

CA - Metzken

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Cross-Examination of Lawrence D. Mann by Spritzer before
Judge Furman

8 pages

CA 001528 V

SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION
Middlesex County



URBAN LEAGUE OF GREATER
NEW BRUNSWICK, et als.,

Plaintiffs,

vs.

MAYOR & COUNCIL OF THE
BOROUGH OF CARTERET, et als.,

Defendants.

314

New Brunswick, New Jersey
February 5, 1976

CROSS-EXAMINATION OF LAWRENCE D. MANN
BY MARTIN A. SPRITZER, ESQ. (Twp. of MANTUCKON)

B E F O R E: Honorable David D. Furman, J.S.C.

FILED

FEB 24 1976

DAVID D. FURMAN, J.S.C.

Stanley Grabon, C.S.R.

1 CROSS-EXAMINATION OF LAWRENCE D. MANN BY MR. SPRITZER:

2 Q Dr. Mann, with respect to some of the
3 questions and answers, would it be fair to say that they have
4 reflected 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?

1 A Well, some of the authorities are the universities
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,
10 as well as landscape architects are brought in. So that in
11 in the sense of somebody recognizing it, yes.

12 Q And the universities recognize it and some
13 of them award degrees in planning?

14 A That's correct.

15 Q And some of the states, like New Jersey,
16 recognize it by having a license for planners. Is that
17 correct?

18 A New Jersey and Michigan.

19 Q Are they the only two?

20 A Yes.

21 Q And is there one particular professional
22 organization-- let me put it this way: Strike that out.

23 What is the main professional organization for
24 planners?

25 A The main organization of professional planners is

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 Institute.

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?

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
21 do deal with zoning ordinances?

22 A Yes.

23 Q Very often they will give advice in respect
24 to what provisions go into zoning ordinances?

25 A Yes.

1 Q And then isn't it true that they would be
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 going to fit into the total fabric of the way
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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C E R T I F I C A T E

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.



Stanley Grabon, CSR
Official Court Reporter