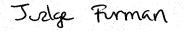
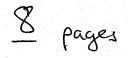
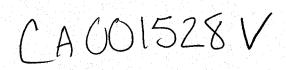
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2/5/76

Cross-Examination of Lawrence D. Mann by Spritzer before







SUPERIOR COURT OF NEW JERSEY 1 CHANCERY DIVISION Middlesex County 2 3 10 URBAN LEAGUE OF GREATER 4 NEW BRUNSWICK, et als., 5 Plaintiffs, 6 vs. 7 MAYOR & COUNCIL OF THE BOROUGH OF CARTERET, et als., : 8 Defendants. 9 10 11 New Brunswick, New Jersey February 5, 1976 12 13 CROSS-EXAMINATION OF LAWRENCE D. MANN 14 BY MARTIN A. SPRITZER, ESQ. (Ty. of MATTUCA ON) 15 16 BEFORE: Honorable David D. Furman, J.S.C. 17 FLED 18 FEB 24 1916 19 20 WIN & FINAN ISC. Ŷ 21 Stanley Grabon, C.S.R. 22 23 24 25

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| 1 | CROSS-EXAMINATION OF LAWRENCE D. MANN BY MR. SPRITZER: |
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| 2 | Q Dr. Mann, with respect to some of the |
| 3 d | uestions and answers, would it be fair to say that they have |
| 4 r | eflected some facts or opinions involving environmental health, |
| 5 | nuisance law, constitutional law, political science as well |
| 6 | as planning? |
| 7 | A Yes. |
| 8 | Q And with a little sociology and economics |
| 9 | thrown in perhaps? |
| 10 | A Yes. |
| 11 | Q You are not here in any of those fields, |
| 12 | though, are you? |
| 13 | A In urban regional planning I am. |
| 14 | Q You are basically a professional planner? |
| 15 | A I'm basically a professor of professional planning. |
| 16 | Q A professor of professional planning. And |
| 17 | planning is a separate field or discipline and as distinct |
| 18 | from some of the other fields that I just mentioned. Isn't |
| 19 | that correct? |
| 20 | A In my opinion, yes. There are differences of |
| 21 | opinion. |
| 22 | Q Well, is it recognized by any authorities |
| 23 | as a separate and distinct field? |
| 24 | A Yes, it is. |
| 25 | Q How is that recognition noted? |
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1 Well, some of the authorities are the universities A 2 who recognize that as a teachable discipline or a profes-3 sional field, depending on the university's orientation. 4 The planning, urban regional planning is recog-5 nized in various federal and state regulations, depending 6 upon the state, including such service designation and so 7 forth as the field of activity. The existence of it as a 8 professional activity is witnessed by various inner profes-9 sional councils where architects and engineers and planners, as well as landscape architects are brought in. So that in 10 in the sense of somebody recognizing it, yes. 11 And the universities recognize it and some 12 Q 13 of them award degrees in planning? That's correct. А 14 And some of the states, like New Jersey, Q 15 recognize it by having a license for planners. Is that 16 correct? 17 New Jersey and Michigan. А 18 Q Are they the only two? 19 Yes. A 20 And is there one particular professional Q 21 organization -- let me put it this way: Strike that out. 22 What is the main professional organization for 23 planners? 24 The main organization of professional planners is A 25

| 1 | the American Institute of Planners. |
|----|--|
| 2 | Q And for short, that is occasionally called |
| 3 | AIP? |
| 4 | A Yes, it is. |
| 5 | Q And the AIP has how did you become a |
| 6 | member of the AIP? |
| 7 | A You apply for membership and there's an examina- |
| 8 | tion procedure. In order to be able to qualify for the |
| 9 | examination, you have to have a combination of education and |
| 10 | experience that demonstrates some capacity in the field, and |
| 11 | then there's an examination procedure and then you become a |
| 12 | member of the Instutute. |
| 13 | Q And does the educational requirements |
| 14 | include a graduate degree in planning? |
| 15 | A No. The educational requirements include a |
| 16 | combination of experience and education such that a gradu- |
| 17 | ate degree in urban planning is worth two years of profes- |
| 18 | sional experience. |
| 19 | Q So that if a person just had a sociology |
| 20 | degree and maybe a half year of undergraduate work in |
| 21 | planning, could he become a member of the AIP? |
| 22 | A After a suitable amount of experience and passing |
| 23 | the examination, yes. |
| 24 | Q Now, in the field of zoning, Dr. Mann, |
| 25 | would it be fair to say that zoning is a part of planning? |
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| 1 | A Zoning is a means of implementing planning. It's |
| 2 | accurate to say that it's part of the planning of the urban |
| 3 | and regional planning process. |
| 4 | Q Would it be fair to say that in respect to |
| 5 | zoning, that's one particular field that planners would be |
| 6 | expert in? |
| 7 | A It's a field that most planners know something |
| 8 | about. |
| 9 | Q As distinct from an economist or sociolo- |
| 10 | gist? |
| 11 | A Yes. |
| 12 | Q Now, would it be fair to say that one |
| 13 | function that a planner could do would be to analyze zoning |
| 14 | ordinances? |
| 15 | A Not usually. |
| 16 | Q No? They wouldn't analyze zoning ordin- |
| 17 | ances? |
| 18 | A No, that isn't the some planners do, but that |
| 19 | isn't a general designation of the work program of a planner. |
| 20 | Q Well, in the profession you say planners |
| 20 | do deal with zoning ordinances? |
| | A Yes. |
| 22 | Q Very often they will give advice in respect |
| 23 | to what provisions go into zoning ordinances? |
| 24 | A Yes. |
| 25 | |
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| 1 | Q And then isn't it true that they would be |
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| 2 | the best profession to analyze whether a particular zoning |
| 3 | ordinance is exclusionary or not? |
| 4 | A I think that's true. |
| 5 | Q In determining whether a particular zoning |
| 6 | ordinance is exclusionary or not, would it be fair to say |
| 7 | that a planner would have to look at more than just the bare |
| 8 | face provisions of the zoning ordinance? |
| 9 | A Yes. |
| 10 | Q And what else would he have to look at or |
| 11 | know in respect to a zoning ordinance to determine if it was |
| 12 | exclusionary? |
| 13 | A He would have to know the detailed provisions and |
| 14 | the way that they work, including the extent to which it was |
| 15 | likely to be enforced. He would also have to know the |
| 16 | tie-in of the zoning ordinance to the comprehensive and |
| 17 | general plan, the extent to which it was dealing with pro- |
| 18 | visions there and to that linkage into subdivision controls. |
| 19 | You would also have to realize all of the tie-ins |
| 20 | with what other authorities were doing on matters that were |
| 21 | touched upon in the ordinance, the health commission, the |
| 22 | building inspector, town engineer, if there were one, the |
| 23 | sanitation department, if there was a separate sanitation |
| 24 | department. |
| 25 | It really requires understanding how the zoning |

| 1 | ordinance is $_{, 1}$ ng to fit into the total fabric of the way |
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| 2 | that a town runs its process of controlling land use |
| 3 | changes. |
| 4 | Q Would he have to be aware of the actual |
| 5 | land uses in the town? |
| 6 | A Yes. |
| 7 | Q That's basic, actually? |
| 8 | A Well, you would have to do that to even understand |
| 9 | what the zoning ordinance was about. |
| 10 | MR. SPRITZER: I don't think that I have |
| 11 | any other questions. |
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CERTIFICATE I, STANLEY GRABON, a Certified Shorthand Reporter and Notary Public of the State of New Jersey, do hereby certify that the foregoing is a true and accurate transcript of proceedings as reported stenographically by me on the date and place aforementioned. Stapley Grabon, CSR Official Court Reporter