public: high school indoor pool
- Private: AtlantiCare fitness center
- Racquet clubs and gyms
- Bowling alley
- Ice rink next to bowling alley failed, but indoor soccer and lacrosse facility could work
- Clubhouses in age-restricted developments
- Campgrounds
- Shooting range
- Laser tag and similar games
- P.A.L. center
- Walking at Shore Mall
- Cultural arts center

Use of Open Space to Buffer/Control Growth Areas

- Protect passive open areas
- Prices Pit Number 2 near Atlantic Avenue (although in M-1 zone)
- Old bowling alley in West Atlantic City
- Reed Farm (but likely to be sold)
- Equestrian areas on Asbury

Environmentally Sensitive Areas to be Acquired/Preserved

- Site between Delilah Road and Atlantic Ave. (used to be a shooting range)
- Reed Farm
- Former Sandcastle site

- Broadway property at 8th/Wintergreen?
- 80 acres on the corner of West Jersey and English Creek
- Mt. Airy Avenue between Zion and Old Zion/Piamore
- Zion Road at Flemings
- Patcong Farms at Central

Greenways as Buffers, Links, Ped/Bikeways

- Create trails on Atlantic Electric rights-of-way
- Gas lines rights-of-way too?
- Arboretum
- Crimi Pit: the missing piece
- Bike trail
- Greenway links to DeCarlo properties

Operational/Maintenance issues

- User fees – can cover cost of programs, but make less accessible to some

Visioning Team Topic 2 – Community Design

Location	Township Building	Time & date
	Emergency Response Room	4:00 PM March 21, 2006
Present	Manny Aponte, Peter Castellano, Patty Chatigny, Nathan Davis, Joe Gurwicz, John Heinz, Ralph Henry, Jay Henry, Janis Hetrick, Chrissy Martin Jeremy Alvarez and Peter Mahony, Vollmer Associates; Chris Rembold, Phillips Preiss Shapiro Associates; Anish Kumar, Hillier Architecture; David Kutner and Christine Graziano, New Jersey Pinelands Commission	
Absent	Mayor McCullough, Peter Miller, Steve Skwire, Paul Barbere	

The discussion recognized and was centered on two overriding goals:

1. Preserve the look of Egg Harbor Township (EHT)
2. Accommodate Pinelands growth

Anish Kumar began the meeting with a Power Point presentation discussing the results of ill-planned growth and the opportunities to be realized from mixed-use smart growth. There are at least two major opportunities for the Township:

Opportunity 1: Maintain Green corridors. There are several methods that can be employed to achieve this, including using setback regulations, tree requirements, design standards, etc.

Opportunity 2: Preserve undeveloped/wooded areas by channeling growth to high-density centers. Currently there are no incentives to do this, Pinelands policy does not necessarily promote it, and Township codes do not require it.

Anish’s presentation then showed examples of development types that could be used in the Township with appropriate planning.¹ The Vision Team thought that the examples were exciting, and that high-density smart growth is a good thing in general.

Following the presentation there was extensive discussion about the types of development that might be possible in the Township. It was noted that in any new development, the Township wishes to control the rate of growth and partner with the County to install pedestrian facilities, sidewalks, and save trees. The ensuing discussion centered on several major design themes, including (1) trees and sidewalks (2) infrastructure, and (3) areas/nodes for higher density development.

Trees and Sidewalks

Vision Team members noted that it was important to save trees when sites are developed and roads are widened. Currently many trees are cut down during construction and replaced with new plantings, but some new homeowners do not want these trees in their yards, and they remove them. This results in a net loss of trees even when the developer has met his obligations vis-à-vis the tree ordinance.

¹ A copy of the presentation will be posted on the project’s ftp site.

It was noted that the Team should revisit the tree ordinance and consider strategies for making it both more practical and effective. For example, a regulation mandating the protection of every tree over four inches wide may be a bit too heavy of a regulation. A more effective solution could be to protect significant large trees only. This could then focus the ordinance on saving the most significant tree cover.

It was also noted that sidewalks and driveways often require tree removal. Several ideas to rectify this problem were discussed, including requiring sidewalks to be routed around significant/mature trees. A suggestion from the Consultant Team was to require new developments to reduce driveway their required coverage. This could be accomplished by using one shared driveway serving two houses, each with a private side-entry garage. There was some commentary from the Vision Team that sharing driveway space with neighbors would result in too many conflicts over driveway maintenance and that this concept would be a very hard sell in the Township.

Infrastructure

Several points were raised concerning infrastructure, including:

- When we discuss infrastructure we must remember this should mean more than just sewers. We should think of it in a broad—include roads and services in the discussion.
- Construction quality matters (quality building standards matter, especially in a coastal zone with dense development)
- Include curbs in new development and upgrade old curbs. But if this is done, then we must deal with the runoff/collected water via storm drains and basins. The county should pay for these upgrades in Township.
- The Pinelands, State, and CREDA are all potential funding sources

Nodes/Areas for Higher Density Development

A sample development site plan from an actual subdivision was provided at the meeting to aid in the discussion about the Township zoning and subdivision ordinance. The Team recognized that although the site plan did not have a great design, it is typical of the development that commonly occurs under the Township's zoning. There was further discussion about whether this type of development occurs because of the mandated growth pressures from the Pinelands Commission or from local zoning. It was pointed out that the site plan shown would not use any Pinelands Development Credits.

It was suggested that the Township has spread out its mandated growth, through its zoning, instead of targeting growth into certain areas, like some of the examples shown in the Power Point presentation. The Consulting Team began a discussion about three areas in the Township where this type of higher density node development could occur.

First was in the area of around the intersection of English Creek Avenue and Ocean Heights Avenue, but there was general objection that such development was not possible there because all of the sites have been spoken for. While this is not known for sure, several new developments including a Wawa may preclude any large-scale planned development.

Second was the English Creek Avenue/Black Horse Pike intersection. Again, there was concern that all of the sites may already be spoken for, thereby precluding planned development. However, it was pointed out that an opportunity might exist in the triangle-shape area between English Creek, Black Horse Pike, and the power lines. The Vision Team discussed requiring a good master planned

development this area, and arrived at the consensus that many existing uses along the Black Horse Pike are not appealing.

The third area discussed was the Cardiff Center/Shore Mall area. Here there are very large sites with under-performing uses. It represents a good opportunity for targeted growth.

Finally, it was noted that the Township might have to consider a zoning overlay district along the Black Horse Pike. Such a zone would allow a developer wants to build more densely than current zoning allows if good design guidelines were met.

Implementation Concerns

Despite the general impression that higher-density development nodes are desirable, there was some skepticism that such development could or should not happen in the Township, and that it could lead to even more growth than is mandated by the Pinelands. Several members suggested that there should be a mechanism for transferring additional growth to other areas of the Township in lieu of some Pinelands growth or once the Pinelands growth is achieved. The Team hoped that the Pinelands would be amenable to such a tradeoff in return for smarter growth in the Township.

Meeting Wrap-Up:

The Consultant Team will begin thinking about a tree/green space preservation plan and will design standards, including rules for setbacks, lot coverage, etc in order to better address the issues raised tonight.

The meeting was adjourned at about 6:15pm.

Visioning Team Topic 3 – Transportation

Location	Township Building Emergency Response Room	Time & date 4:00 PM April 21, 2006
Present	Manny Aponte, Paul Barbere, Peter Castellano, Nathan Davis, Dale Goodreau, Joe Gurwicz, John Heinz, Ralph Henry, Janis Hetrick, Mayor McCullough, Steve Skwire Jeremy Alvarez and Oliver Carley, Vollmer Associates; Paul Grygiel, Phillips Preiss Shapiro Associates; David Kutner, Christine Graziano, and Crystal Snedden, New Jersey Pinelands Commission	
Absent	Peter Miller, Patty Chatigny, Jay Henry, Chrissy Martin	

ADMINISTRATIVE

The Pinelands Commission provided updated inserts for the project notebooks. Crystal Snedden instructed the visioning team which sections of the notebooks to replace.

All of the public meetings for this plan are scheduled during School Board meetings. The School Board requested that the public meetings be rescheduled so that the Board members could attend. Dale Goodreau informed the Visioning Team that the School Board has put the next public meeting on their agenda and no rescheduling of the public meetings is required.

CAFRA MEETING

Oliver Carley briefly described a meeting Jeremy Alvarez and he had with a land use regulation representative from the Coastal Area Facilities Review Act (CAFRA). Mr. Carley explained that CAFRA regulation is based on State Planning Area designation and began to describe the planning areas in the Township. Mr. Goodreau clarified that the Township is in negotiations with the State to change the planning area boundaries.

REVIEW OF DESIGN MEETING

Jeremy Alvarez suggested that the design meeting report did not capture all of the discussion points and asked for comments about the meeting. The Visioning Team discussed whether high-density development is appropriate in the Township. Janis Hetrick suggested that current zoning does not allow for apartments and Mr. Goodreau explained that condominiums are allowed as a conditional use. The Team’s discussion also explored whether higher densities would be beneficial for the Township.

There was also a discussion about the relationship between higher residential density and the use of Pinelands Development Credits. The Team desired a trade off for providing higher density in exchange for getting lesser density in other areas. Mr. Alvarez stated that even if such a trade-off was pursued, the reality of the existing development patterns in the Township may not provide for such a tradeoff.

TRANSPORTATION

Paul Grygiel described the major finding in the fact sheet, handed out at the meeting and distributed via email. He explained that the topic areas were taken from the feedback received by the Consultant team at the public meeting and the interview sessions.

Mr. Alvarez then went through the topic areas listed on the agenda.

The lack of sidewalks was the number one complaint heard at the public meeting. There are many sections of the arterial roads that are missing sections of sidewalk. Payments in lieu of sidewalks are often used for sidewalks that lead nowhere. There was some discussion about the connections between individual residential developments. The Township wants roadway connections between developments, but residents are concerned about the increased traffic on their streets that might occur. Planning Board is not likely to require connections with public pressure against it. A strong regulatory solution could move the decision out of the Planning Board's hands.

The safety of pedestrians crossing arterials is a key concern. A comprehensive list of problem intersections was assembled based on those listed in the fact sheet. They include:

- Dogwood Avenue and English Creek Avenue
- Ridge Avenue and Black Horse Pike
- Ridge Avenue and Mill Road
- Spruce Avenue and Mill Road
- Mill Road and Fire Road
- English Creek Avenue and High School Drive
- Hingston Avenue and Old Egg Harbor
- Fire Road and Hingston Avenue
- Leap Street and Ocean Heights Avenue
- Ocean Heights Avenue and Alder Avenue
- West Jersey Avenue and Fernwood Avenue
- Ocean Heights Avenue and Steelmanville Road
- West Jersey Avenue and Tremont Avenue
- Any intersection that provides access to a school

The cut-throughs on the Black Horse Pike are very dangerous and need to be fixed. The Black Horse Pike might be an appropriate roadway for a pedestrian bridge.

Bike paths should be added to utility right-of-ways. There is no lighting on the current bike path on West Jersey Ave. When the paths become heavily used they will appear safer. Township has created standards against lighting because of their maintenance costs. Solar lights are a possible solution but are expensive and therefore not likely to be funded given scarce resources. Equestrian paths should be incorporated in utility right-of-ways

Mayor McCullough is meeting with Atlantic County to discuss roadway funding. The Team discussed the County's lack of funding for required roadway improvements. The Mayor is negotiating for new interchanges on the Garden State Parkway (GSP) at Mill Road, Ocean Heights, and Washington Avenue.

Mr. Alvarez proposed focusing on a one-way-on northbound/one-way-off southbound interchange at Ocean Heights Avenue. Not providing an entrance and exit for the same direction limits the opportunities for gas stations, but does create opportunity to local business. Mr. Alvarez drew a large

scale schematic of the interchange. The Visioning Team reviewed aerial photos of GSP interchange areas. There was some concern that a new interchange at Ocean Heights would open up the CAFRA area of the Township for development.

There is a westbound entrance onto the Atlantic Expressway that is very difficult to access from the east. This should be fixed.

The committee recommended that English Creek Avenue be extended across the AC Expressway (would connect to Tilton Road and the Airport). There was discussion about how to accomplish this politically.

A light is needed at the Cardiff Fire Station.

The committee had concerns that increased public transit could bring additional growth. A private service might be appropriate.

Item No	Action Items	Individual Responsible	Due Date
1	Provide Committee with new State Planning Area delineations and centers designations.	Dale Goodreau	ASAP
2	Provide a large scale drawing of the Ocean Heights/AC Expr interchange	Oliver Carley	April 18

Visioning Team Topic 4 – Schools and Community Facilities

Location	Township Building	Time & date
	Emergency Response Room	4:00 PM April 18, 2006
Present	Manny Aponte, Peter Castellano, Patty Chatigny, Nathan Davis, Joe Gurwicz, John Heinz, Jay Henry, Ralph Henry, Janis Hetrick, Chrissy Martin, Peter Miller, Steve Skwire, Dr. Philip Heery, School Superintendent Jeremy Alvarez and Oliver Carley, Vollmer Associates; Paul Grygiel and Chris Rembold, Phillips Preiss Shapiro Associates; David Kutner, New Jersey Pinelands Commission	
Absent	Paul Barbere, Mayor McCullough	

Peter Miller described the Pinelands Commission public hearing on the Township garage set back ordinance that he gave testimony for. From the Pinelands perspective, there may not be a density issue, and their comments might be advisory. The Visioning Team also discussed requiring varied front yard setbacks as another design control.

Oliver Carley described the petition process that the Township has undergone to change state planning areas and “center” designation. The Township’s petition has been deemed complete by the Department of Community Affairs. DCA may respond to the application by requesting the centers boundaries be adjusted. Any areas designated as Planning Area 2 (generally south of Ocean Heights Avenue toward the Garden State Parkway) in the State Development and Redevelopment Plan can have up to 70% impervious coverage under CAFRA rules. Local zoning can impose stricter development control than what is allowed under CAFRA.

Paul Grygiel went through the fact sheet on schools and community facilities (distributed via email and at the meeting). Key discussion of demographics included that the less than 18 population is a very large percentage of the Township and the number of school-aged people is increasing. The Township population can be expected to grow given that another wave of casino development is expected from Atlantic City.

There was discussion about the municipal reserve areas that are used in Hamilton Township (reserve areas are areas where development is deferred until a future time). Peter Miller explained that Egg Harbor Township had difficulties in establishing reserve areas and decided not to pursue them. Mr. Carley added that the undeveloped areas of Egg Harbor Township are generally not contiguous, so it would be difficult to create a cohesive reserve area.

Emergency Services

Mr. Grygiel went through the information on emergency services from the fact sheet. He described the fire districts and stations; stated that the police force is fairly large and sophisticated. A correction was made that the Tony Canale fire training area is maintained by the County, not the Township. West Atlantic City has the oldest fire response system. Cardiff station has trouble getting their fire trucks out of the station because of problems controlling all signals. The problem is stopping the westbound traffic. They can control eastbound traffic. Ambulance service is a separate service from the fire department with a facility on Fire Road. The ambulance service is sufficient.

Mr. Grygiel discussed healthcare next. Most care service in the Township is from private providers. There is no quarantine facility in the Township (a solution to this problem is not a part of this plan, but is important to be aware of). There is a perception in the Township of a lack of health care, despite that there are numerous services. Shore Memorial hospital needs to be added to the fact sheet.

Schools

Mr. Grygiel described the information from the fact sheet on schools. The Alternative School should be added to the map. The increases in enrollment add pressure for new schools. The intermediate school will be converted to a middle school. State contributions for new schools (capital costs) fluctuate between 52% and 55%. The State operating contribution is flat (it increases with CPI, 3%-4%) but costs are increasing 10% to 12% year because of salaries and insurance.

As part of the district's 5-year plan, schools will develop a new strategic planning committee for future facility planning. This planning process should start within a month or two. Once the decision to build a school is made, it takes approximately 36 months from bond referendum to construction.

The School District has had a funding shortfall since 2000. The district outgrew the state formula in 2000, in 2005 funding was flat, and the district did get a small increase in 2006 and 2007. Currently the district has a \$36,000,000 shortfall.

The state limits what the district can tax locally. Davenport and Slaybough are concurrent projects that are both kindergarten and 1st grade. These projects are part of an \$55 million referendum. Renovation of intermediate school is not part of the referendum.

The Visioning Team discussed how this plan should approach the planning of schools. Dr. Heery stated that the school board will wait for the outcome of strategic planning process before they comment on school facilities recommendations. Peter Miller suggested that this committee should be more progressive and look to the long-term.

There was some discussion of neighborhood schools. Dr. Heery explained that there are state programs that require ethnic mixes in the classroom. If you create a neighborhood school, you might create additional bussing needs to meet that ethnic mix.

No Child Left Behind allows parents to move students to a new school if their current school is failing. There is some danger of this in Egg Harbor Township. Bussing is a large part of the school district's budget; however two years ago they were rated top in the nation for efficiency in bussing. This is likely because they have three routes for each bus.

Long-term residents don't want a school/plan that is urban, however, with a high school that is approaching 3,000 students, the schools are urban in their size.

The schools in the Township are open for the community after hours. The new auditorium will be a performing arts center. There is some perception that schools are not reaching out to the non-parent community. The district could offer complimentary uses and bring more programs to the community. The infrastructure is there. Suggest more uses for schools 'beyond athletics.'

Developers rarely build recreation facilities that are truly open to the public. Life style centers are a new development type that offer a mixture of retail and sports club and are meant to be public. This planning effort should lean toward this idea on the black horse pike. Churches often offer a recreation association.

Economics

The Visioning Team commented that the Township does a great job with fiscal management given the pressures from growth. The commercial tax revenues have been decreasing every year. 70% of ratables are residential. There was some discussion of how revenues might be increased including getting support from the Pinelands Commission and from the Casino Reinvestment Development Authority (CRDA). EHT is supporting the casino industry by providing housing for casino employees, CRDA could provide funding for schools.

The Township should approach the budget by identifying a targeted shortfall number and work the number backwards to determine what commercial or other uses need to be built where. The Township gets \$32,000 for every \$1 million of assessment

Transportation

Jeremy Alvarez described a possible connection to the Garden State Parkway at Ocean Heights that would allow cars on the Parkway to and from the north.

Mr. Alvarez suggested a roundabout. The Visioning Team is not certain that it is a good idea.

There is a plan to close all the cut-throughs on the Black Horse Pike.

Visioning Team Plan Meeting

Location	Township Building Emergency Response Room	Time & date 4:00 PM May 16, 2006
Present	Manny Aponte, Paul Barbere, Peter Castellano, John Heinz, Ralph Henry, Jay Henry, Janis Hetrick, Chrissy Martin, Mayor McCullough, Peter Miller, Steve Skwire Jeremy Alvarez, Peter Mahony, Oliver Carley and Jeannette Brugger, Vollmer Associates; Paul Grygiel and Chris Rembold, Phillips Preiss Shapiro Associates; David Kutner and Christine Graziano, New Jersey Pinelands Commission	
Absent	Patty Chatigny, Nathan Davis, Joe Gurwicz	

Report

The primary purposes of the meeting were to prepare for the community meeting to be held in the evening after the Vision Team meeting and to discuss the proposals compiled by the consultant team that were to be unveiled at the community meeting.

Oliver Carley and Jeremy Alvarez provided an overview of meeting format and agenda, which were to include a presentation of draft ideas for consideration followed by small group discussions. The remainder of the Vision Team meeting was devoted to review of four planning concepts maps summarizing ideas that have been raised throughout the planning process that were compiled and further developed by the consultants. The Vision Team and consultants then discussed each of the maps, as detailed in the following section.

Discussion Summary

Environmental Features

- **“Conservation areas”** shown on maps represent wetlands and their buffer areas, which are already protected by various regulations, and are shown to point out the large areas they cover
- When the consultants were asked to clarify how development may be restricted in conservation areas, it was stated that rezoning or other measures may be involved, but it is not yet clear what approach will be recommended
- Township **“Green Roads”** proposed, where measures would be taken to preserve traditional wooded Pinelands appearance for motorists
- A Vision Team member pointed out that there are already setback requirements, but currently little that can be done to stop homeowners from clearing trees from front yards
- What about a 10-foot wide restricted area adjacent to rights-of-way?
- Also, sidewalks can be placed among trees – see Leap Street for a good example

- When asked if additional streets should be considered for “Green Road” designation, Pine Avenue, Alder Avenue and Winnipeg Avenue were suggested
- May make sense to have a hierarchy of Green Roads, with differing standards
- Maps show properties that should be designated for **open space preservation**
- Two additional sites were suggested as being shown preservation: the County pistol range property and the PAL site on Somers Point-Mays Landing Road

Recreation Facilities

- A primary feature is creating bicycle/pedestrian **paths**, most of which would be in utility rights-of-way
- These would ideally include both a hard surface path (for cycling, inline skating, etc.) and a soft path (for jogging, mountain bikes, horses, etc.)
- It is suggested that motorized vehicles should be prohibited on these paths
- An issue that was raised is that bike paths may get recreational use, but they won’t get full usage unless they make it more convenient to get to businesses and other destinations
- It was suggested that there might not be a need to have a bikeway along English Creek Road once paths are created on the parallel utility rights-of-way, as English Creek is not a desirable location for bicycle riding
- The consultants also suggest a **path adjacent to the Garden State Parkway**
- There is likely adequate room for the path within the Parkway right-of-way although it may be difficult to convince the Parkway to allow such a path
- A concern was raised about separating the path from the travel lanes of the road, although it was pointed out that paths exist adjacent to heavily traveled roads elsewhere without intervening fences
- **Waterfront access** points (including parking and signage) are shown in certain locations, with possible uses ranging from bird watching to boat launching depending on size and location
- Exact design will depend on character of area
- The consultants suggest the Township should identify sites and then pick some to pursue for creation
- An issue was raised as to who would pay for ongoing maintenance – options could include the Township, County or State as well as user fees or concessions
- One area discussed in particular: West Atlantic City, where formal waterfront access could be tied in with redevelopment on north side of Black Horse Pike
- Noted that prior development approval for a large property in West Atlantic City required creation of four sanctuary areas, but only one was created
- Concern noted about attracting additional motorized watercraft to the waters adjacent to West Atlantic City
- Recommended that **sidewalks** be located on at least one side of all major arterial roads

- A possible neighborhood school is suggested for the Township-owned tract west of Shore Mall, although there has been no formal interest on the part of the Board of Education
- It was proposed that the tract be developed jointly by the Township and school district, so that there can be shared facilities

Transportation Improvements

- The maps show a number of locations where **intersection improvements** are recommended based on Vision Team input
- The consultants recommend focused improvements to intersections to address congestion concerns without changing overall character of roads, instead of pursuing widening of certain main roads from two to four lanes
- A Vision Team member suggested improving McKee Avenue (which is shared with Hamilton Township) could help with north/south traffic movement in the west section of Egg Harbor Township
- Although this change would help drivers get off of Black Horse Pike to get to the center part of Egg Harbor Township, it was noted that residents near McKee Avenue were opposed to this idea when it was previously raised
- It was pointed out that it would likely cost more to acquire additional land along English Creek Avenue than opening a road on an existing right-of-way (McKee Avenue)
- Based upon discussion with transportation experts, it did not seem that building a **bridge for English Creek Avenue over the Atlantic City Expressway** would be feasible given funding issues
- Also, homes would likely need to be razed along English Creek Avenue on the south side of the Expressway in order to build ramps for the bridge
- The consultants still think the bridge should be left in the plan, however, and the Vision Team agrees
- Perhaps funding could be obtained from SJTPO
- It is proposed that the **Black Horse Pike should be made more pedestrian-friendly**, with improvements done as development occurs
- Also, bus stops along Black Horse Pike are heavily used – these could be improved by constructing **new bus shelters** (may pay for themselves through advertising)
- Map proposes a **pedestrian bridge over Black Horse Pike** to continue Jersey Avenue bikeway to Cardiff center and adjacent properties, which would help better connect Shore Mall and properties on the north side of Black Horse Pike
- By making this connection and tying into the existing bike path further east, a **connecting loop of trails** would be created
- A **transit loop** also is proposed by creating a new bus or mini-bus/jitney line, which is thought would get good use, particularly if it connects to Atlantic City
- A concern was raised that there could be negative impacts from creating more public transportation, such as attracting additional development

Centers and Development Form

- Three **neighborhood centers** were suggested along the Ocean Heights Avenue corridor
- Their boundaries are not strictly defined yet, but the general idea would be to amend development regulations to create a slightly different style of development, such as with mixed uses permitted
- Vision Team members had a number of **questions and concerns** regarding these possible centers, including the following:
 - Lack of sewer capacity in the CAFRA area, particularly at Zion Road and at Steelmanville Road
 - Sewer could be provided at Ocean Heights Avenue and English Creek Avenue – pumping station near Egg Harbor Township High School, Ocean Heights Avenue Trailer Park in Township’s sewer plan, treatment capacity available but would need to build pump station and lines
 - General worries about impacts of development, and that the public would take issue to mixed uses and any additional density
 - Ocean Heights Avenue has too much traffic to make into walkable center, although it was countered that development can have interior circulation and does not have to be oriented directly to the street
- Overall, there seemed to be more support for centers on Ocean Heights Avenue at English Creek Avenue and at Zion Road, but not as much at Steelmanville Road
- Some general thoughts regarding mixed-use developments included the following:
 - Medford Lakes is an example of a smaller-scale mixed-use development that could be emulated
 - Multiple people indicated they like Smithville (has a country feel to it, can drive in and out, walkable)
 - If centers are to be built, housing requirements should be fulfilled in them with developers required to put in retail as well
 - Shires is an example of a mixed-use development that is walkable
 - Need to draw fixed boundaries so that centers do not creep outward
 - Focus on design standards, perhaps by providing design guidelines in order to approve development appearance
- Some support was offered for more development on Ocean Heights Avenue that is similar in terms of uses and design that have been built in recent years
- As for the Black Horse Pike, the consultant team opined that much of the corridor is not that attractive and could use some improvements
- Opportunity to **improve the Black Horse Pike corridor** by allowing a new development type, in particular mix of uses with improved design standards

- There was much concern that if this type of new development is created, there would be no net gain of housing in the Township over what would otherwise be permitted (e.g., if units are added on Black Horse Pike, they should be reduced elsewhere)
- A thought was offered that if the market can absorb more housing, then it would be better to put it on Black Horse Pike in more densely developed mixed-use projects than by continuing sprawl
- A question was raised as to how many units would end up on Black Horse Pike, so that the Vision Team could know the scale of changes that would need to be made
- Perhaps a similar development type should be allowed on Washington Avenue as well
- It is suggested that **properties on Black Horse Pike in West Atlantic City could be redeveloped fairly intensely**, possibly with hotel or residential use
- It was noted that there may be issue with the soils in that area being able to accommodate large and tall buildings

Other Issues

- A Vision Team member noted that other, non-government groups in the Township are interested in this planning effort
- It was suggested that it is made clear that the result of this process will not be simply a zoning plan
- In response to a question regarding the status of the DeCarlo tract, it was stated that the Township is slowly acquiring parcels
- When considering ideas for the Shore Mall area, be aware that a major sewer interceptor line runs under some properties in the vicinity

Public Comments

Recorded from March 7, 2006 public meeting.

Egg Harbor Township Intermediary School, 7:00 – 8:30

Notes were taken by consultant team and volunteer members of the Visioning Team. These have not been aggregated or summarized.

Table 1 Environment, Open Space, and Recreation

- Tough to get around for the disabled.
- Need ADA sidewalks and connections.
- Need to keep room for airport to expand.
- Cemeteries
- Definitely need to connect.
- Disabled can't drive –they need ADA sidewalks.
- Airspace/crash zones –What are the FAA plans for expansion?
- Old homes break up sidewalk connectors.
- Ridge/Mill Street –average 1 –3 accidents.
- New developments sidewalks end at older lots.
- Connect sidewalks between developments.
- Bicycle lanes along busy roads.
- Going from rural to city. People do not realize, we all city now.
- Arboretum Plan –mini Longwood Gardens, community gardens.
- Paid entrance –Tourist attraction, botanical garden.
- Need to way to bring more people to Townships (as tourists & residents).
- Centrally located.
- Roads too narrow. Too many kids on narrow roads.
- Satellite Community Centers in Farmington Birdland.
- City Parks –there are none –trees, benches, fountains and baseball community center.
- For instance Indianapolis has to block long parks.
- Concerned about who was on visioning teams –if you want new ideas you need new people.
- Need outdoor public pool. Paid/Funds –something like the YMCA.
- Recreation should be concurrent with building.
- Midwest has recreation.
- Facilities within developments –Better parks, not like shires.
- Lakes bay –has been dredge, access to bay. Only sand beach off shore there will be access if we do not plan for it.
- Parcel next to bay club townhouses.
- Should be marine park, similar to Kennedy Park in Somers Point. Close at dark.
- This from Gary Israel –has to be managed properly.
- Not all people are opposed.

- Parking has to be planned in with it would like to be part of discussion.
- West AC Home Business Association.
- Greenery and landscaping across BHP –should look like ENT cares about it’s environment.
- Temple tract park should be passive park.
- Need places to go running like Birch Grove.
- Need trash receptacle on county bike path.
- No lights. Need solar lights.
- Lights at English Creek dangerous for pedestrians.
- Don’t empty trashcans.
- Tony Canale park is beautiful.
- Bathrooms are locked up, have to carry trash out, need more trash cans.
- High school & middle school, tennis courts are locked up.
- Only have four tennis courts that are usable.
- Slaughbaugh tennis courts ruined.
- Playgrounds and ball fields are not within walking distance.
- Provide more playgrounds close to developments.
- Need playgrounds in such development.
- Need better ways to get to bike paths.
- Should have made roads wider when they redid them.
- Controlled burns should only be done calm days.
- Open space is _____ tax doing any good great Egg Harbor River should be used as the great resource it is.
- Tributaries going into river should be protected.
- Tremont Avenue resident object to bike path on electric easement (English Mill).
- Westal needs boardwalk.
- Bay Drive too fast has scenic views.
- People can use Pay Facilities more –but they need funding.
- More basketball courts at Canale Park.
- Roads unsafe for billing because no shoulders to get off road.
- More recycling containers at parks, schools and need to be emptied.
- Need recycling containers.
- Good –Township gives out chips & mulch.
- Educate residents to recycle grass & leaves.
- Need sidewalks connections between old and new.
- Bicycle lane –lights.
- Narrow road widths
- New good community centers –maybe satellite centers?
- Preserve existing open space.
- Public boat ramp/water access is needed.
- Parks, courts –night lighting.
- Public access community center like a community center –like a YMCA.

- Public pool.
- More athletic fields.
- Twin ice rinks (public).
- Yard clamp (old cars, etc).
- Curbs in older areas.
- Concerns: 900 units ~ airport expansion.
- Only sand beach is in W. AC –Parcels in flood zone.
- Lakes/Bay perfect for marinal park.
- Mill Road bike lane.
- Exercise & bike loop.
- No need for aquatic center HS pool should be o.k.
- But maybe it could make \$ and pay for itself.
- Aquatic center –yes. Maybe a pool canal.
- Running and jogging trails.
- Bike path needs trash cans(there are only 3).
- Lights.
- Dangerous intersection on bike path at English Creek.
- Canale park good annuity –but bathrooms are locked.
- Why can't you play tennis at middle schools –they're locked.
- Why can't you play tennis at middle schools –they are locked.
- Canale needs trash cans?
- Recreational facilities not within walking distance.
- PAL courts –need nets.
- To use bike path, you drive to Shore Mall, or bike 2 mins to get there.
- There are parking lots at the bike path.
- Dangerous to bike anywhere but on paths. Small/narrow shoulders and fast traffic.
- Controlled burns are a quality issue.
- Link parks to bike paths.
- Seawall in WAC –opportunity for 'boardwalk with recreation area and restaurants'? or picnic areas.
- Map federal designation for wild scenic rivers.
- River conservation zone/River Mtg. Plan in EHT Plan.
- Conservation District in South EHT near river.
- No bike path in highline ROW property owners concern with public easement.
- Curb in WAC to prevent cars on shoulders.
- Public access/picnic areas in WAC by shore.
- Slow traffic on Bay Drive –scenic views.
- Encourage / fund PAL.
- More basketball at Canale.
- Roadways unsafe (traffic) and ___ for biking. No shoulders.
- Recycling containers –more needed. Trash cans overflow and cover the cans Care about the aesthetics.

- Standard township recycling containers.
- Strength: Recycled chips/soil/compost available free of charge.
- Recreation facilities on river for kayaking, etc.

Table 2 – Township and Neighborhood Centers

- Unsightly driveways off Main Road/trees cut.
- Back to back houses.
- Landscaped berms with walkways.
- Lot reforestation.
- Six neighborhood centers.
- Too many homes on too little land
- Black Horse Pike / Airport Approach
- Pinelands calc for age restricted housing
- Traffic / pedestrian safety.
- State time growth ordinance.
- County responsibility for roads intersection improvements.
- English Creek Avenue / Pedestrian
- Ridge & Mill accidents.
- Question: Will walking paths be used?
- Assessment of new construction to finance new schools?
- No cluster housing
- YMCA Community Center
- Benchmarking
- Spreading Pinelands growth area to other communities i.e. Egg Harbor City Corbin.
- West AC – North side of Black Horse Pike, replace tired old Motels.
-

Table 3 – Traffic and Pedestrian Safety

SIDEWALK/SHOULDER OF ROAD

- It was questioned that the sidewalks being installed are taking the place of the shoulder of the road. This obviously would reduce the room on the road.
- To use crosswalk bridges going over strategic portions of the Black Horse Pike. Closest to popular bus stops i.e. English Creek.
- All road improvement projects should include a bicycle lane.
- The need for more sidewalks and the importance of adding sidewalks where current ones end
- Bus stop locations need better pedestrian cross walks

LIGHT TIMING/INTERSECTIONS/NEW TRAFFIC LIGHT LOCATIONS

- Airport circle needs to be eliminated/re-configured
- Light timing at Mill and Spruce going to Mill and Fire. It is known that the County is addressing this intersection but the traffic coming from Spruce to turn on Fire is not long enough. Should have a dedicated turn lane and signal in each direction.
- Timing at Ocean Heights and Zion
- Timing at Tower and Black Horse Pike
- The “No Turn On Red” at West Jersey on to English Creek is inefficient
- High School Drive and English Creek needs a traffic light. Currently done by PD

ALTERNATE TRANSPORTATION

- Connect current bike path with other “bike friendly” roads. Include these connections in conjunction with developments
- There should be more public transportation
- Connect the Pleasantville bike path with EHT bike path
- Have the bike path connect to the electric line that runs close to the high school and Veterans Park
- Build a boardwalk along Bay Drive (West AC) would address several topics. It would provide a safe way to travel this road (currently no sidewalks). Provide a recreational opportunity by giving a safe place to walk, bike ride, skate etc.
- Bus routes for Seniors and Over 55 communities
- Explore using Jitney Association to run routes in the township
- Connect developments using bike paths to form more of a “town” feeling

ROADS/CONDITIONS

- Widen current roads with the possible use of Eminent Domain
- Finnish McKey or Cates Ave (unknown which road runs from new development) to the Black Horse Pike as another means to alleviate traffic. It is possible that this is already in the process of being completed
- “Alternate” routes like Regga Ave need speed enforcement. As “secondary” roads become short cuts there is an increase in speed violations
- The use of “Speed Shelves” to reduce speed in residential zones (25MPH) Example was to use these in the West AC area/ residential developments
- Re evaluate speed limits and implement speed reductions
- The timing of road improvement projects is not coordinated. It seems that one detour leads to another detour and so on.
- Overall road conditions are poor/ construction that leads to roads being torn up are not repaired in a timely fashion. i.e. Leap Street
- Is there plans for a road to connect to the development behind the high school
- Poor lighting on roads (no specific location was given)

UNRELATED TRAFFIC TOPICS

- Zoning enforcement needs to be stepped up. Currently presents a liability to the Township
- Examine/Review other towns with similar problems. “Do not reinvent the wheel”
- Make the old “PT Boat” site in West AC a park. Allow sailboats but restrict motorboats.
- Make West AC the “Gateway” to EHT. This goes to the identity of the Township. Have some type of signage or archway distinguishing the boundary.
- Funding by the state should be addressed since the state has forced the growth.

Second note taker

- Need another entrance along the Garden State parkway
- Schools are too crowded
- Sidewalks are too narrow
- Bicyclists are in danger
- Eliminate traffic circle at FAA Center
- “Why are they digging English Creek again?”
- Over or under passes are need for Blackhorse Pike
- Connection beyond the Blackhorse at English Creek is bad
- Mass Transit would be OK if the existing R-O-W are sufficient to handle the traffic

- Airport Flight approach is directly over English Creek.
- The Airport is getting Busier
- No sidewalks
- Really dark for pedestrians on roadway
- Light needed at Poplar, Steeleman and Blackman
- Light at Dogwood and English Creek
- Access management
- The High school causes lots of traffic on English Creek
- Kids from the High school have track practice on English Creek
- ROWs need to be widened
- West Jersey is always being ripped apart – why not make all improvements at once
- Safe bike paths are needed
- Overhead lighting on Streets is needed
- Stop signs are too small
- Municipality does a great job handling growth
- Children have been taught in trailers for eight years
- Better connections between roads is needed
- “Before there were roads, there was Planning”
- Roadway infrastructure is inadequate
- Princeton Street is the nicest Street in the Township
- Would love to be able to ride my bike
- More sidewalks
- At least sidewalks on one side of the road
- More people are driving faster and ignoring stop signs
- Get planners to think about transportation
- There are a lot of seniors in the Twp that should not drive
- Create bike path connections between residential developments

Table 4 – Schools and Community Facilities

- Add schools
- Traffic lights @ Dogwood & English Creek
- Buses but backups on English Creek?
- Problem getting state funding actually into EHT.
- Neighborhood schools?
- Too late – shared use of facilities.
- Developers should pay for school impacts and all developers should build new schools or pay for them.
- Community centers
- Pool indoor & outdoor
- Free programs for kids?
- Don't like idea of public funding for aquatic center need solid funding plan.
- Community facilities could be the focal point for development – would help traffic.
- Overall municipal services being strained.
- Municipal offices, police department, fire department, MUA, trash pickup, road department.
- Schools etc.
- Worried about impact of high house prices on tax burden.
- Why has Pinelands given unfunded mandate? (e.g. more school kids, but no funding).
- Need to back up preservation efforts with \$.
- Highlands: Got right, won't make same mistake as Pinelands (but won't fix here).
- Township has done well with hand dealt (not Pinelands)
- Concerns about multiple families in one house – properly account for kids but bicultural differences, multiple people _____ issue (buses, no sidewalks).
- Streets should be under the ____ school buses. Nowhere for guests to park.
- Funding for additional school resource officer – too many kids for one officer (at MS & HS each) needs one more at HS.
- Why can't Pinelands spread growth?
- Why are Pinelands rules inviolate?
- Development application fees and permits unreasonable (+/- \$17,000 just to build) \$5,600.00 recreational fee to high for township resident building one home.
- Difference in application fee for township resident building one home (vs. developer building > 1).
- Need hospital in township (or at least closer).
- HS? Yes, more opportunities, less overcrowding – but doubles some costs and doubles opportunities for some).
- Likes idea.
- Cygnus Center – Why so elaborate an expensive?, and where for maintenance?

- No bus service to Atlantic City from the heart of EHT. Why no direct service? (only on the Black Hose Pike now).
- Take care of the core of Township.
- Pinelands credits should come back to school system – but not classified as school aid, more like impact fee.
- Pinelands should write ‘Lessons Learned’ from EHT.
- Why isn’t township cracking down on contractors with uninsured, illegal workers?
- Create jobs through non-residential development – industrial etc.
- Lessen the need to commute to Phila & elsewhere ‘industrial’ should include office, research etc.
- Look into who new residents are (age etc).
- Township should connect new & ex-development, especially with sidewalks – target sidewalk fund \$.
- Try to maintain exceptional character of neighborhoods – zoning needs to preserve what’s there.
- Why can’t public use EHT MS & HS courts?
- Would like full-day kindergarten – but can’t do with current funding.
- Township schools do good job with what is dealt – but not fair state funding, should be based on per student funding, not existing overall spending.
- Smaller schools? Neighborhood schools?
- Charter schools? None in EHT, but students go elsewhere to them.
- Want better schools, even if not closest – focus funds on good education.
- Unfair tax system – why abatement for businesses?
- New schools: put solar panels on roof, state pays for it.
- Green credits - Fed too, plus lower bills.
- School system inefficient in cost per pupil (60% of tax bill).

Egg Harbor Livable Communities Planning Project Public Meeting

May 16, 2006

Public Comments

Reactions to Black Horse Pike new developments

It sounds good

I like the idea

It really delineated something

Shore mall is better than it used to be

Socially for our township, I'm very involved in the schools in ocean city and the, those people associate with something, with a downtown.

West Atlantic City

The residents were frustrated with the broad conceptual level of detail at which the ideas were presented.

For years they've been promised by state legislatures that hotels would go and robberies will stop but no changes have occurred.

West Atlantic city is the only pristine beach area in the area.

The redevelopment of the North Side is important:

What the north side needs is to clean up the hotel type development.

The south side needs Water Control: bulkhead and storm drain issues.

Wind surfers are out there all the time.

Motels:

JA: what we know so far is that the number of major motel property owners are very responsible and high quality. They'd love to build market rate hotels off the island for the 'next ring' out of Atlantic City. But what they're also saying is that they have to clean it all up or they wont invest.

In order to get those motels cleaned up, lots of work has to happen. But we're going to recommend that the North Side gets cleaned up.

It will take land assemblage.

County and DEP help for redevelopment money and support.

South side Condos are a good idea.

There is a limited amount of land between the Black Horse Pike and bay.

Recommendation page for redevelopment in West Atlantic City should be added to the Report.

Include:

Ideal bulk head and path pictures
 Possible condo proposal
 Marine park proposal
 Neighborhood watch or other crime alleviation proposal
 Pedestrian bridge to get across Black Horse Pike

South Side of Black Horse:

Condos should go there
 Marine Park like the one in a nearby municipality.

Crime areas around run down motels

The investment to demolish the hotels is no where close to what the high returns will be.

North Side of Black Horse:

The sewer system and roadways were recently improved to minimize flooding.
 Nothing has changed: Flooding still very bad. Sewer drains back up frequently.

Guardrails and signs infrequently get replaced after accidents. There are at least 8 signs and 1 guardrail that are partly destroyed, which makes for an unsafe driving environment.

Comments on Black Horse Pike Centers:

Mixed-use and higher density development cannot be accommodated on the Black Horse Pike unless traffic is fixed. The back-up is too much with the current amount of development.

Also, make Pamone Rd 4 lanes.

General Comments:

Bikers on the street at night with no helmet wearing black in the street are stupid and ridiculous. A bike lane or more bus options would help.

All revenue from West Atlantic City businesses goes straight to EHT. They need to better represent our needs.

There is almost no new development in West Atlantic City.

Community Meeting Summary – June 20, 2006, 7

Location	Township Building Township Committee Chambers	Time & date 7:00 PM June 20, 2006
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Approximately 50 people attended this meeting, which was held at the Egg Harbor Township Municipal Building. Mayor McCullough opened the meeting by welcoming attendees and mentioned how this process fits into the Township’s prior and current planning efforts. The majority of this meeting was devoted to a presentation by Jeremy Alvarez that provided an overview of concepts that are proposed to be included in the draft Livable Community Plan. Some questions and comments were raised by audience members, both during and after the presentation. These included the following.

Has consideration been given to the safety of school bus stops on Black Horse Pike? Not specifically considered, but Black Horse Pike is problematic and requires additional consideration beyond this planning effort

Is school siting addressed by this plan? Not directly, but the Vision Team and consultants have been in discussions with the school board.

One audience member sees parallels between Cherry Hill and Egg Harbor Township, in terms of not having a walkable center. Another person thought that Cherry Hill has a “Main Street” development, although someone else indicated it is actually in Voorhees on Route 73. It was then suggested that Egg Harbor Township is more similar to Voorhees than Cherry Hill.

It was suggested this area needs more upscale shopping.

An audience member asked the Mayor why West Atlantic City was still part of Egg Harbor Township – why not just get rid of it? The response was that it is one of many distinct parts of the Township, and that increasing ratables by improving the area would have positive fiscal impacts on the entire Township and its residents.

It was suggested that a mix of uses should be considered in West Atlantic City, not just hotels, and that this area can serve as a gateway to Egg Harbor Township.

A meeting attendee mentioned that older communities such as Linwood and Northfield have a desirable character in part because they have different kinds of housing, and asked whether there is any way to minimize “cookie cutter” houses in new developments? It was indicated that the Township is encouraging more attractive housing, but is limited by statutory considerations in what it can ask for.

Are pools being considered as part of new community centers? The Mayor noted that there is already a pool at the high school, but swimming facilities also are being considered in other plans that are in the works.

The Mayor closed the meeting by noting that the Vision Team will be bringing various ideas together through this plan. He noted that it makes sense to create a “Main Street” for the Township, but that in

exchange for providing new housing in centers, the Pinelands Commission should allow a reduction in density elsewhere in the Township.

3122 Fire Road
 Egg Harbor Township, NJ 08234
 (609) 569-1551 Phone
 (609) 569-1521 Fax



42 Waterway Road
 Ocean City, NJ 08226
 (609) 399-6767 Phone
 e-mail: jamott@comcast.net

REPLY TO: Egg Harbor Township Office
 Ocean City Office

Engineer's Report
January 11, 2006

Capital Projects

Contract 39 **2005 Road Improvement Program**
Mount Construction Company

All work on this project has been completed with the exception of the Ocean Heights end of Leap Street where the EHT MUA is installing sewer lines and some minor stripping. The remainder of Leap Street will be completed in the spring.

Contract 41 **Veterans Memorial Park, Phase V**
Reconstruction of Babe Ruth Field

Final payment for this project is on the bill list tonight. All work has been completed satisfactorily.

Contract 42 **Canale Park, Phase IV**
Construction of Two (2) New Soccer Fields, Reconstruction of Two (2) others and associated Drainage and Parking

This project was awarded to Grass Busters in the amount of \$669,497.00. Work will commence this week with a completion date of May 1, 2006.

Contract 43 **Delaware Road Improvements**
Reconstruction of Delaware Road from Fernwood Ave to Mill Road

Bids were received on Monday November 21, 2005
 This office is recommending Arawak Paving Co. be awarded the contract for the amount of \$349,000.000.
 Work should be completed by May 1, 2006

Contract x **EHT Community Center**
Design and Permitting Phase

Preliminary site plan design has been completed
 Permit applications have been submitted to the following agencies:
 1. Atlantic County



2. The Pinelands Commission
3. EHT MUA

Contract x **West Atlantic City Stormwater Improvements**
Design and Permitting Phase

This project involves combining the existing outfalls along Bay Drive into Three (3) outfalls along with Tideflex valves and the construction of a bulkhead and berm along Lakes Bay

Preliminary design complete

Permit applications have been submitted to the following agencies:

1. CAFRA
2. Army Corps of Engineers

In correspondence with the following agencies to comply with the appropriate measures required by each agency to obtain the designated funding:

1. NJDEP Flood Control Project Grant (\$2,000,000)
2. NJ Dept of Community Affairs- Statewide Livable Communities Grant (\$50,000)

Contract x **NJDEP Stormwater Management**
Compliance

The Township was audited by the NJDEP office of enforcement and was found in compliance with the new rules

We are in the process of drafting the new Stormwater Pollution Prevention Plan and a Model Stormwater Control Ordinance for the Pineland Areas and associated ordinances pertaining to illicit connections, pet waste, improper disposal of waste, wildlife feeding and containerized yard waste.

We are also updating the Township's design standards to bring them in compliance with the Township's policy.

Contract x **EHT Tax Maps**
Revisions

We have completed all work orders and map revision for 2005.

We have printed the official map for the county tax board and submitted it to Civil Solutions for incorporation into the G.I.S. mapping.

We have also commenced with the revisions required by the N.J. Division of Taxation to bring our map into compliance with their regulations.

The Division of Taxation must certify our map prior to the Township moving forward the reevaluation.

We anticipated having our map certified by the end of the year.



**Contract x 2006 Road Program
Design**

We have performed preliminary surveying and design work for the following roads for inclusion in the 2006 Road Program:

- Laurel Street
- East & West Atlantic Ave
- Thrasher Ave
- Flanagan Ave
- Carman Ave
- Hand Ave

**Contract x Bargaintown Park
Design**

We have the conceptual design of this park and have received approval of design by the Townships Recreation Board

We are processing with the final design and regulatory submittals.

REPLY TO: Egg Harbor Township Office
 Ocean City Office

Engineering Report
January 11, 2006

Subdivision Construction Inspection

#	Subdivision	Approved	Occupied	Developer	Progress
1	Arbor Glen (Old Zion Rd.)	5	1	Mary Anderson	Base paving is complete. Basin is 100% complete. 1st CO was issued within the last month.
2	Arbors @ Hampton Chase II (Steelmanville Road)	36	36	Nick & Les	Ryan Homes is the home builder. Home construction is complete. A punch list is currently being generated.
3	Arbors @ Wood Hollow (Delaware Ave.)	38	38	Khov	Home Construction is complete. A final punch list has been given to the developer.
4	Atlantic Land (Eisenhower & Reega Ave.)	123	48	Tim Schaffer Homes	Phase I & II base paved. Home construction is ongoing.
5	Ballenger Woods (English Creek Ave.)	184	180	Triad Development	Chiusano Builders/Ryan Homes are the home builders. Home construction is 90% complete. Final paving should occur sometime in the spring.
6	Bay Port Townhouses (W. Atlantic City)	134	0	Matzel & Mumford	Site work has commenced.
7	Bridle Ridge (Spruce Ave.)	61	58	Paperone Homes	Project is final paved. Final punch list is currently being compiled.
8	Cedarcrest (English Creek Ave.)	162	158	Tim Schaffer Homes	Home construction is 95% complete. All phases have been final paved & the current punch list is being reviewed.
9	Centennial Walk (Spruce Ave.)	50	50	Tradition Homes	Home Construction is complete. A final punch list has been given to the developer. Basin is holding water for periods of longer than 72 hours, this will need to be corrected prior to acceptance.

MA

10 Cluster's (English Creek Ave.)	51	51	Greg DiSabatino	Home Construction is complete. A final punch list is 95% complete.
11 Crystal Lakes (Ridge Ave.)	193	0	Somerset	Base paving is complete for 50% of the project. No CO's have been issued at this time.
12 Devon Ridge (Robert Best Road)	26	26	IM Land	Last few items of the punch list are currently being completed.
13 Eagles Glen (Tremont Ave.)	82	23	Max Gurwicz & Son	Project is base paved. Home construction is ongoing.
14 English Mill (Mill & High School Dr.)	397	0	DR Horton	Phase I base paved. Developer has applied for building permits.
15 Equestrian Estates (Fernwood & Delaware Ave.)	140	47	Paperone Homes	Phase I & II base paved. Home construction is ongoing.
16 Fernwood Hills (Fernwood Ave.)	121	121	Group Ten	We have requested Group Ten to install an overflow structure to the basin.
17 Fernwood North (W. Jersey Ave. near Fernwood)	37	0	Marble Arch Homes	Clearing of ROW is complete. Project is waiting for Mountain Lane Pump Station to be complete.
18 Forest Glen (Steelmanville Road)	17	15	Mary Anderson	3 homes remain to be completed. A punch list will be generated this spring.
19 Fork Road #2 (Goldenrod & Tilton Rd.)	17	17	Tradition Homes	Final Punch list has been issued. Should be completed by summer.
20 Fox Trail (aka Ridgewood) (Delaware & Tremont Ave.)	130	37	Tom Bonner	Phase I & II base paved. Home construction is ongoing. Base paving repairs for phase I & II will be done within the next 2 weeks.
21 Gardenia Estates (W. Jersey Ave. near Fernwood)	25	0	Cave Group	Project is stalled. Awaiting completion of Mountain Lane pump station.
22 Glendale Estates (Poplar & Rochelle Dr.)	12	0	Gaetano Giordano	Base paving is complete. Basin is only 40% complete. Home construction has begun.
23 Greentree (Fernwood & Main Ave.)	83	83	Ravens Hill Const.	Home Construction is complete. A final punch list is 95% complete.

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24 Hampton Chase I (Steelmanville Road)	30	30	Nick & Les	Home Construction is complete. A final punch list is 95% complete.
25 Hampton Court (Ridge & Jefferson Ave.)	64	63	Foxmoor Developme	One home remaining to be build. Final paving should take place sometime in the spring.
26 Harbor Acres (Zion Road)	121	82	Hershey Homes	Phase 3 has been final paved. Developer is working on punch list.
27 Harbor Oaks (Steelmanville Road)	17	11	Gelman Development	Home construction is ongoing.
28 Harbor Pines I (Ocean Heights Ave.)	268	105	Gurwicz & Son	Developer is scheduled to repair curbs within the next few months, followed by final paving.
29 Harbor Pines II (Ocean Heights Ave.)	246	0	Gurwicz & Son	Developer must final pave phase I prior to receiving a CO in phase II.
30 Hidden Creek	36	0	Ole' Hanson	Home construction is ongoing.
31 Hidden Forest (Leap & Emerald Dr.)	71	71	Group Ten	Home Construction is complete. A final punch list is 95% complete.
32 Hidden Pine (Fernwood & Bayberry Ave.)	62	2	Khov	Base paving is complete in phase 1. Basin is 100%. First CO was issued last week.
33 Holden (Reega Ave.)	17	0	Ira Mendelsohn	Sanitary & storm have been installed. Basin is 75% complete. Planning to base pave with in the next 2 weeks
34 Hunter's Run (Delaware Ave.)	29	0	Max Gurwicz & Son	Project is base paved. Home construction has not begun at this time.
35 Jordan Acres (Winnipeg Ave.)	9	9	KMD Construction	Home Construction is complete. A preliminary punch list is being made.
36 King's Mill (Mill Road)	28	28	Tradition Homes	We are monitoring the basin during rain events.
37 Lakeside (Mill Rd. & Parkway overpass)	108	108	Nick George	Home Construction is complete. A final punch list is 95% complete.
38 Little Mill (Mill Rd. & Spruce Ave.)	300	300	DR Horton	Home Construction is complete. A preliminary punch list is being made.
39 London Court II (Old Egg Harbor	166	0	Gurwicz & Son	Townhome construction has begun.



40 Meadow Run (Old Zion Rd. & Delaware Ave.)	131	129	Gurwicz & Son	Developer has been issued a final punch list. Numerous items remain to be completed.
41 Mill Road Farms (Corner of Fernwood & Mill)	24	0	Marble Arch Homes	Off site sanitary is complete. Starting work onsite for sanitary.
42 Miller Homes (Reega Ave.)	11	0	Miller Homes	Construction trailer has been removed from site. No work has taken place in 6-9 months.
43 Oak Manor	30	0	Khov	Pre-construction meeting has held last week. Work on sales trailer began Monday.
44 Oak Tree (Weeping Willow Circle)	44	44	Nate Contractor	Home Construction is complete. A final punch list is 95% complete.
45 Oceanaire (Ocean Heights Ave.)	59	59	Calton Homes	Developer has been issued a final punch list. Numerous items remain to be completed.
46 Pennington Estates (Reega Ave. & Leo Ave.)	56	20	OY Inc.	Project was stalled for 4-6 months. Construction on 1 home is currently underway.
47 Poplar Woods (Old Zion Rd.)	31	31	Group Ten	Project is final paved. Developer has completed 95% of the final punch list.
48 Ravenswood (Pine Ave & Forestview Crt.)	14	14	Ravens Hill Const.	We are monitoring the cul-de-sac during rain events.
49 Reega Estates (Reega & Fernwood Ave.)	111	0	Signature Homes	Off site sanitary is complete. Currently working onsite installing sanitary & storm.
50 Reserve @ English Creek (English Creek Ave.)	171	171	Cardinal Const.	Developer has been issued a final punch list. Numerous items remain to be completed.
51 Ridgeview (Ridge Ave. & Black Horse Pike)	12	3	Tradition Homes	Ryan Homes is the home builder. Townhouse units are currently under construction. 4 Building units have TCO's.



54 Sea Pines (Ridge & Delaware Ave.)	247	0	Elliot Group	Base paving is complete in phase I. Home construction has begun.
55 Springfield (Springfield & W. Jersey Ave.)	48	0	US Homes	This project was sold to US Homes after improvements were installed. Home construction has started. Basin 100% complete.
56 Stone Mill Court (Zion Road & Stone Mill Court)	20	19	R. Nassar	The developer has begun to complete remaining items on the final punch list.
57 Victoria Estates (Cates & Reega Ave.)	97	0	Iacucci	80% of improvements have been completed. Due to inclement weather, base paving only 10% of project.
58 Wellington Estates (Zion Rd. near Robert Best)	51	17	Alliance Homes	Entire project is base paved. Home construction is ongoing.
59 Willow Estates (Reega & McKee Ave.)	66	66	US Homes	Home Construction is complete. A preliminary punch list is being made.
60 Winterberry Walk (Mill Road)	73	73	Tradition Homes	Home Construction is complete. A final punch list is 90% complete.
61 Wood Hollow I (Delaware Ave.)	92	92	Khov	Home Construction is complete. A final punch list is 95% complete.
62 Wood Hollow II (Delaware Ave.)	27	27	Khov	Home Construction is complete. A final punch list is 95% complete.
63 Zion Woods (On Zion Rd. next to Diamond Dr.)	16	0	Group Ten	Base paving is complete. Basin is 80% complete. Home construction has begun.

Approved Occupied

Total	5158	2589
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Appendix C – Recreational Facilities and Programming

Information on parks and recreation facilities was taken in part from the Township master Plan Recreation Element from 2002. There have been numerous changes to the recreation facilities since that time, notably additional fields added to Childs-Kirk Memorial Park, Tony Canale Park, and Veterans Memorial Park.

There are approximately 4,324 acres of existing park and open space land within Egg Harbor Township, excluding golf courses. Four public and two private full golf courses are located in the Township. The Township has eleven active recreation parks, three passive recreation parks, and six school recreation sites. Together, these parks feature:

- 27 softball/baseball fields
- 2 Little League fields
- 6 soccer fields
- 5 field hockey fields
- 13 basketball courts
- 5 volleyball courts
- 2 football fields
- 13 tennis courts
- 1 BMX moto-cross track
- 1 outdoor amphitheatre
- 2 picnic areas
- 3 trails
- 2 running tracks
- 9 multi-purpose fields
- 9 playgrounds
- 1 bocce ball court
- 1 horseshoe pit
- 1 miniature golf course
- 3 passive parks

Egg Harbor Township Parks and Open Spaces

- Veterans Memorial Park: 31 acres located on Veterans Drive off of Ocean Heights Avenue; 11 softball/baseball fields, 1 Little League field, 3 field hockey fields, 1 football field, 2 tennis courts, 1 trail, refreshment stands/bathrooms, moto-cross track
- Childs-Kirk Memorial Park: 10 acres located on Idlewood Avenue off of Coolidge Avenue; 4 softball/baseball fields, 1 Little League field, 2 soccer fields, 1 playground, a field house/refreshment stand/bathroom facilities

- Delilah Oaks Park: located at Kent Drive and Essex Drive; 1 basketball court, 1 tennis court, 1 running track, 1 multi-purpose field, 1 playground
- M.K. Betterment Park: located at 6 Atlas Lane Road; 1 basketball court, 1 volleyball court, 1 playground
- Oakland/Tremont Park: located at Oakland and Tremont Avenues; 1 basketball court, 1 picnic area
- Environmental Learning Center: 13-acre site located on 18 School House Lane; previously a township gravel pit; serves as a field laboratory for the study of revegetation; 1 passive park
- Tony Canale Park: 27 acres located on Sycamore Avenue off of Dogwood; 1 softball/baseball field, 1 soccer field, 4 volleyball courts, 2 tennis courts, 1 trail, 4 multi-purpose fields, 1 playground, outdoor amphitheater/bathroom facilities
- Shires Park: 1 softball/baseball field, 1 basketball court, 1 multi-purpose field, 1 playground
- Ridge Ave. Ready-to-Ride: abandoned gravel pit site; trails for motorcycles and ATVs along with a training/community center
- Temple Tract: 152-acre tract located on Zion Road; purchased in 2001 with the assistance of the Green Acres Program and Atlantic County; 1 playground, 1 passive recreation park
- Castle Park: adjacent to Veterans Memorial Park off of Ocean Heights Avenue; designed and constructed by Egg Harbor Township Community Playground, Inc., a non-profit group organized in 1992 to develop a community playground, 1 playground
- Spruce & Ninth: 1 passive park
- John Couchoud Community Center: 1.3 acres located on a 9.5-acre site on English Creek Avenue; used as a meeting place for various civic groups; offer arts and crafts classes and dance classes in meeting room, 1 bocce ball court, 1 miniature golf course, 1 horseshoe pit and 1 picnic area
- Tilton Road Center: located at 2594 Tilton Road, the Police Athletic League (PAL) operates a community center on 1.3 acres; facility used for meeting space, dance programs, and motorcycle/ATV training; 2 basketball courts
- Delaware Avenue Tract: located on Delaware Ave between Ridge Ave and Fernwood Ave; donated to the Township as a recreation component for several major subdivisions; active recreation anticipated
- Tobaben Tract: located between Zion Rd and Leap St between two recently approved subdivisions; adjacent to the Naame Tract and Bohle Farm, which will be used for horse trails.
- Broadway Tract: located West of the Shore Mall; targeted for a future high school
- Fernwood Tract: located off Fernwood Avenue just North of Reega Avenue; planned to be used as passive open space

- Naame Tract: located on Leap Street between Ridge Avenue and Bayberry Road; 25-acre tract used for open space/possible equestrian center.

Public School Open Space and Recreation

- EHT High School: 76 acres located at High School Drive off of English Creek Avenue; 1 football field, 1 soccer field, 1 field hockey field, 3 baseball/softball fields, 1 running track, 5 tennis courts
- EHT Middle School: 29 acres located on Fernwood Avenue off of West Jersey Avenue; 2 baseball/softball fields, 3 basketball courts, 3 tennis courts, 1 soccer field, 1 field hockey field
- EHT Intermediate School: 44 acres located on Alder Avenue off of Dogwood Avenue; 2 baseball/softball fields, 2 basketball courts, 1 multi-purpose field
- Swift School: 52 acres located on Swift Drive off of Ocean Heights Avenue; 1 multi-purpose field
- Slaybaugh School: 51 acres located on Swift Drive off of Ocean Heights Avenue; 2 baseball/softball fields, 3 basketball courts, 1 soccer field, 1 playground area
- Davenport School: 23 acres located on Spruce Avenue between the Black Horse Pike and Tilton Road; 1 baseball/softball field, 1 multi-purpose field, 1 playground area

Atlantic County Open Space and Recreation

- Powell Creek Natural Area: 124 acres
- Riverbend Park: 650 acres
- Interdevelco: 25 acres
- Nathanson Property: 157 acres
- J. Edward Klingener Fishing Pier: some portions of old bridge used as a fishing pier and has boat access ramp
- Western Seashore Line: converted into a bike trail along West Jersey Avenue
- Whirlpool Island: 185 acres located on Shelter Island Bay and only accessible by boat; Hunting/Birding activities

Golf Courses

- Gaffney Green Tree Golf Course: public 18-hole, 5,177 yard, par 71 golf course
- McCullough's Emerald Golf Links: public 18-hole, 6,600-yard, par 71 golf course
- Harbor Pines Golf Club: public 18-hole golf course, located on Ocean Heights Avenue and Steelmanville Road
- Atlantic County Green Tree Golf Course: public 18-hole golf course. 5,177 yard, par 70 course located on Somers Point-Mays Landing Road
- Ballamor Golf Club: private 18-hole golf course, located on English Creek Avenue between Ocean Heights Avenue and Zion Road

- Twisted Dune: public 18-hole golf course located on Ocean Heights Avenue between Swift Drive and Barnett Avenue
- Hidden Creek Golf Course: private 27-hole golf course located on a 750-acre site on Ashbury Road

There are five community learning and recreation centers in the township: the Arboretum, the John Couchoud Community Center, the Tilton Road Center, the Egg Harbor Township Arboretum, and the Cygnus Creative Arts Centre. The community centers and the Egg Harbor Township Department of Recreation offer or host a wide range of recreation programming including: youth sports leagues, sports clubs, environmental education, adult recreation and educational evening classes, Egg Harbor Township Library children’s events, and arts programs. The Police Athletic League also offers a wide range of youth programs including: basketball, cheerleading, dance, motorcycle riding, field trips, football, karate, kayaking, lacrosse, model rocketry, paintball, preschool and kindergarten, skiing, and summer camp.

Appendix D – Community Services

Fire

There are five fire districts covering the Township; they are served by volunteer companies based in the following areas:

- Bargaintown
- Cardiff
- Farmington
- Scullville
- West Atlantic City

Atlantic County maintains the Tony Canale Training Center, a firefighting training facility used by fire fighters throughout the County.

Police

The Township police department has approximately 96 sworn members and is supplemented by over 50 non-sworn members and volunteers. There are also five K-9 patrol dog teams and five traffic safety officers. There are 55 officers assigned to patrol, and the department responds to approximately 78,000 calls for service annually.

With 96 sworn members and an estimated 36,877 residents in 2005, the Township is served at a rate of 260 sworn officers per 100,000 residents. This is slightly more than the national average of 252 sworn members per 100,000 residents, as reported by the U.S. Department of Justice 2000 Census of State and Local Law Enforcement Agencies. The New Jersey statewide average is 298 local officers per 100,000 residents.¹ Given the large geographic area these officers must patrol, it is likely that the community would benefit from adding officers to the force. This is another operating budget issue that the Township must address.

Sanitation

The Township Department of Public Works provides trash collection services. On average, there are 25 public works employees actively collecting curbside refuse daily. An average truck will make between 500 to 700 stops and collect 13 to 15 tons of trash each day. The Atlantic County Utilities Authority handles the collection of recyclable materials.

Libraries

¹ U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, Bulletin, Census of State and Local Law, Enforcement Agencies, 2000

The Township is served by the Atlantic County Library System, which maintains a branch on Swift Avenue just off of Ocean Heights Avenue. It is open from 9 A.M.-8 P.M. on weekdays, and 9 A.M. -5 P.M. on weekends.

Other County libraries area located in Brigantine, Galloway Township, Hammonton, Longport, Mays Landing, Pleasantville, Somers Point, and Ventnor.

Health

The health needs of residents of Atlantic County are served primarily by AtlantiCare, which has recently opened a new health center (with an urgent care center, clinical lab, fitness center, and corporate offices) in the Township on English Creek Avenue just north of the Black Horse Pike. The closest regional medical center is north of the Township in Pomona.

Appendix E – Transportation System

North of the Black Horse Pike, Tilton Road and Delilah Road (County Routes 563 and 646) provide access to the Atlantic City International Airport complex, a major employment center where the Federal Aviation Administration operates a major training and testing facility. Delilah Road runs into Atlantic City, joining US 30, the White Horse Pike in Absecon.

In the area south of the Black Horse Pike, east-west service is provided by the southern portion of Tilton Road, which joins Mill Road (County 662) in Northfield. Mill Road is a key connector among the neighborhoods in the Township, with intersections at Fire Road (County 651), US 9, and Ocean Heights Avenue (County 559, Alt.). The Mill and Fire Road intersection just east of the Garden State Parkway suffers from significant delays during morning and evening peak periods.

In the southern tier of the Township the east-west arterials are Mays Landing – Somers Point Road (County 559) and Ocean Heights Avenue (County 559, Alt.). They are connected within the Township by Steelmanville Road (County 651) which is, in effect an extension of Fire Road. Most of these routes follow country lane alignments, established more than 100 years ago.

North-south service through the Township is provided in only a few locations. As noted Fire Road and Steelmanville Road (County 651) runs north-south close to the Garden State Parkway. Fire Road is heavily used. There is north-south service just to the west of the Parkway on Spruce Avenue and Old Zion Road at various points along the route. By far the most important north-south route, several miles to the west is English Creek Avenue (County 575). English Creek Avenue is the principal access route to and from the Black Horse Pike for much of the Township. It has a modernized signal and channelized lane approaches at the Black Horse Pike. This type of intersection modernization is needed in many locations in the Township.

Improvements and repairs to roadways fall to the agency that has jurisdiction over a road. English Creek Avenue, for example is a County Road, and Atlantic County is responsible for how and when the road is improved. Egg Harbor Township can make the County aware of deficiencies and recommend design solutions, but Atlantic County makes the final decision based on available resources and overall needs throughout the County.

Arterial Roads (90 – 100 foot right-of-way)

- Fire Road, CR 651
- English Creek Avenue, CR 575

- Delilah Road, CR 646
- Tilton Road, CR 563
- Ocean Heights Avenue, CR 559 Alternate
- Mays Landing Somers Point Road, CR 559
- Washington Avenue, CR 608

Collector Roads (72 foot right-of-way)

- English Creek Avenue (south of Ocean Heights Avenue)
- Spruce Avenue, CR 684
- Bargaintown/Steelmanville Road, CR 651
- Wescoat Road, CR 685
- Ocean Heights Avenue (west of English Creek Avenue)
- Washington Avenue (Doughty Road to Fire Road)
- Mill Road, CR 662
- Central Avenue, CR 659

Major local roads include:

- West Jersey Avenue
- Doughty Road
- Ridge Avenue
- Delaware Avenue
- Robert Best Road

Appendix F - Proposed code:

- Town Center District
- Mixed-Use District
- Neighborhood Center District
- Clustering Standards for the RG-2 and R-1 Districts

Amend § 225-3. Definitions to include:

“**Floor Area Ratio**” means the ratio of a building’s gross floor area to the area of the lot on which the building is located.

“**Mixed-use Building**” means a building that contains at least one floor devoted to allowed nonresidential uses and at least one devoted to allowed residential uses.

“**Workforce housing**” means housing that is affordable to households earning between 50 and 70 percent of the Township average household income.

Amend § 225-5. Zoning Map

1. A Town Center District as shown on attached map
2. A Mixed-Use District as shown on attached map
3. A Neighborhood Center District as shown on attached map

Amend § 225-7. **Schedule of Area, Yard and Building Requirements.** per specifications established in proposed Town Center, Mixed-Use, and Neighborhood Centers below.

Amend § 225-13. Lot development.

A. No lot shall have erected upon it more than one principal single-family residential building. In the Pinelands Area, no more than one principal use shall be located on any one lot, except for forestry, agriculture, fish and wildlife management and recreational development on agricultural lands. **The Town Center, Neighborhood Center, and Mixed-Use Districts shall be excluded from this section of the Township Code.**

Establish TC, Town Center District

A. Purposes

The purposes of the TC, Town Center district, are to:

- (1) Promote development of a compact, pedestrian-oriented town center consisting of a high-intensity employment center, vibrant and dynamic mixed-use areas, and residential living environments that provide a broad range of housing types for an array of housing needs;
- (2) Promote a diverse mix of residential, business, commercial, office, institutional, educational, and cultural and entertainment activities for workers, visitors, and residents;
- (3) Encourage pedestrian-oriented development within walking distance of transit opportunities at densities and intensities that will help to support transit usage and town center businesses;
- (4) Promote the health and well-being of residents by encouraging physical activity, alternative transportation, and greater social interaction;
- (5) Create a place that represents a unique, attractive, and memorable destination for visitors and residents; and
- (6) Enhance the community’s character through the promotion of high-quality community design.

B. Permitted uses shall be:

- (1) Same as § 225-38. RCD Regional Commercial Development District
- (2) Mixed-Use development subject to Subsection E.

C. Permitted accessory uses shall be:

- (1) Uses and buildings customary and incidental to the principal uses.

D. Area, yard and building requirements shall be as specified in § 225-7. with the following amendments:

- (1) Front yard setback shall not be less than 50 feet.
- (2) Maximum Floor Area Ratio shall not exceed .05 for developments that do not follow the standards in Sections E through I, below.

E. Permitted modifications shall be:

- (1) Mixed-use development regulations.
 - (a) Application procedures. Any application for a mixed-use development shall be made under and in accord with all the regulations and procedures as set forth for a major subdivision and major site plan as set forth in Egg Harbor Township Ordinance No. 17-1977.
 - (b) Permitted uses shall be:
 - [1] Residential. No single housing type may exceed 50% of the total units.
 - Multifamily (only with retail on the ground floor)
 - Row homes

- Duplex
- Assisted Living
- Group Home

[2] Commercial Retail.

- Hotels
- Retail
- Services (if this isn't included in the retail definition)
- Restaurants
- Live Theater Venue
- Movie Theaters
- Financial Services
- Art galleries
- Small (1–149 seats) and Medium (150–999) Entertainment and Spectator Sports
- Health clubs and gyms
- Vehicle Sales, Service, and Repair

[3] Commercial Office.

- Medical care offices
- Offices

[4] Civic/Institutional Uses:

- Museum
- Library
- Outdoor auditorium
- High schools
- Childcare
- Fire station
- Police station
- Lodge or Private Club
- Parks and Recreation
- Postal Service
- Public Safety Services
- Place of Worship/Religious Assembly
- Nursing Home

(c) Accessory uses shall include parking structures.

(d) Development regulations for mixed-use development.

[1] Minimum land area required to qualify for development option provisions: 15 acres. The minimum required area shall include only lands adjacent to each other under single or combined ownership and located within the zone district specified.

[2] Maximum floor area ratio (FAR): 1.00. The floor area ratio (FAR) shall be calculated by the fraction produced dividing the total proposed building floor area by the total area of the tract.

[3] Gross density dwellings/acre: 18 per acre. Gross density shall be calculated by multiplying the maximum number of dwelling units permitted per acre times the total acreage of the tract.

[4] Minimum and maximum percentage of total floor area ratio permitted for residential use:

- [a] Minimum: 30%.
- [b] Maximum: 80%.

[5] Minimum and maximum percentage of total floor area ratio permitted for commercial retail uses:

- [a] Minimum: 10%.
- [b] Maximum: 40%.

[6] Minimum and maximum percentage of total floor area ratio permitted for commercial office:

- [a] Minimum: 0%.
- [b] Maximum: 40%.

[7] Minimum and maximum percentage of total floor area ratio permitted for civic uses:

- [a] Minimum: 0%.
- [b] Maximum: 20%.

[8] Minimum percent required open space of total area of tract: 10%. Open space shall include all lands, whether to be in common open space, public facility areas or public areas. Required open space lands shall not include storm water retention basins, yard areas where access to lot yard(s) is closed to the public, land area within the right-of-way of a public or private street that is designed for vehicular traffic or use and land area between walkways or sidewalks and buildings wherein the principal use of said lands is to provide for pedestrian traffic to and from buildings and parking lots.

F. Other standards for residential development.

(1) Townhouse and duplexes.

(a) Setbacks.

[1] Front yards.

- Townhouses and duplexes shall not from the Black Horse Pike.
- On existing state, county, and local roadways
Minimum: 10 feet
Maximum: 30 feet
- Internal streets.
Minimum: zero (0) feet
Maximum: 10 feet.

[2] Rear yard setbacks shall be 10 to 30 percent of the overall lot depth.

[3] Side yard setbacks shall be 8 feet for duplexes.

- Minimum: 4 feet
- Maximum: 8 feet.

- (b) The maximum density shall be 18 units per acre.
- (c) Minimum floor area per unit shall be 750 square feet.
- (d) Minimum off-street parking requirements shall be established by the State of New Jersey Residential Site Improvement Standards. On-lot parking for townhouses shall be accessed from rear alleyways for not less than 70% of townhouse units.

(2) Standards for multifamily and mixed-use buildings and accessory uses which are customarily incidental to said use, such as but not limited to private car garages, swimming pools, recreational areas and incidental structures necessary thereto, management offices and maintenance and storage buildings, shall be:

- (a) Setbacks.
 - [1] Front yards.
 - No frontage on the Black Horse Pike unless retail fronts the Black Horse Pike on the ground floor.
 - On existing state, county, and local roadways.
Minimum: 20 feet
Maximum: 40 feet
 - Internal streets.
Minimum: zero (0) feet
Maximum: 10 feet.
 - [2] Rear yards
 - Adjacent to residential zones setbacks shall be twice the height of the building.
 - [3] Side yard setbacks shall be 0 feet if a continuous building mass and sidewalk are provided. Otherwise 10 feet or 15% of the lot width parallel with the frontage.
- (b) Height regulations. No mixed-use building shall exceed 95 feet. No single-use building shall exceed 45 feet.
- (c) No residential units are permitted in basements or cellars.
- (d) Minimum floor area.
 - [1] No apartment dwelling unit shall have a floor area less than 450 square feet.
 - [2] No one-bedroom dwelling unit shall have a floor area of less than 650 square feet.
 - [3] No two-or-more-bedroom dwelling unit shall have a floor area of less than 850 square feet.
- (e) Floor plans of typical units shall be required. Any room other than kitchen, bathroom, closet or combined living-dining room shall be counted as a bedroom for purposes hereof.
- (f) Off-street parking requirements.
 - [1] Residential parking standards are provided in the New Jersey Residential Site Improvement Standards. Off-street parking for all non-residential uses are provided as of § 225-56. Minimum parking requirements. Shared parking shall be permitted such that a portion of the required residential parking spaces may also be used by non-residential uses.
 - [2] All off-street parking spaces must be located to the rear of the principal building or otherwise screened so as to not be visible from public right-of-way or residential zoning districts.

[3] Each parking area shall be adequately lighted either with wall- or post-mounted ornamental fixtures.

(h) All projects shall be serviced by public water and sewer utilities.

G. Other standards for commercial retail and office development.

(1) Setbacks.

(a) Front yards.

[1] On the Black Horse Pike.

Minimum: 20 feet

Maximum: 40 feet

[2] On existing state, county, and local roadways

Minimum: 10 feet

Maximum: 30 feet

[3] Internal streets.

Minimum: zero (0) feet

Maximum: 10 feet.

[2] Rear yard setbacks shall not be less than 10 percent of the overall lot depth.

[3] When bordering commercial districts, side yard setbacks shall be 0 feet if a continuous building mass and sidewalk are provided. Otherwise 10 feet or 15% of the lot width parallel with the frontage. When bordering residential district, the setback shall be equal to the side yard of the residential district or equal to the height of the building, which ever is larger.

(2) Floor-to-Floor Heights and Floor Area of Ground-floor Space. All nonresidential floor space provided on the ground floor of a mixed-use building must have a minimum floor-to-ceiling height of 11 feet.

(3) Transparency

(a) A minimum of 60 percent of the street-facing building façade between two feet and eight feet in height must be comprised of clear windows that allow views of indoor nonresidential space or product display areas.

(b) The bottom edge of any window or product display window used to satisfy the transparency standard of paragraph (1) above may not be more than [3–4] feet above the adjacent sidewalk.

(c) Product display windows used to satisfy these requirements must have a minimum height of four feet and be internally lighted.

(3) Doors and Entrances

(a) Buildings must have a primary entrance door facing a public sidewalk. Entrances at building corners may be used to satisfy this requirement.

(b) Building entrances may include doors to individual shops or businesses, lobby entrances, entrances to pedestrian-oriented plazas, or courtyard entrances to a cluster of shops or businesses.

(4) Vehicle and Driveway Access. No curb cuts are allowed for lots that abut alleys.

H. Open space requirements.

- (1) In reviewing applications for mixed-use development, the Planning Board will require evidence that adequate open space in appropriate locations will be available.
- (2) Open space must have safe and convenient pedestrian access that is aesthetically and safely linked to the pedestrian networks on all streets with which the tract shares a border.
- (3) The applicant must consult with the Planning Board early in the design stage to ascertain open space requirements. Suitable land equal to the minimum percent of the total gross area as specified herein shall be designated as open space. Such open space shall consist of common open space, public open space, public areas inclusive of pathways and bike trails and public drainageways which shall be established and regulated in conformance with state statute.
- (4) Common open space. The landowner shall provide for the establishment of an organization for the ownership and maintenance of any common open space, and such organization shall be established and regulated by all applicable standards and conditions of state statute.

I. Required land use development staging.

- (1) As a condition to preliminary approval of a mixed-use development plan, the Planning Board may permit the implementation of the plan in whole or in sections or in stages. Such sections or stages shall be:
 - (a) Substantially and functionally self-contained and self-sustaining with regard to access, parking, utilities, open spaces and similar physical features and shall be capable of substantial occupancy, operation and maintenance upon completion of construction and development.
 - (b) Properly related to other services of the community as a whole and to those facilities and services yet to be provided in the full execution and implementation of the development plan.
 - (c) Provided with such temporary or permanent transitional features, buffers or protective areas as the Planning Board may require as will prevent damage or detriment to any completed section or stage, to other sections or stages and to adjoining properties not in the development plan. Plans and specifications of such sections or stages are to be filed with the Planning Board and are to be of sufficient detail and at such scale as to fully demonstrate the following:
 - [1] The arrangement and site locations of all structures, primary and accessory land uses, parking, landscaping, public and private utilities and service facilities and land ownership conditions.
 - [2] Such further reasonable evidence and fact that the Planning Board may require in order to determine that the objectives and standards set forth herein are met.
 - [3] Upon finding that the plan and specifications for the proposed development of the section or stage conform to the above conditions, the Planning Board shall so inform the administrative officers as are charged with the issuance of permits for the construction of utilities or structures that upon presentation of requisite working drawings and specifications such permits may be issued.

(2) Notwithstanding the aforementioned conditions and regulations, the following schedule for land development prevails. Following preliminary approval of the development plan, building permit shall be issued for the development plan in accord with the following;

(a) No building permit shall be issued for more than 25% of the residential units until at least 15% of the total commercial development contemplated by the total development plan has been issued.

(b) Following the issuance of certificates of occupancy for 15% of the total commercial buildings of the development plan, then building permits may be issued for no more than an additional 25% of the total of the residential units of the development plan. No further residential permits shall be issued until an additional 25% of the total contemplated commercial development is constructed, for which certificates of occupancy are issued.

(c) Following the issuance of a certificate of occupancy for the additional 25% of the commercial building area, building permits may be issued for the plan. No further residential permits shall be issued until an additional 35% of the total of the commercial development contemplated has been constructed and for which certificates of occupancy have been issued.

(d) Following issuance of certificates of occupancy for 75% of the commercial areas of the development plan, then the building permits may be issued for the balance of the residential dwelling units of the development plan. (e) Other standards and conditions of general applicability: street, utilities and other public facilities. The authority granted to the Planning Board and the Township of Egg Harbor to establish standards for the location, width, course and surfacing of public streets and highways, alleys, ways for public service facilities, curbs, gutters, sidewalks, streetlights, parks, playgrounds, school grounds, stormwater drainage, water supply and distribution, sanitary sewers and sewage collection and treatment shall be vested in the Planning Board for the purposes of this section. The Planning Board is hereby authorized to make such modifications of standards and requirements otherwise required of subdivisions as set forth in the Land Subdivision Ordinance of the Township of Egg Harbor as long as such modifications are consistent with the terms of this section, except that the following minimum standards shall apply:

[1] The right-of-way and pavement widths for internal ways, roads and alleys serving townhouse clusters and commercial and industrial developments shall be determined from sound planning and engineering standards in conformity to the estimated needs of the full development proposed and the traffic to be generated thereby and shall be adequate and sufficient in size, location and design to accommodate the maximum traffic, parking and loading needs and the access of firefighting equipment and police vehicles and shall be certified thereto by a competent expert or experts licensed under the laws of the State of New Jersey. In such instance, other provisions of this section shall not apply but may serve as general guides to the Planning Board in approving the development plans. Internal private roads shall have a required pavement width as follows:

[a] One-way traffic roads: 20 feet of cartway width if one lane of parking is provided. If one lane of parking is not provided, as in an alleyway accessing rear garages, the width will not exceed 14 feet.

[b] Two-way traffic roads: 28 feet of cartway width.

[c] Sidewalks shall be at least five feet in width.

[d] Serviceways for public service and emergency vehicles shall be no less than 15 feet in width.

[2] Electrical utility lines. All electric, gas and telephone utility lines shall be installed underground. Prior to the issuance of a building permit, written certification from each serving utility shall be required which shall evidence full compliance with the provisions of this requirement.

[3] In addition to all other standards, conditions or requirements set forth in this section, all site and building plans shall be reviewed by the Planning Board in regard to safety and convenience of traffic access and parking, disposition and usability of open space, compatibility of building types, building construction, floor plans and other factors relating to site design. Said site review will also include site design as it fits in with the general development of the entire development plan area.

Establish Mixed-Use District MD on the Black Horse Pike

A. Purposes

The purposes of the MD, Mixed-Use District, are to:

- (1) Accommodate mixed-use buildings with neighborhood-serving retail, service, and other uses on the ground floor and residential units above the nonresidential space;
- (2) Encourage development that exhibits the physical design characteristics of pedestrian-oriented, storefront-style shopping streets; and
- (3) Promote the health and well-being of residents by encouraging physical activity, alternative transportation, and greater social interaction.

B. Permitted uses shall be:

- (1) Same as § 225-38. HB Highway Business District
- (2) Mixed-Use development subject to Subsection E.

C. Permitted accessory uses shall be:

- (1) Uses and buildings customary and incidental to the principal uses.

D. Area, yard and building requirements shall be as specified in § 225-7. with the following amendments:

- (3) Front yard setback shall not be less than 50 feet.
- (4) Maximum Floor Area Ratio shall not exceed .05.

E. Permitted modifications shall be:

- (1) Mixed-use development regulations.
 - (a) Application procedures. Any application for a mixed-use development shall be made under and in accord with all the regulations and procedures as set forth for a major subdivision and major site plan as set forth in Egg Harbor Township Ordinance No. 17-1977.
 - (b) Permitted uses shall be:
 - [1] Residential. No single housing type may exceed 50% of the total units.
 - Multifamily (only with retail on the ground floor)
 - Row homes
 - Duplex
 - Assisted Living
 - Group Home
 - Nursing Home
 - [2] Commercial Retail.
 - Hotels
 - Retail
 - Services

- Restaurants
- Live Theater Venue
- Movie Theaters
- Financial Services
- Art galleries
- Religious Assembly
- Health clubs and gyms
- Vehicle Sales, Service, and Repair

- [3] Commercial Office.
- Medical care offices
 - Offices

- [4] Civic Uses:
- Library
 - Outdoor auditorium
 - Childcare
 - Fire station
 - Police station
 - Lodge or Private Club
 - Parks and Recreation
 - Public Safety Services
 - Place of Worship

(c) Accessory uses shall include parking structures.

(d) Development regulations for mixed-use development.

[1] Minimum land area required to qualify for development option provisions: 10 acres. The minimum required area shall include only lands adjacent to each other under single or combined ownership and located within the zone district specified.

[2] Maximum floor area ratio (FAR): 0.75. The floor area ratio (FAR) shall be calculated by the fraction produced dividing the total proposed building floor area by the total area of the tract.

[3] Gross density dwellings/acre: Ten (10) dwelling units per acre, 12 dwelling units per acre where affordable and/or “workforce” housing is provided for a minimum of fifteen percent of units. Gross density shall be calculated by multiplying the maximum number of dwelling units permitted per acre times the total acreage of the tract.

[4] Minimum and maximum percentage of total floor area ratio permitted for residential use:

- [a] Minimum: 30%.
- [b] Maximum: 80%.

[5] Minimum and maximum percentage of total floor area ratio permitted for commercial retail uses:

- [a] Minimum: 10%.
- [b] Maximum: 40%.

[6] Minimum and maximum percentage of total floor area ratio permitted for commercial office:

- [a] Minimum: 0%.
- [b] Maximum: 40%.

[7] Minimum and maximum percentage of total floor area ratio permitted for civic uses:

- [a] Minimum: 0%.
- [b] Maximum: 20%.

[8] Minimum percent required open space of total area of tract: 10%. Open space shall include all lands, whether to be in common open space, public facility areas or public areas. Required open space lands shall not include yard areas where access to lot yard(s) is closed to the public, land area within the right-of-way of a public or private street that is designed for vehicular traffic or use and land area between walkways or sidewalks and buildings wherein the principal use of said lands is to provide for pedestrian traffic to and from buildings and parking lots.

F. Other standards for residential development.

(1) Townhouse and duplexes.

(a) Setbacks.

[1] Front yards.

- No frontage on the Black Horse Pike.
- On existing state, county, and local roadways
Minimum: 20 feet
Maximum: 40 feet
- Internal streets.
Minimum: zero (0) feet
Maximum: 10 feet.

[2] Rear yard setbacks shall be 10 to 30 percent of the overall lot depth.

[3] Side yard setbacks shall be 8 feet for duplexes.

(b) Minimum floor area per unit shall be 750 square feet.

(c) Minimum off-street parking requirements shall be established by the State of New Jersey Residential Site Improvement Standards. On-lot parking for townhouses shall be accessed from rear alleyways for not less than 70% of townhouse units.

(2) Standards for multifamily and multifamily mixed-use buildings and accessory uses which are customarily incidental to said use, such as but not limited to private car garages, swimming pools, recreational areas and incidental structures necessary thereto, management offices and maintenance and storage buildings, shall be:

(a) Setbacks.

[1] Front yards.

- No frontage on the Black Horse Pike unless retail fronts on the Black Horse Pike on the ground floor.
- On existing state, county, and local roadways.

- Minimum: 20 feet
 - Maximum: 40 feet
 - Internal streets.
 - Minimum: zero (0) feet
 - Maximum: 10 feet.
- [2] Rear yards
 - Adjacent to residential zones setbacks shall be twice the height of the building.
- [3] Side yard setbacks shall be 0 feet if a continuous building mass and sidewalk are provided. Otherwise 10 feet or 15% of the lot width parallel with the frontage.
- (b) Height regulations. No mixed-use building shall exceed 65 feet. No single-use building shall exceed 35 feet.
- (c) No residential units are permitted in basements or cellars
- (d) Minimum floor area.
 - [1] No apartment dwelling unit shall have a floor area less than 450 square feet.
 - [2] No one-bedroom dwelling unit shall have a floor area of less than 650 square feet.
 - [3] No two-or-more-bedroom dwelling unit shall have a floor area of less than 850 square feet.
- (e) Floor plans of typical units shall be required. Any room other than kitchen, bathroom, closet or combined living-dining room shall be counted as a bedroom for purposes hereof.
- (f) Off-street parking requirements.
 - [1] Residential parking standards are provided in the New Jersey Residential Site Improvement Standards. Off-street parking for all non-residential uses are provided as of § 225-56. Minimum parking requirements. Shared parking shall be permitted such that a portion of the required residential parking spaces may also be used by non-residential uses.
 - [2] All off-street parking spaces must be located to the rear of the principal building or otherwise screened so as to not be visible from public right-of-way or residential zoning districts.
 - [3] Each parking area shall be adequately lighted either with wall- or post-mounted ornamental fixtures.
- (h) All projects shall be serviced by public water and sewer utilities.

G. Other standards for commercial retail and office development.

- (1) Setbacks.
 - (a) Front yards.
 - [1] On the Black Horse Pike.
 - Minimum: 30 feet
 - Maximum: 50 feet
 - [2] On existing state, county, and local roadways
 - Minimum: 10 feet
 - Maximum: 30 feet
 - [3] Internal streets.
 - Minimum: zero (0) feet
 - Maximum: 10 feet.

[2] Rear yard setbacks shall not be less than 10 percent of the overall lot depth.

[3] When bordering commercial districts, side yard setbacks shall be 0 feet if a continuous building mass and sidewalk are provided. Otherwise 10 feet or 15% of the lot width parallel with the frontage. When bordering residential district, the setback shall be equal to the side yard of the residential district or equal to the height of the building, which ever is larger.

(2) Floor-to-Floor Heights and Floor Area of Ground-floor Space. All nonresidential floor space provided on the ground floor of a mixed-use building must have a minimum floor-to-ceiling height of 11 feet.

(3) Transparency

(a) A minimum of 60 percent of the street-facing building façade between two feet and eight feet in height must be comprised of clear windows that allow views of indoor nonresidential space or product display areas.

(b) The bottom edge of any window or product display window used to satisfy the transparency standard of paragraph (1) above may not be more than [3–4.5] feet above the adjacent sidewalk.

(c) Product display windows used to satisfy these requirements must have a minimum height of four feet and be internally lighted.

(3) Doors and Entrances

(a) Buildings must have a primary entrance door facing a public sidewalk. Entrances at building corners may be used to satisfy this requirement.

(b) Building entrances may include doors to individual shops or businesses, lobby entrances, entrances to pedestrian-oriented plazas, or courtyard entrances to a cluster of shops or businesses.

(4) Vehicle and Driveway Access. No curb cuts are allowed for lots that abut alleys.

H. Open space requirements.

(1) In reviewing applications for mixed-unit development, the Planning Board will require evidence that adequate open space in appropriate locations will be available.

(2) Open space must have safe and convenient pedestrian access that is aesthetically and safely linked to the pedestrian networks on all streets with which the tract shares a border.

(3) The applicant must consult with the Planning Board early in the design stage to ascertain open space requirements. Suitable land equal to the minimum percent of the total gross area as specified herein shall be designated as open space. Such open space shall consist of common open space, public open space, public areas inclusive of pathways and bike trails and public drainageways which shall be established and regulated in conformance with state statute.

(4) Common open space. The landowner shall provide for the establishment of an organization for the ownership and maintenance of any common open space, and such organization shall be established and regulated by all applicable standards and conditions of state statute.

I. Required land use development staging.

(1) As a condition to preliminary approval of a mixed-use development plan, the Planning Board may permit the implementation of the plan in whole or in sections or in stages. Such sections or stages shall be:

- (a) Substantially and functionally self-contained and self-sustaining with regard to access, parking, utilities, open spaces and similar physical features and shall be capable of substantial occupancy, operation and maintenance upon completion of construction and development.
- (b) Properly related to other services of the community as a whole and to those facilities and services yet to be provided in the full execution and implementation of the development plan.
- (c) Provided with such temporary or permanent transitional features, buffers or protective areas as the Planning Board may require as will prevent damage or detriment to any completed section or stage, to other sections or stages and to adjoining properties not in the development plan. Plans and specifications of such sections or stages are to be filed with the Planning Board and are to be of sufficient detail and at such scale as to fully demonstrate the following:
 - [1] The arrangement and site locations of all structures, primary and accessory land uses, parking, landscaping, public and private utilities and service facilities and land ownership conditions.
 - [2] Such further reasonable evidence and fact that the Planning Board may require in order to determine that the objectives and standards set forth herein are met.
 - [3] Upon finding that the plan and specifications for the proposed development of the section or stage conform to the above conditions, the Planning Board shall so inform the administrative officers as are charged with the issuance of permits for the construction of utilities or structures that upon presentation of requisite working drawings and specifications such permits may be issued.

(2) Notwithstanding the aforementioned conditions and regulations, the following schedule for land development prevails. Following preliminary approval of the development plan, building permit shall be issued for the development plan in accord with the following;

- (a) No building permit shall be issued for more than 25% of the residential units until at least 15% of the total commercial development contemplated by the total development plan has been issued.
- (b) Following the issuance of certificates of occupancy for 15% of the total commercial buildings of the development plan, then building permits may be issued for no more than an additional 25% of the total of the residential units of the development plan. No further residential permits shall be issued until an additional 25% of the total contemplated commercial development is constructed, for which certificates of occupancy are issued.
- (c) Following the issuance of a certificate of occupancy for the additional 25% of the commercial building area, building permits may be issued for the plan. No further residential permits shall be issued until an additional 35% of the total of the commercial development contemplated has been constructed and for which certificates of occupancy have been issued.

(d) Following issuance of certificates of occupancy for 75% of the commercial areas of the development plan, then the building permits may be issued for the balance of the residential dwelling units of the development plan. (e) Other standards and conditions of general applicability: street, utilities and other public facilities. The authority granted to the Planning Board and the Township of Egg Harbor to establish standards for the location, width, course and surfacing of public streets and highways, alleys, ways for public service facilities, curbs, gutters, sidewalks, streetlights, parks, playgrounds, school grounds, stormwater drainage, water supply and distribution, sanitary sewers and sewage collection and treatment shall be vested in the Planning Board for the purposes of this section. The Planning Board is hereby authorized to make such modifications of standards and requirements otherwise required of subdivisions as set forth in the Land Subdivision Ordinance of the Township of Egg Harbor as long as such modifications are consistent with the terms of this section, except that the following minimum standards shall apply:

[1] The right-of-way and pavement widths for internal ways, roads and alleys serving townhouse clusters and commercial and industrial developments shall be determined from sound planning and engineering standards in conformity to the estimated needs of the full development proposed and the traffic to be generated thereby and shall be adequate and sufficient in size, location and design to accommodate the maximum traffic, parking and loading needs and the access of firefighting equipment and police vehicles and shall be certified thereto by a competent expert or experts licensed under the laws of the State of New Jersey. In such instance, other provisions of this section shall not apply but may serve as general guides to the Planning Board in approving the development plans. Internal private roads shall have a required pavement width as follows:

[a] One-way traffic roads: 20 feet of cartway width if one lane of parking is provided. If one lane of parking is not provided, as in an alleyway accessing rear garages, the width will not exceed 14 feet.

[b] Two-way traffic roads: 28 feet of cartway width.

[c] Sidewalks shall be at least five feet in width.

[d] Serviceways for public service and emergency vehicles shall be no less than 15 feet in width.

[2] Electrical utility lines. All electric, gas and telephone utility lines shall be installed underground. Prior to the issuance of a building permit, written certification from each serving utility shall be required which shall evidence full compliance with the provisions of this requirement.

[3] In addition to all other standards, conditions or requirements set forth in this section, all site and building plans shall be reviewed by the Planning Board in regard to safety and convenience of traffic access and parking, disposition and usability of open space, compatibility of building types, building construction, floor plans and other factors relating to site design. Said site review will also include site design as it fits in with the general development of the entire development plan area.

Establish Neighborhood Center District

A. Purposes

The purposes of the NC, Neighborhood Center District, are to:

- (1) Accommodate mixed-use buildings with neighborhood-serving retail, service, and other uses on the ground floor and residential units above the nonresidential space;
- (2) Encourage development that exhibits the physical design characteristics of pedestrian-oriented, storefront-style shopping streets; and
- (3) Promote the health and well-being of residents by encouraging physical activity, alternative transportation, and greater social interaction.

B. Permitted uses shall be:

- (1) Same as § 225-38. NB Neighborhood Business District
- (2) Mixed-Use development subject to Subsection E.

C. Permitted accessory uses shall be:

- (1) Uses and buildings customary and incidental to the principal uses.

D. Area, yard and building requirements shall be as specified in § 225-7. with the following amendments.

E. Permitted modifications shall be:

- (1) Mixed-use development regulations.
 - (a) Application procedures. Any application for a mixed-use development shall be made under and in accord with all the regulations and procedures as set forth for a major subdivision and major site plan as set forth in Egg Harbor Township Ordinance No. 17-1977.
 - (b) Permitted uses shall be:
 - [1] Residential.
 - Multifamily (only with retail on the ground floor)
 - Row homes
 - Duplex
 - Single family detached
 - Assisted Living
 - Nursing Home
 - [2] Commercial Retail.
 - Retail
 - Services
 - Restaurants
 - Financial Services
 - Art galleries
 - Health clubs and gyms

- [3] Commercial Office.
 - Medical care offices

- [4] Civic Uses:
 - Library
 - Childcare
 - Fire station
 - Lodge or Private Club
 - Parks and Recreation
 - Public Safety Services
 - Place of Worship

(c) Development regulations for mixed-use development.

- [1] Minimum land area required to qualify for development option provisions: 3 acres. The minimum required area shall include only lands adjacent to each other under single or combined ownership and located within the zone district specified.
- [2] Gross density dwellings/acre: 4 dwelling units per acre, 6 dwelling units per acre where open space or community facilities open to the public are provided. Gross density shall be calculated by multiplying the maximum number of dwelling units permitted per acre times the total acreage of the tract.
- [4] Minimum and maximum percentage of total floor area ratio permitted for residential use:
 - [a] Minimum: 30%.
 - [b] Maximum: 60%.

- [5] Minimum and maximum percentage of total floor area ratio permitted for commercial retail uses:
 - [a] Minimum: 10%.
 - [b] Maximum: 40%.

- [7] Minimum and maximum percentage of total floor area ratio permitted for civic uses:
 - [a] Minimum: 0%.
 - [b] Maximum: 20%.

- [8] Minimum percent required open space of total area of tract: 10%. Open space shall include all lands, whether to be in common open space, public facility areas or public areas. Required open space lands shall not include yard areas where access to lot yard(s) is closed to the public, land area within the right-of-way of a public or private street that is designed for vehicular traffic or use and land area between walkways or sidewalks and buildings wherein the principal use of said lands is to provide for pedestrian traffic to and from buildings and parking lots.

F. Other standards for residential development.

- (1) Single family detached houses.

- (a) Setbacks.
 - [1] Front yards.
 - On existing county roadways
Minimum: 15 feet
Maximum: 30 feet
 - On local streets
Minimum: zero (0) feet
Maximum: 10 feet.
 - [2] Rear yard setbacks shall be 10 to 30 percent of the overall lot depth.
 - [3] Side yard setbacks shall be 5 feet per side not to exceed 15 combined.
 - (b) Minimum off-street parking requirements shall be established by the State of New Jersey Residential Site Improvement Standards.
- (2) Townhouse and duplexes.
- (a) Setbacks.
 - [1] Front yards.
 - On existing county roadways
Minimum: 15 feet
Maximum: 30 feet
 - Internal streets.
Minimum: zero (0) feet
Maximum: 10 feet.
 - [2] Rear yard setbacks shall be 10 to 30 percent of the overall lot depth.
 - [3] Side yard setbacks shall be 8 feet for duplexes.
 - (b) Minimum floor area per unit shall be 750 square feet.
 - (c) Minimum off-street parking requirements shall be established by the State of New Jersey Residential Site Improvement Standards. On-lot parking for townhouses shall be accessed from rear alleyways for not less than 70% of townhouse units.
- (3) Standards for multifamily and multifamily mixed-use buildings shall be:
- (a) Setbacks.
 - [1] Front yards.
 - On existing county roadways.
Minimum: 15 feet
Maximum: 30 feet
 - Local streets.
Minimum: zero (0) feet
Maximum: 10 feet.
 - [2] Rear yards
 - Adjacent to residential zones setbacks shall be twice the height of the building.
 - [3] Side yard setbacks shall be 0 feet if a continuous building mass and sidewalk are provided. Otherwise 10 feet or 15% of the lot width parallel with the frontage.
 - (b) Height regulations. No mixed-use building shall exceed 35 feet.
 - (c) No residential units are permitted in basements or cellars.(d) Minimum floor area.

- [1] No apartment dwelling unit shall have a floor area less than 450 square feet.
- [2] No one bedroom dwelling unit shall have a floor area of less than 650 square feet.
- [3] No two-or-more-bedroom dwelling unit shall have a floor area of less than 850 square feet.

(e) Off-street parking requirements.

[1] Residential parking standards are provided in the New Jersey Residential Site Improvement Standards. Off-street parking for all non-residential uses are provided as of § 225-56. Minimum parking requirements. Shared parking shall be permitted such that a portion of the required residential parking spaces may also be used by non-residential uses.

[2] All off-street parking spaces must be located to the rear of the principal building or otherwise screened so as to not be visible from public right-of-way or residential zoning districts.

[3] Each parking area shall be adequately lighted either with wall- or post-mounted ornamental fixtures.

(f) All projects shall be serviced by public water and sewer utilities.

G. Other standards for commercial retail development.

(1) Setbacks.

(a) Front yards.

[1] On existing county roadways

Minimum: 5 feet

Maximum: 20 feet

[2] Local streets.

Minimum: zero (0) feet

Maximum: 10 feet.

[3] Rear yard setbacks shall not be less than 30 percent of the overall lot depth.

[4] When bordering commercial districts, side yard setbacks shall be 0 feet if a continuous building mass and sidewalk are provided. Otherwise 10 feet or 15% of the lot width parallel with the frontage. When bordering a residential district, the setback shall be equal to the side yard of the residential district.

(2) Floor-to-Floor Heights and Floor Area of Ground-floor Space. All nonresidential floor space provided on the ground floor of a mixed-use building must have a minimum floor-to-ceiling height of 11 feet.

(3) Transparency

(a) A minimum of 60 percent of the street-facing building façade between two feet and eight feet in height must be comprised of clear windows that allow views of indoor nonresidential space or product display areas.

(b) The bottom edge of any window or product display window used to satisfy the transparency standard of paragraph (1) above may not be more than [3–4.5] feet above the adjacent sidewalk.

(c) Product display windows used to satisfy these requirements must have a minimum height of four feet and be internally lighted.

(3) Doors and Entrances

- (a) Buildings must have a primary entrance door facing a public sidewalk. Entrances at building corners may be used to satisfy this requirement.
- (b) Building entrances may include doors to individual shops or businesses, lobby entrances, entrances to pedestrian-oriented plazas, or courtyard entrances to a cluster of shops or businesses.

(4) Vehicle and Driveway Access. No curb cuts are allowed for lots that abut alleys.

H. Open space requirements.

- (1) In reviewing applications for mixed-unit development, the Planning Board will require evidence that adequate open space in appropriate locations will be available.
- (2) Open space must have safe and convenient pedestrian access that is aesthetically and safely linked to the pedestrian networks on all streets with which the tract shares a border.
- (3) The applicant must consult with the Planning Board early in the design stage to ascertain open space requirements. Suitable land equal to the minimum percent of the total gross area as specified herein shall be designated as open space. Such open space shall consist of common open space, public open space, public areas inclusive of pathways and bike trails and public drainageways which shall be established and regulated in conformance with state statute.
- (4) Common open space. The landowner shall provide for the establishment of an organization for the ownership and maintenance of any common open space, and such organization shall be established and regulated by all applicable standards and conditions of state statute.

I. Required land use development staging.

- (1) As a condition to preliminary approval of a mixed-use development plan, the Planning Board may permit the implementation of the plan in whole or in sections or in stages. Such sections or stages shall be:
 - (a) Substantially and functionally self-contained and self-sustaining with regard to access, parking, utilities, open spaces and similar physical features and shall be capable of substantial occupancy, operation and maintenance upon completion of construction and development.
 - (b) Properly related to other services of the community as a whole and to those facilities and services yet to be provided in the full execution and implementation of the development plan.
 - (c) Provided with such temporary or permanent transitional features, buffers or protective areas as the Planning Board may require as will prevent damage or detriment to any completed section or stage, to other sections or stages and to adjoining properties not in the development plan. Plans and specifications of such sections or stages are to be filed with the Planning Board and are to be of sufficient detail and at such scale as to fully demonstrate the following:
 - [1] The arrangement and site locations of all structures, primary and accessory land uses, parking, landscaping, public and private utilities and service facilities and land ownership conditions.
 - [2] Such further reasonable evidence and fact that the Planning Board may require in order to determine that the objectives and standards set forth herein are met.

[3] Upon finding that the plan and specifications for the proposed development of the section or stage conform to the above conditions, the Planning Board shall so inform the administrative officers as are charged with the issuance of permits for the construction of utilities or structures that upon presentation of requisite working drawings and specifications such permits may be issued.

(2) Notwithstanding the aforementioned conditions and regulations, the following schedule for land development prevails. Following preliminary approval of the development plan, building permit shall be issued for the development plan in accord with the following;

(a) No building permit shall be issued for more than 25% of the residential units until at least 15% of the total commercial development contemplated by the total development plan has been issued.

(b) Following the issuance of certificates of occupancy for 15% of the total commercial buildings of the development plan, then building permits may be issued for no more than an additional 25% of the total of the residential units of the development plan. No further residential permits shall be issued until an additional 25% of the total contemplated commercial development is constructed, for which certificates of occupancy are issued.

(c) Following the issuance of a certificate of occupancy for the additional 25% of the commercial building area, building permits may be issued for the plan. No further residential permits shall be issued until an additional 35% of the total of the commercial development contemplated has been constructed and for which certificates of occupancy have been issued.

(d) Following issuance of certificates of occupancy for 75% of the commercial areas of the development plan, then the building permits may be issued for the balance of the residential dwelling units of the development plan. (e) Other standards and conditions of general applicability: street, utilities and other public facilities. The authority granted to the Planning Board and the Township of Egg Harbor to establish standards for the location, width, course and surfacing of public streets and highways, alleys, ways for public service facilities, curbs, gutters, sidewalks, streetlights, parks, playgrounds, school grounds, stormwater drainage, water supply and distribution, sanitary sewers and sewage collection and treatment shall be vested in the Planning Board for the purposes of this section. The Planning Board is hereby authorized to make such modifications of standards and requirements otherwise required of subdivisions as set forth in the Land Subdivision Ordinance of the Township of Egg Harbor as long as such modifications are consistent with the terms of this section, except that the following minimum standards shall apply:

[1] The right-of-way and pavement widths for internal ways, roads and alleys serving townhouse clusters and commercial and industrial developments shall be determined from sound planning and engineering standards in conformity to the estimated needs of the full development proposed and the traffic to be generated thereby and shall be adequate and sufficient in size, location and design to accommodate the maximum traffic, parking and loading needs and the access of firefighting equipment and police vehicles and shall be certified thereto by a competent expert or experts licensed under the laws of the State of New Jersey. In such instance, other provisions of this section shall not apply but may serve as general guides to the Planning Board in approving the development plans. Internal private roads shall have a required pavement width as follows:

- [a] One-way traffic roads: 20 feet of cartway width if one lane of parking is provided. If one lane of parking is not provided, as in an alleyway accessing rear garages, the width will not exceed 14 feet.
- [b] Two-way traffic roads: 28 feet of cartway width.
- [c] Sidewalks shall be at least five feet in width.
- [d] Serviceways for public service and emergency vehicles shall be no less than 15 feet in width.

[2] Electrical utility lines. All electric, gas and telephone utility lines shall be installed underground. Prior to the issuance of a building permit, written certification from each serving utility shall be required which shall evidence full compliance with the provisions of this requirement.

[3] In addition to all other standards, conditions or requirements set forth in this section, all site and building plans shall be reviewed by the Planning Board in regard to safety and convenience of traffic access and parking, disposition and usability of open space, compatibility of building types, building construction, floor plans and other factors relating to site design. Said site review will also include site design as it fits in with the general development of the entire development plan area.

Clustering

Added language is underlined

~~Removed language is stricken.~~

225-45. RG-2 Residential District. [Added 2-24-1993 by Ord. No. 9-1993; amended 4-25-2001 by Ord. No. 14-2001; 6-12-2002 by Ord. No. 36-2002; 11-13-2002 by Ord. No. 72-2002]

- A. Permitted principal uses shall be:
 - (1) Farming.
 - (2) Single-family detached dwellings.
 - (3) Public parks, playgrounds, active and passive recreation.
- B. Permitted accessory uses shall be:
 - (1) Uses customary and incidental to the principal uses.
 - (2) Professional home offices, provided that not more than 25% of the gross floor area of the principal building is used for office purposes.
- C. Area, yard and building requirement shall be as specified in § 225-7.
- D. Permitted modifications and conditional uses shall be:
 - (1) Home occupations pursuant to § 225-44D(1)
 - (2) Planned adult communities pursuant to § 225-73.
 - (3) Cluster development subject to the following conditions:
 - (a) ~~The minimum wetlands area of the site must be 20% of the gross acreage.~~
 - (b) The minimum open space requirement (inclusive of all wetland areas and buffers) must be 25% 50% of the gross acreage.
 - (c) The minimum lot size must be ~~42,000~~ 8,000 square feet.
 - (d) If Pinelands development credits are used to increase density in accordance with § 225-45E, no lot shall be reduced in area below ~~7,500~~ 6,000 square feet.
 - (4) Public and private schools, churches, chapels, synagogues or similar houses of worship subject to § 225-46D(2). **[Added 6-9-2004 by Ord. No. 31-2004]**
- E. Maximum density. The density of housing in any development hereafter constructed shall be not more than two dwelling units per one acre, unless a transfer of Pinelands development credits is applied, in which case the density shall not be greater than three dwelling units per one acre

§ 225-53.10. Cluster development.

- A. Within the Pinelands Area of the Township, specifically within the RG-2, RG-4, and RG-5 Residential Districts, outside of the Regional Growth Area in the R-1 Residential District cluster development shall be permitted only in accordance with the requirements of this section. **[Amended 3-24-2004 by Ord. No. 14-2004]**

Clustering of residential development shall be required whenever two or more units are proposed as part of a

- B. residential subdivision, except in cases where such development would conflict with the provisions of a development transfer program established pursuant to N.J.A.C. 7:50-5.30.
- ~~B. A developer may apply to cluster residential units for single-family detached and attached dwellings, two-family dwellings and multifamily buildings in a townhouse or garden apartment configuration when such uses are permitted as either principal or conditional uses.~~
- C. Area and yard requirements. The following building requirements shall apply to all cluster developments:
 - (1) Minimum tract size: 10 contiguous acres, served by public sewer and water.
 - (2) Minimum tract frontage: 300 feet on a county road.
 - (3) Minimum setback from any street right-of-way: 75 feet.
 - (4) Minimum setback from all other lot lines: 50 feet.
 - (5) Maximum density: as specified for the respective zone in the district regulations of this chapter.
 - (6) Minimum distance between buildings:
 - (a) Fifty feet from the front or back of any structure to any other structure.
 - (b) ~~Twenty~~ Thirty feet from the side of any structure to any other structure.
 - (7) Minimum parking setbacks: 35 feet from any county right-of-way and 20 feet from any municipal right-of-way or project entrance drive.
 - (8) Under the provisions of this section, no lot shall be reduced in area below the following minimum requirements: **[Amended 3-24-2004 by Ord. No. 14-2004]**

Zoning District	Required Minimum	Permitted Minimum
	Lot Area of District	Lot Area of Cluster Development
RG-2	<u>16,000</u>	<u>8,000</u>
	<u>10,000*</u>	<u>6,000*</u>
RG-4	10,000	7,500
	6,700*	5,700*
RG-5	8,000	6,400
	3,500*	3,100*

Notes:
*Pinelands development credits required.

- D. Open space. A minimum of 40% of the site area shall be deed-restricted from further residential development in order to preserve a significant amenity of the tract as identified in the Master Plan of the Township of Egg Harbor. Of the 40%, no more than 50% shall be wetlands, as designated by the United States Fish and Wildlife Service. For the purposes of this subsection, no drainage structure, drainage basin or utility right-of-way shall be considered open space. The open space shall be contiguous and, to the greatest extent possible, centrally located to the residential uses. A minimum of 200 contiguous feet of the open space shall front on a municipal right-of-way or entrance or internal drive. An open space organization shall be created pursuant to N.J.S.A. 40:55D-43 et seq., unless the open space is dedicated to and accepted by the municipality. Nothing in this subsection shall be construed to require the Township of Egg Harbor to accept such open space.
- E. Site plan review. All cluster residential development shall be subject to § 225-25 of this chapter unless all uses in the development plan consist of single-family detached dwellings, in which case the development plan shall be subject to Chapter 198 of the Township Code. **[Amended 7-14-1993 by Ord. No. 30-1993]**
- F. Parking area requirements: pursuant to Article VII of this chapter.

- G. Buffering requirements: pursuant to Chapter 94 of the Township Code.
- H. Lighting requirements: pursuant to Chapter 94 of the Township Code.
- I. Landscaping requirements: pursuant to Chapter 94 of the Township Code, with the added requirement that all public street frontages and project entrance drives shall be planted with approved street trees spaced a maximum of 50 feet apart.
- J. Recreational requirements. In the RG-4 and RG- 5 Districts all cluster development shall provide adequate active and passive recreation designed for the primary use of the development's residents in accordance with the following regulations:
 - (1) Active recreation, playground. A minimum area of 1,500 square feet, plus 10 square feet for each dwelling unit, shall be provided and so designed to provide an active recreational facility for the primary use of persons aged 10 years or younger and shall include, at a minimum, swings, a climber, a seating area for adult supervision and other such similar equipment. The area shall be fenced with a material compatible with the overall architectural scheme of the development. The recreational area shall be centrally located so as to provide equivalent access to all dwelling units.
 - (2) Active recreation, adult. A minimum area of 1,500 square feet shall be provided up to the first 10 units and 150 square feet per unit for developments of 11 dwellings units or greater. A jogging and walking path, a minimum width of five feet shall be provided around the perimeter of the site and shall be connected to the pedestrian circulation system. Developments in excess of 100 dwellings units shall provide, at a minimum, a swimming pool, tennis court or similar recreational facility which shall be centrally located to provide nearly equal access from the furthest dwelling units.
 - (3) Cash in lieu of facilities. The developer may create a cash fund in lieu of constructing the required recreational facility for units which are to be owner-occupied (fee-simple, condominium or cooperative ownership), provided that the required land area is set aside. The amount of the fund shall equal \$500 per dwelling unit and shall increase 7% per annum on the anniversary of the date of passage of this chapter. The fund created by the developer shall become an asset of the homeowners' association at its creation and shall be used solely for the construction of recreational facilities on the premises. The necessary agreement for the creation of the fund and the restriction of its use shall be contained within the homeowners' association documents. The specific section which contains the agreement shall be reviewed and approved by the Township or Board Solicitor.
- K. All development shall be located and designed in a manner which:
 - i. Promotes efficient use of existing public service infrastructure;
 - ii. Coordinates with and is located in close proximity to existing development on adjacent parcels, including residential dwellings and other principal structures;
 - iii. Minimizes the potential for land use conflicts with existing uses on adjacent parcels, including, but not limited to, active agricultural uses;
 - iv. Promotes the establishment and continuation of greenways on adjacent parcels and maximizes the contiguity of protected open space; and
 - v. Protects the environmental and unique natural attributes of the parcel, including but not limited to:
 - (1) Wetlands and wetlands transition areas;
 - (2) Habitat critical to the survival of any local populations of those threatened and endangered plant and animal species defined as such in N.J.A.C. 7:50-6.27 and 6.33; and
 - (3). Mature woodlands, record trees, active agriculture, natural meadows and sites of historic, cultural or archaeological significance.

Design standards. The following regulations shall apply to all cluster residential developments unless, after due consideration of plans, testimony and other submissions, the Planning Board or Zoning Board waives strict compliance with the requirements of this section in order to promote the purposes of this chapter.

- (1) Facades. The facade of the structure shall be varied in such manner that no more than two townhouses and no more than four garden apartments shall share the same facade at the building line. Facades shall be uniform architecturally and shall not consist of disparate materials. Individual dwellings shall be distinguished from each other only by landscaping, lighting and variation in the building line.

M
K.

- (2) Laundry facilities. Adequate laundering and drying facilities for clothing shall be provided within each structure sufficient to serve its occupants, unless such facilities are provided for each dwelling unit.
 - (3) Pedestrian circulation. A pedestrian circulation system shall be provided which connects parking areas, dwellings and recreational facilities in a coherent and comprehensive pattern. The pedestrian walkway shall be adequately illuminated at night and be surfaced with a durable, dustless, all-weather material of a minimum width of five feet.
 - (4) Trash enclosures. Trash enclosures shall be provided such that no disposal area is greater than 200 feet from the entrance of any dwelling unit, unless individual trash storage areas are provided for each dwelling unit. Trash enclosures shall be constructed of masonry with welded steel gates compatible with the architectural scheme of the development.
 - (5) Units in structure. No more than eight townhouse or 16 garden apartment dwelling units shall be contained in any one structure.
 - (6) Utilities. All utilities servicing the development shall be located underground.
- L. Performance guaranty. A sufficient performance guaranty, pursuant to Chapter 198 of the Township Code, shall be posted prior to the issuance of any zoning or building permit. **[Amended 7-14-1993 by Ord. No. 30-1993]**
- M. Certificate of occupancy. A certificate of occupancy shall be required for each dwelling unit and shall be issued only when the name, business address and telephone number of the manager, building or project supervisor or other agent responsible for the operation of the development is furnished to the Zoning Officer.



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