

CA Piscataway

23 - Mar - 1984

Continued Deposition of Lester Nebenzahl, P.P. A.I.C.P.

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I N D E X

WITNESS

DIRECT

Lester Nebenzahl
by Mr. Gelber

3

E X H I B I T S

NO.

DESCRIPTION

IDEN.

D-1

Vacant land map

7

1 MR. PALEY: Mr. Gelber, we are here to
2 continue the deposition of Mr. Nebenzahl, whom
3 you deposed two days ago, if memory serves. During
4 that day Mr. Nebenzahl had previously been
5 sworn, and as far as I am concerned, may continue
6 with his deposition.

7 MR. GELBER: Okay.

8 L E S T E R N E B E N Z A H L, having been previously
9 duly sworn according to law, testifies as follows:

10 CONTINUED DIRECT EXAMINATION BY MR. GELBER:

11 Q Mr. Nebenzahl, just to clarify something,
12 if you could look at the answers to interrogatories,
13 now the information that is provided in answer to
14 interrogatories 27 and 33, was that compiled by you or
15 your staff?

16 A Yes.

17 Q Okay, and to the best of your knowledge,
18 is that information accurate?

19 A Yes.

20 Q Now again to confirm something I believe
21 we talked about two days ago, Chart 27-D and Chart 33-A,
22 B and C, include a complete list of all vacant land
23 in the Township; is that correct?

24 A Yes.

25 Q Okay Now that list does not include park

1 lands, is that correct?

2 A Correct.

3 Q Okay, and you did not include land owned
4 by Rutgers University or owned by the Federal government?

5 A I believe one large piece of property was included.
6 All the vacant land shown in the E. and E.R. Zones would
7 be Rutgers University. There is 250 acres shown lying
8 within the Education Zone, and 113.57 acres shown in
9 the E.R. Zone.

10 Q Not all of the land, though, shown in the
11 E.R. Zone is owned by Rutgers; is that correct?

12 A Well, given the block and lot, we could check
13 that with the tax book.

14 Q Let's wait for that. We'll get to that.
15 So you're saying that all vacant land in the Township
16 that is owned by Rutgers is included in 27?

17 A We have had to estimate the portion of the Rutgers'
18 holdings, which totals near 1200 acres, I believe, as to
19 what portion of that land could be considered developable
20 or vacant.

21 Q I see. Have there been any demolitions
22 or fires or any other occurrences that would have made
23 a sizeable tract vacant in the last few years?

24 A Not to my knowledge.

25 Q Now just again to confirm something, am I

1 correct in my understanding that the tracts that are
2 identified in answers to interrogatory 27-E and F, I and J
3 and K and L, are all the vacant parcels in the Township
4 that would not be sizeable for residential development,
5 because they are subject to an approved site plan, or
6 they are subject to some physical or environmental con-
7 straints?

8 MR. PALEY: As of the date of the
9 answers to interrogatories?

10 MR. GELBER: That's correct.

11 THE WITNESS: Yes. Since that time I
12 would point out various applications have been
13 filed in our offices for some of those tracts.

14 Q Have any of those been approved?

15 A Let's see. I would have to check the Planning
16 Board agendas and the Zoning Board agendas for January
17 and February, as well as March.

18 Q As of what date are these answers current?

19 A The beginning of January, 1984.

20 Q Could you take a look at the list contained
21 in the answer to interrogatory 27-D?

22 A Yes.

23 Q And tell me which of those parcels are not
24 suitable for high density residential development for
25 any other reasons other than the ones already indicated

1 in the answers? Well, let me ask you, have you pre-
2 pared an analysis of the parcels contained in 27-D in
3 terms of their suitability for residential development
4 for purpose of this case?

5 A Nothing has been prepared in written format other
6 than the response to the interrogatories.

7 Q Do you intend to prepare one?

8 A We intend to prepare graphic material and
9 support that material with testimony at trial, I assume,
10 as to why certain parcels are not particularly suited
11 for residential development or high density residential
12 development.

13 Q Have you begun preparing that analysis?

14 A My staff has begun to prepare that.

15 Q Have you reviewed any of that work to date?

16 A No.

17 Q When do you anticipate completing that
18 analysis?

19 A Approximately a week.

20 Q When do you anticipate that we will be
21 receiving copies of the analysis and the graphics?

22 A I don't know that what we are producing will be
23 reproduceable, so that the only exhibit that we will
24 use at trial may be the only graphic information that
25 we prepare.

1 Q When will it be available for inspection?

2 A Next week.

3 MR. PALEY: Off the record.

4 (A recess is taken.)

5 (Received and marked for identification
6 Exhibit D-1.)

7 Q What we have done during the break is gone
8 through all of the vacant parcels identified in answers
9 to interrogatory 27-D, and some of the parcels identified
10 in answer to interrogatory 33, question 33, and have
11 plotted them on a map showing the vacant parcels in the
12 Township, and the map has been identified as defendant's
13 deposition exhibit one. What I would like to ask you now
14 is to run through these parcels, and I would like to
15 obtain your opinion as to whether or not they are suitable
16 for residential development, and if not, why not?

17 Why don't we take them in numerical order.
18 That is probably easier.

19 Okay, the parcel identified as parcel
20 number one?

21 A In my view parcel number 1 is suitable for resi-
22 dential development.

23 Q What about parcel number 2?

24 A Parcel number 2 lies adjacent to a large steel
25 fabricator, the Harris Steel property, as it is referred

1 to. The actual steel process, or manufacturing or
2 fabricating process itself, occurs directly across the
3 street in South Plainfield, and that property is, I be-
4 lieve, owned by the Harris Steel owners. The largest
5 parcel, that parcel lying below and to the south of
6 Lakeview Avenue, is traversed by a stream, and would re-
7 quire large buffering to protect any prospective resident
8 from the nuisances associated with living adjacent to that
9 industrial use.

10 Q Isn't there a fair amount of buffering
11 along New Brunswick Avenue?

12 A Yes, there is. That land is highly wooded.

13 Q Between parcel number 2 and the industrial
14 use that you are referring to?

15 A The entire tract is wooded. On parcel number 2,
16 however, on the southerly portion of number 2.

17 Q Using a clustering effect, wouldn't it
18 be possible to develop it as residential because of
19 the size of the tract?

20 A Yes, it would.

21 Q What about tract number 3?

22 A Tract number 3 is an area zoned presently as a
23 shopping center. It comprises approximately 30 acres
24 and again, that property is traversed by a stream. It
25 would be feasible, I imagine, from an environmental view

1 to develop that property in residential use, although
2 I see it as a prime site for necessary shopping services,
3 that for which it is zoned, to serve existing residents
4 in the area.

5 Q Is there other shopping in the area?

6 A There is some shopping to the west on Stelton Road
7 approximately a mile away from that shopping center, but
8 if a shopping center were developed, for instance, for
9 parcel number 3, it would be serving the 3,000 garden
10 apartments known as Pleasant View Gardens, which lies
11 adjacent to that site, as well as numerous single family
12 residential dwellings existing in the area.

13 Q Would it be possible to develop residential
14 use on a portion of that site, and retain a portion
15 for shopping?

16 A Yes.

17 MR. PALEY: Mr. Gelber, I agree with
18 your suggestion that we go down each lot
19 numerically. Let me just put a caveat on the
20 record, okay? It's my understanding that
21 your questions presuppose that each lot is
22 being analyzed in isolation, and that Mr. Neben-
23 zahl's responses to your questions should be
24 viewed in light of each lot in isolation, not
25 necessarily in the aggregate. With that caveat

1 I think he can go on, but I wanted to put that
2 on the record.

3 MR. GELBER: I'm not sure I understand the
4 caveat.

5 MR. PALEY: Well, the last time that we
6 were here, Mr. Nebenzahl, despite his problems
7 of communicating with clogged nasal passages,
8 indicated that although a specific site might
9 be suitable or appropriate for residential
10 development, the consideration of general planning
11 factors, including such phenomena as the character
12 of the neighborhood and the character of the town,
13 without going into it, might preclude development
14 of a particular parcel otherwise topographically
15 suited for development. I am interpreting your
16 questions so far to refer to each lot in isolation
17 and not to enlist from him a recommendation
18 as to whether development of that particular lot
19 is appropriate considering all of those develop-
20 mental factors.

21 MR. GELBER: Okay. That's not entirely
22 correct. The question is, is there any reason
23 why that particular tract in that location would
24 not be suitable for residential development, any
25 reason, and if what you are saying is that am I

1 asking him to compare that tract with other
2 tracts and compare which would be more suitable,
3 no, I'm not. I'm asking whether or not there
4 is any reason other than those given in the
5 answers to interrogatories that would make that
6 tract unsuitable for residential development.
7 Does that clarify it?

8 MR. PALEY: I think that is a clear
9 question, and I wonder if you would ask Mr. Neben-
10 zahl his answer for parcel 1, 2 and 3, would
11 change or be affected by the elucidation of that
12 question you have just provided.

13 Q Well, you can modify or clarify anything
14 you have said in the deposition.

15 A Well, that general area of Piscataway encompassing
16 the vacant tracts which we have labeled 1, 2, 3, 4 and 5,
17 and 6, for that matter, is the most densely developed
18 area of Piscataway. Any development which will
19 generate additional traffic will be adding to an already
20 congested situation in terms of traffic movement. I
21 think I mentioned previously that the owners of tract
22 number 2 are industrial users. They own property adjacent
23 to that property. They have never shown any interest
24 in developing any property residentially, and in terms
25 of tract number 3 I feel that that land should be set

1 aside for commercial purposes in light of the existing
2 need of the residents in the area.

3 Q Have you prepared any analysis or studies as
4 to the need for commercial use in that area?

5 A Not separate and apart from our Master Plan studies.

6 Q So whatever studies you have are contained
7 in the Master Plan studies?

8 A Yes.

9 Q And are you referring to the draft, the
10 1984 draft Master Plan?

11 A The Master Plan was adopted in October of 1983.

12 MR. GELBER: Off the record.

13 (A discussion off the record.)

14 Q I have in front of me the Piscataway
15 Township Master Plan indicated as adopted October 12,
16 1983. Is that the Master Plan you are referring to?

17 A Yes.

18 Q And all the data or studies supporting your
19 contention about the need for commercial use in the
20 area would be contained within this document?

21 A It would be summarized by that document. There
22 are numerous planning documents and reports that have
23 been done during the years that would contribute to that.
24 Those properties have had the same designation in the
25 Master Plan of Piscataway for many years, and all of the

1 prior Master Plans have shown that property the same
2 way, the same way that the 1983 Master Plan does.

3 MR. PALEY: By property, are you referring
4 to a specific parcel in answer to the last ques-
5 tion?

6 THE WITNESS: Tract 1, 2 and 3.

7 Q Has any developer expressed an interest
8 to the Township to develop tract number 3 for any use,
9 let's say in the last five years?

10 A Yes.

11 Q And what is that?

12 A For a shopping center.

13 Q Is there an application currently pending?

14 A No, there is not.

15 Q Do you know why it has not been developed
16 as a shopping center?

17 A No.

18 Q You refer to traffic problems in that area.
19 Have you prepared any analysis or conducted any studies
20 relation to traffic problems in the area that are not
21 contained in the Master Plan?

22 A No, but I have personally attempted to proceed
23 north on New Brunswick Avenue, for instance, in my own
24 automobile during a rush hour, and have been delayed
25 in my travels due to that traffic congestion.

1 Q Can that traffic congestion be mitigated
2 by road widening or road improvements?

3 A I don't think so realistically, because there are
4 major barriers to any road improvement such as the
5 existence of Newmarket Lake and the appurtenant structures.
6 It could be done engineering-wise, I suppose. Whether it
7 is feasible, I doubt it due to the cost that would
8 probably be involved.

9 Q Does the Township have any plans to improve
10 any of the roads in that neighborhood to relieve the
11 traffic?

12 A Not immediate plans, to my knowledge.

13 Q Is there a traffic or transportation or
14 circulation report that has been prepared by the Town-
15 ship prior to adoption of the 1983 Master Plan?

16 A There is a circulation plan that is contained within
17 the Master Plan developed. There have been various studies
18 prepared by other governmental agencies and their con-
19 sultants concerning traffic in Piscataway, such as the
20 Route 18 study prepared by P. R. C. Harris, Incorporated,
21 and the Route 287 study prepared by Garmen Associates
22 for both the State Department of Transportation and
23 Middlesex County.

24 MR. GELBER: Off the record.

25 (A discussion off the record.)

1 Q In your opinion is the tract identified
2 as tract number 4 suitable for residential development?

3 A A portion of Tract 4 could be developed eventually
4 in my view. It is a portion of a property which is
5 owned by Eastern Steel Barrel, which is a manufacturing
6 company. I would assume that that corporation would
7 probably choose to hold that land in case they find a
8 need for expansion, or as a natural buffer area between
9 existing residential uses in the area, and their facility,
10 since many residential property owners in that neighbor-
11 hood have appeared before the Planning Board and voiced
12 their concerns regarding the manufacturing operation
13 at that plant.

14 Q So Eastern Steel actually has a currently
15 operating facility south of the tract identified as 4?

16 A Correct.

17 Q Does Eastern Steel own the entire tract?

18 A Correct. It is actually part of -- tract number 4
19 is part of the same lot where the manufacturing facility is
20 located.

21 Q Well, are there any other reasons why that
22 tract would not be suitable for eventual development?

23 A Other than the existence of the actual use
24 serving to be a nuisance to any potential residential
25 users, I suppose in the middle of that portion of that

1 tract some housing could be constructed. I doubt
2 whether or not that is a realistic assumption, though.

3 Q Approximately what portion -- strike that.

4 Approximately how many acres would be neces-
5 sary to provide a sufficient buffer to enable residential
6 development on the remainder of the tract?

7 A I think that would depend on many factors. It
8 would depend on Eastern Steel Barrel's for the future
9 as to whether they would expand their operation, for
10 instance. It depends in good measure on the environmental
11 studies really that are being conducted presently on the
12 adjacent tract, which we have noted as number 5, which is
13 contaminated, and whether or not any of that soil or
14 that contamination has affected that soil in tract 4.
15 The answer really is I wouldn't know until I saw plans
16 before me to make an adequate decision as to an adequate
17 buffer.

18 Q Have you received any preliminary studies
19 concerning the nature or extent of the contamination on
20 tract 5?

21 A I personally have not.

22 Q Do you know if those are available?

23 A I don't know where they are available. I would
24 assume the Department of Environmental Protection or
25 E.P.A., the Federal Environmental Protection Agency, would

1 have some data that would be made available to the
2 public. I have not seen any reports.

3 Q Has that tract been qualified for Super
4 Funds Assistance?

5 A Yes, it has. To my understanding it has, yes.

6 Q Does that apply to the entire tract?

7 A Yes, as far as I know.

8 Q In your opinion is there any reason the
9 tract identified as tract no. 6 could not be developed
10 for high density residential use?

11 A That tract presents numerous traffic problems,
12 in addition to it being bordered on the southerly side
13 by a railroad and a pipeline.

14 Q Does the Township or the County or any
15 other governmental entity have any plans to improve
16 roads adjacent to or near that tract?

17 A Not to my knowledge.

18 Q In your opinion could the traffic problem
19 be mitigated through governmental improvements, road
20 improvements?

21 A I don't know of any feasible road improvement
22 that could be undertaken, which would alleviate the
23 bottlenecks that are now existing along that portion
24 of Old New Brunswick Road. Even if Old New Brunswick
25 Road adjacent to that property were widened, for instance,

1 the intersection with Stelton Road becomes a major
2 problem, and in essence what you would have would be
3 a wider roadway emptying into a narrower roadway, with
4 the same bottleneck occurring. I know that our adminis-
5 tration receives numerous requests for assistance from
6 the apartment dwelling owners on the north side of Old
7 New Brunswick Road, who have an unbelievably difficult
8 time trying to exit from the driveway located adjacent
9 to Old New Brunswick Road on the north side, to enter
10 onto that road in the morning, in order that they can
11 have access from the property and be on their way to work.
12 The traffic backs up and is at a standstill for almost
13 the entire length of Old New Brunswick Road during rush
14 hour.

15 Q Does the Township have any plans in response
16 to those requests?

17 A I know that we have been trying to come up with
18 feasible solutions for well over a year, and to date we
19 have not been able to do so.

20 Q Has the Township retained any outside con-
21 sultant or assistant in examinig that problem?

22 A Not to my knowledge.

23 Q If that problem were to be corrected in
24 response to the complaints by the residents north of
25 Old New Brunswick Road, wouldn't it be possible then to

1 allow residential development in the area south of
2 Old New Brunswick Road?

3 A Any additional development on that property,
4 any additional development now, will cause a problem
5 in terms of additional traffic. At the present density
6 or the present zoning with the allowable density at
7 approximately two dwelling units per acre, the amount
8 of trip generation is considerably less than what would
9 occur at a higher density such as ten units per acre,
10 and until that situation were resolved for the existing
11 problems, that would only aggravate the problem further.

12 Q All right. Are there any other reasons
13 other than those that you have just stated why that
14 tract could not be developed for high density use?

15 A The provision for more density at that specific
16 location would fly in the face with other stated goals
17 and objectives of the Master Plan, such as the objective
18 to disperse or to spread out throughout Piscataway the
19 higher density uses which cause increased trip generation.
20 When the Planning Board conducted its Master Plan studies,
21 one of the items which was looked at in considerable
22 detail was the existing location of high density housing,
23 or higher density housing, and those high trip generation
24 factors, and when the Board looked at the existing
25 situation and chose those sites for increasing density,

1 this was decided not to be one of those for that very
2 one reason being that very goal and objective.

3 Q Any other reasons?

4 A No.

5 Q What about the tract in and of itself?

6 Is it a suitable tract for residential use?

7 MR. PALEY: Topographically speaking?

8 Q Topographically, environmentally, and
9 physically.

10 A Other than the existence of the railroad adjacent
11 to it, and the pipeline, I believe there are some
12 sections of the tract which have a high water table which
13 holds water, but could probably be overcome with engineer-
14 ing.

15 Q What about tract 7? Well, let me ask you,
16 tract 7 is what we discussed the other day and identified
17 on plaintiff's exhibit 2 as "A", is that correct?

18 A Correct.

19 Q It is currently zoned for PRD use?

20 A Correct.

21 Q Okay. What about tract 8 adjacent to
22 that? Is that suitable for residential development?

23 A Tract 8 encompasses a portion of a previous
24 chemical manufacturing company, which is no longer in
25 operation, and that would be ARCO or Air Products

1 Reduction, and attendant with that use of that property
2 was some very dangerous substances to the point where
3 I recall signs being posted around that area that there
4 were potentially cancer-causing agents being used, and
5 no one should enter their property.

6 MR. PALEY: Off the record a minute.

7 (A discussion off the record.)

8 THE WITNESS: There is an existing indus-
9 trial use, light industrial use, now in place
10 of that facility. It is called Reometrics, and
11 there are, I believe, industrial facilities being
12 utilized in Middlesex, the Borough of Middlesex,
13 adjacent to the northern border of that property.
14 I think it forms a transition for what will be
15 the PRD we just mentioned, and the existing indus-
16 tries in the area. I think that property is more
17 suited for that which it is zoned.

18 Q Is the light industrial use by Reometrics
19 in that tract?

20 A Correct.

21 Q Let's mark that as 8-A.

22 Mr. Nebenzahl, is there a sufficient
23 amount of land in tract 8 to enable the expansion of
24 the PRD site into a portion of that tract, and still
25 retain sufficient buffering? I believe your answer to

1 interrogatories showed that the tract has about 35 and a
2 half acres.

3 A I would suppose that a portion of that tract
4 could feasibly be developed residentially and used to
5 provide additional buffering. I believe it is in various
6 ownerships.

7 Q Well, that tract is not owned by Reometrics?

8 A I don't believe so. I believe it is owned by
9 Halo Carbon Products, which has recently filed for sub-
10 division of the property.

11 Q What is the nature of that application?

12 A To subdivide the property wherein the existing
13 Reometrics facility is located from the remainder of
14 the holdings of Halo Corporation.

15 Q For what type of use?

16 A It has not been indicated to us.

17 Q And the application applies to the Reometrics
18 site as well as the other?

19 A Correct.

20 Q Do they have an option to purchase that
21 land?

22 MR. PALEY: Does who have an option to
23 purchase what land?

24 MR. GELBER: Does Halo Carbon Products
25 have an option to purchase the Reometrics site?

1 THE WITNESS: The history of this property
2 is interesting and complex. Halo Carbon originally
3 purchased the entire tract from Air Products, and
4 attempted to construct a chemical manufacturing
5 facility with attendant tank farm uses, and
6 appeared before the Planning Board for additional
7 use permits, I believe, or site plan approval
8 to do so.

9 MR. PALEY: Site plan approval.

10 THE WITNESS: The Planning Board denied
11 the application, citing as one reason the potential
12 impact that that use would have on the PRD area
13 when it was developed, and that case went to liti-
14 gation and the Township was upheld in its deter-
15 mination. That case also led to a re-evaluation
16 of the existing industrial land use zoning within
17 the municipality, and led to the classification
18 of light industrial uses from other industrial
19 uses within the Township. It was approximately
20 1982 or 1981.

21 Subsequent to the litigation, Reometrics
22 entered into a contract with Halo Carbon Products
23 and actually purchased the entire piece and had
24 some arrangement with Halo Carbon that Reometrics
25 would work with them to subdivide the property.

1 Q By the entire piece, you mean 8-A, Reometrics
2 purchased the entire piece?

3 MR. PALEY: 8 and 8-A.

4 THE WITNESS: What is 8-A?

5 MR. PALEY: 8-A is where Reometrics is now.

6 THE WITNESS: Oh, okay.

7 Q Have you had any informal discussions
8 with either Reometrics or Halo Carbon, as to the proposed
9 use for the entire tract?

10 A No. We have had formal applications by Halo Car-
11 bon now.

12 Q For subdivision?

13 A For subdivision.

14 Q And what is the status of the application?

15 A It has been deferred by the Planning Board for
16 further study as to the exact location of the collector
17 road known as Birch Run Drive, which would connect
18 Possumtown Road to and through the PRD.

19 Q Is it possible to rezone that entire area
20 identified as 8 and 8-A to residential use, so that if
21 the use now occupying 8-A were to discontinue, the entire
22 tract would be available for residential use?

23 A I suppose it would be possible. I don't think
24 it would be necessarily wise.

25 Q Why not?

1 A In light of the comprehensive Master Plan study
2 that was recently hammered through by the Planning Board
3 and the governing body through the adoption of the zoning.
4 I would think that the property owner, whether it be Halo
5 Carbon or Reometrics may have considerable problems with
6 that approach, and I think the light industrial zoning
7 serves the function of providing the buffering between
8 the 88 acre piece of property that is already zoned
9 for PRD.

10 Q Earlier you were discussing the use of
11 the property by ARCO.

12 MR. PALEY: Air Products, please.

13 Q Is there any contamination on the site
14 resulting from that former use?

15 A I don't know.

16 Q Is there any other reason other than those
17 you have just stated, why that could not be developed
18 as residential?

19 A I can't think of any at the present time.

20 Q Okay. What about tract 9? Well, actually
21 for ease, why don't we discuss tracts 9, 9-A, 10, 11, 12
22 and thirteen.

23 A Okay.

24 Q Is that what has been referred to as the
25 Miller farm, I believe?

1 A No. That would be the Sudzin tract.

2 Q Is that tract suitable for higher density
3 residential development?

4 A This property lies adjacent to a very large indus-
5 trial user in Piscataway, that being Union Carbide, known
6 as the Bound Brook plant, and Georgia-Pacific Corporation
7 to the north.

8 Q Why don't we identify the site. That is
9 the area immediately to the north?

10 A Correct. I have serious doubts as to whether
11 a great portion of that property can feasibly be developed
12 for residential purposes due to the existence of those
13 manufacturing facilities.

14 Q If you added all of the tracts identified
15 as 9 through 13, isn't that a very sizeable area?

16 A Yes, it is.

17 Q Is it possible to establish buffering
18 between residential use and the industrial use you have
19 just referred to?

20 A It's possible. However, this particular property
21 is very flat. It has been farmed. There are no woods
22 or wooded areas existing between the manufacturing uses
23 and the residential properties. In my view it's one
24 of the least desirable places to live in Piscataway,
25 given choices relative to other residential sites in

1 the Township.

2 Q Is there a sufficient amount of land between
3 the industrial use and tracts identified as 10 and 12
4 to permit feasible development of residential use?

5 A The Master Plan and the zoning show a business
6 professional zone that is marked as number 11 on the map,
7 BP-1 zone. That was an effort to provide a buffer between
8 the remainder of the tract and the industrial use we
9 have just mentioned. When that plant is in full oper-
10 ation no natural or planted buffer will do away with
11 some of the nuisances involved with that operation, such
12 as odors, vibration and noise.

13 Q If those problems exist, why are those
14 sites now zoned for low density residential?

15 A It's my feeling that there is a portion of the
16 property which could be developed. I think the more
17 people that live there, the more people there will be
18 to be exposed to those nuisance generating characteristics.
19 Under the existing R-20 and R-15 zoning regulations,
20 housing can be clustered and kept as far away from the
21 plant as possible. There are access problems in that
22 area as well in that the only non-residential, or the
23 only access that would be available to the property
24 other than existing local roadways which have residential
25 uses located on them or adjacent to them, would be from

1 River Road, which is restricted in its ability to be
2 widened as a County road, and any use other than residential,
3 such as office or more industrial, would necessarily
4 cause serious traffic problems for those local roadways
5 and River Road as well.

6 Q With respect to the buffering from the
7 manufacturing use, then is it your testimony that with
8 clustering portions of that tract it could be developed
9 for residential use?

10 A They can. If in fact they will, I think is
11 another issue. I think on the open market it would be
12 one of the last sections of Piscataway to be developed
13 residentially.

14 Q There are presently residential developments
15 both south and east of the tract you are referring to?

16 A That's correct.

17 Q Is that correct?

18 A Right.

19 Q What about tract 14?

20 A Tract 14 is a 66 or 67 acre parcel with its
21 entire southerly border adjacent to Interstate 287, with
22 limited access. That is, it has no access onto the high-
23 way at the present time. All of the access into that
24 property will again necessarily be tied into existing local
25 roadways.

1 Q Is that what has been referred to as
2 the Miller farm?

3 A Correct. There is a pipeline running through a
4 portion of that site, and it is relatively narrow, although
5 very long. If and when that property is developed for
6 residential use, there will be significant noise impact
7 associated with residents who may wish to reside on
8 that property, because of the existence of Route 287 on
9 one hand. On the other hand, it presents very prime
10 land for office use if the access question can be
11 resolved, and we have had informal -- as a matter of
12 fact, during the Master Plan we had a request by a
13 contract purchaser to develop that property for office use.

14 Q That land is currently zoned for R-20?

15 A Yes.

16 Q Why is it not zoned for commercial use
17 if that is, in your opinion, the best use?

18 A I feel that the Planning Board thought, and I
19 agree at this time since no concrete plans to resolve
20 the access issue were set forth by the contract pur-
21 chaser, the Board was very reluctant to allow a high
22 traffic generater to tie into those local roads with
23 no access directly onto 287.

24 Q With road improvements, is it not possible
25 to provide access to that tract?

1 A I suppose it would be possible. I think it
2 would involve a Federal and State approval of access
3 directly from an Interstate highway, and given the very
4 difficult process which our governing officials have
5 been involved with over the last ten or fifteen years,
6 that's a very difficult situation, to say the least.

7 The westerly portion of that property is actually --
8 the access is actually limited to a thirty or forty foot
9 strip on River Road because of the existence of the
10 interchange and the State and Federal restrictions on
11 the access to the Interstate.

12 Q Isn't it possible to provide access from
13 the tract to the north through the existing neighborhood,
14 or to the east through a relatively small existing
15 neighborhood?

16 A It would be possible to tie into the existing
17 local roadways, yes.

18 Q Is 287 an elevated highway at that point
19 along tract 14?

20 A Elevated? I'm not sure, but I don't believe
21 that it is significantly higher in elevation than the
22 farm. Well, yes, it is. It is elevated. It looks to
23 be about twelve to thirteen feet higher than the farmland
24 itself. I don't think that elevation would mitigate to
25 any great extent the sound of tractor trailers, for

1 instance at four o'clock in the morning when someone
2 was trying to sleep in that vicinity.

3 Q Are there any additional buffers that
4 currently exist to the north side of 287 at this point?

5 A No, that is a field.

6 Q And it's your opinion that the height
7 of the highway would not reduce the noise level?

8 A It may reduce it somewhat, but not significantly,
9 because I know personally that people have called me who
10 live in the existing residential development to the north,
11 and have voiced their anxiety and concern that they are
12 troubled in the middle of the night by noise.

13 Q What about tract 15?

14 A What about it?

15 Q Is it suitable for residential use?

16 A No, it's not.

17 Q Why not?

18 A The majority of that lies within the flood plain.

19 Q Is that on the hundred year flood plain?

20 A I don't believe that has been mapped by the Federal
21 Flood Insurance Agency, so that my answer is I don't
22 know. I do know that the Master Plan and the governing
23 body by commissioning a study which dealt with flooding
24 problems in Piscataway, that study dealt with the Ambrose
25 and Tudy brooks. I don't recall whether that particular

1 stretch of the brook was mapped. Our Master Plan
2 shows that tract as being recreational and conservation
3 land, which in my view is proper planning given the
4 general conditions of that area, even for a flooding
5 not of the magnitude of a hundred year storm.

6 Q What was the name of the study you just
7 referred to?

8 A Ambrose-Doty's Brook Flood Plain Study. It was
9 prepared by T & M Associates approximately two or three
10 years ago.

11 Q Do you have extra copies of that study?

12 A No, I don't believe we do. There are some copies.
13 We only have one or two office copies and we use that
14 for our every day business in terms of development review.
15 I don't think that can leave our office.

16 Q Okay Is there any --

17 A It's available for inspection.

18 Q Is there any portion of that tract, let's
19 say the westerly portion, which would be available for
20 residential development, in your opinion?

21 A In my opinion, nothing. I don't know. I would
22 have to look at the flood maps.

23 Q What about tract 16? Is that suitable
24 for residential development?

25 A Not in my view.

1 Q Why not?

2 A Tract 16, as tract 17, tract 18, tract 19 and
3 tract 20, lie in the midst of an industrial area known
4 as Rutgers Industrial Center. Beecham Labs, a very large
5 pharmaceutical manufacturing facility, is located on
6 Zirkel Drive North, on the southerly portion of that
7 road. It manufactures such products as penicillin, and
8 again the existence of those types of land uses are not
9 consistent with sound planning in terms of compatability
10 of land use types.

11 Q Could you locate on the map for me the
12 penicillin plant, just roughly?

13 A I think it's there (indicating).

14 Q Between 17 and 20?

15 A Yes. I may point out additionally that the
16 access to that entire industrial development wherein
17 large trailer trucks are constantly traveling, is limited
18 to only two access points and any residential use would
19 then be subject again at all hours of the night to the
20 noise attendant with those large vehicles traveling by
21 the doorsteps.

22 Q What is the nature of the use surrounding
23 tract 16?

24 A Industrial.

25 Q Those are currently in operation?

1 A Yes.

2 Q Is that clean industry?

3 A I would not refer to that industry as clean in
4 terms of its potential impact on residential uses.

5 Q What is the nature, just for example?

6 A There are manufacturing facilities. There are
7 warehousing facilities. Again, just the existence of the
8 pharmaceutical plant itself in my view is enough.

9 Q Even though that pharmaceutical plant is
10 separated by some distance from tract 16?

11 A I don't consider that a considerable distance
12 whatsoever.

13 MR. PALEY: Off the record.

14 (A discussion off the record.)

15 Q Mr. Nebenzahl, in your opinion would
16 tract 21 be suitable for residential development?

17 A No.

18 Q Why not?

19 A It lies adjacent to Route 287 and also lies
20 adjacent to what used to be known as Tenneco Chemicals,
21 now called Nuodex Chemicals, another chemical manufacturer.

22 Q That is currently in operation?

23 A Correct. In addition to the chemical facility,
24 lying to the east of what used to be the Tenneco facility
25 now called Nuodex, is a heavy industrial user, American

1 Can Company, lying directly to the north, and Route 287
2 lies adjacent to the southerly portion. So again there
3 would be numerous noises and traffic problems associated
4 with residential development at that location. I believe
5 American Can operates all night, and I believe Nuodex
6 operates all night as well. There is also streams running
7 through the property. The J.C.P. & L. has an easement
8 because power lines run through the property. There is
9 a host of easements and other problems associated with
10 residential development.

11 Q Okay. Is tract 22 in your opinion suitable
12 for residential development?

13 A Absolutely not.

14 Q Why not.

15 A Tract 22 is a five acre piece of property located
16 in the midst of the Sun Belt of New Jersey. it is
17 surrounded by large corporate office structures, and
18 lies adjacent to Centennial Avenue. If for instance
19 that property was zoned residential at any density, and
20 the Zoning Board were asked to grant a use variance
21 for any commercial use, at that juncture the Zoning
22 Board would be bound by common sense even to grant the
23 variance.

24 Q Is tract 23 suitable for residential
25 development?

1 A Absolutely not.

2 Q What is the nature of the surrounding uses?

3 A Tract 23 is surrounded by light industrial and
4 office development. It lies adjacent and actually has
5 frontage along Route 287, Centennial Avenue and also New
6 Brunswick Road. A portion of the property lies within a
7 flood plain of the Ambrose Brook.

8 Q Is that only a small portion of that tract
9 that lies in the flood plain?

10 A We have estimated approximately eight acres of
11 the property to lie within the flood plain, and be
12 undevelopable for any purpose. Any residential users
13 would again be subject to tremendous noise and traffic
14 problems at all hours of the night, and any potential
15 residents would have difficulty sleeping, in my view.
16 There is warehousing and office use located directly to
17 the east, and again I believe those operations continue
18 through on a twenty-four hour basis.

19 Q And with respect to the same question,
20 what is your opinion with respect to tract 24 and 25?

21 A I have the same opinion with regard to tracts 24
22 and 25. They lie in the midst of the light industrial
23 use existing on both sides of Interstate Route 287. The
24 property has frontage on an access road lying adjacent
25 to 287, and again any potential residents would have to

1 be subject to tremendous noise problems.

2 Q What's the nature of the activity or uses
3 along Seeley Drive?

4 A Seeley Drive has various industrial users located
5 along it. It is part of an industrial subdivision. It
6 is Fromm Electric, which is a warehousing supply facility,
7 and Bosch Packaging, which is located along Seeley Drive.

8 MR. GELBER: Off the record.

9 (A discussion off the record.)

10 Q I think two days ago you said that the
11 answers to interrogatories concerning the amount of vacant
12 acreage in the R-8 zone was incorrect, and it should read
13 138 rather than 118; is that correct?

14 A Correct.

15 Q Along River Road, between River Road and
16 the Raritan River is this long stretch of land which is
17 zoned RR-1?

18 A Correct.

19 Q What is the nature of that land? That's
20 not available for development; is that correct?

21 A That's correct.

22 Q And why not?

23 A Because Middlesex County operates Johnson Park,
24 a County wide park facility, the absolute best use for
25 the property since it is all within the flood plain of

1 the Raritan River.

2 Q The entire RR-1 tract is within the flood
3 plain?

4 A Just about the entire tract.

5 Q Is that owned by the Township or the County?

6 A The County.

7 Q It's owned by the County?

8 A Yes.

9 Q Okay. What about the portion that is
10 zoned for RM? Is that subject to the same constraints?

11 A No.

12 Q Why is that?

13 A First of all, it is developed except for maybe a
14 one or two acre parcel in between. That is all developed
15 in garden apartments, and that portion which is low land
16 is a municipal park.

17 Q Where is that, to the southerly portion
18 of that?

19 A The southerly portion of that piece, an eight acre
20 piece.

21 Q Earlier today you mentioned that there
22 have been several applications filed on some of the
23 vacant parcels, is that correct, applications for prelimi-
24 nary site approval or some other approval?

25 MR. PALEY: Throughout the municipality

1 regardless of zone?

2 MR. GELBER: That's correct.

3 THE WITNESS: Correct.

4 Q Do you anticipate that the Board will act
5 on any of those applications within the next month?

6 A Act on them, meaning grant final approvals?

7 Q Or preliminary approvals?

8 A I really don't know if I can answer that,
9 because it's very difficult to guess what may happen at
10 public hearings for applications for preliminary approval.
11 For instance, whether any questions may arise as to
12 potential impact associated with the development, wherein
13 the Board would ask that an application be deferred. I
14 really can't say. It's very difficult to second-guess
15 the Planning Board.

16 Q Okay. Let's go back to defendant's Exhibit
17 one and continue down on our list.

18 MR. PALEY: I believe we're on number 26.

19 Q That's right. Rather than repeating the
20 question, let me just ask for every parcel and have you
21 run through it, whether there is any reason other than
22 that stated in the answers to interrogatories why that
23 particular tract could not be or is not suitable for
24 development, for high density residential development.

25 A Where are we then?

1 Q Twenty-six.

2 A Tract 26 incorporates the industrial subdivision
3 located on both the north and southerly portion of Seeley
4 Drive. That stretch of roadway is developed with four
5 or five industrial users and its proximity to Route 287
6 and its very dangerous traffic access along Stelton Road
7 at the present time, present considerable if not
8 impossible ramifications when talking about residential
9 development.

10 Q Tract 27?

11 A Tract 27 is a portion of the corporate park
12 industrial park presently under construction by Sudler
13 Construction Company.

14 Q Where is the park? Where is that portion
15 that is presently under construction? Is that within
16 tract 27?

17 A Okay. I would like to correct myself. The portion
18 of that industrial subdivision which is presently unoccupied
19 lies adjacent to newly constructed office facility wherein
20 Continental Insurance Company has occupied two or three of
21 those facilities. Digital Electronics is located in one
22 of those facilities. The developer and owner of that
23 parcel --

24 Q That parcel being the 27 tract?

25 A Correct -- has given every indication that he

1 intends to proceed with office-industrial park type
2 of development.

3 Q Is that Sudler Construction?

4 A Sudler Construction, correct. There is no access
5 allowed onto South Randolphville Road due to the actual
6 constraints of that road to handle any additional traffic.

7 Q No access allowed by whom?

8 A By Sudler. That was a restriction imposed by
9 the Planning Board when the Board acted on the subdivision
10 approval for the tract.

11 Q But the subdivision approval applies to
12 that portion to the east of tract 27?

13 A No.

14 Q Is that correct?

15 A No. As well as tract -- as that portion known
16 as tract 27. The entire tract 27 as well as the adjacent
17 facilities existing recently constructed to the east,
18 and having frontage along Corporate Place South, were
19 all subdivided at the same time in one application.

20 Q When was that, approximately; what year?

21 A 1979.

22 Q Is the land itself encompassed within tract
23 27 suitable for residential development?

24 A Given the -- well, the majority of the land could
25 withstand the development of residential use in terms

1 of its topography and environmental characteristics, if
2 that were the only consideration, but given the continual
3 construction in the area, the access restrictions and
4 the adjacent land uses, I don't think it is feasible
5 that that tract would be developed residentially at all.

6 Q Well, what are currently the adjacent
7 land uses? To the south there is a farm; is that correct?

8 A That's correct.

9 Q To the east there is office space?

10 A Office buildings occupied and under construction.

11 Q Is there any manufacturing or light industrial?

12 A No.

13 Q And what about --

14 MR. PALEY: Well, Mr. Gelber, light indus-
15 trial as we use the term in Piscataway, incorpor-
16 ates the kind of uses that are built in that zone.
17 I think Mr. Nebenzahl's answers that to his
18 knowledge there is no manufacturing facilities
19 there at the present time.

20 THE WITNESS: There is no manufacturing or
21 warehousing to any significant extent. It is
22 corporate offices, high technology tenants, so
23 to speak.

24 Q No warehousing?

25 A Not to my knowledge.

1 Q What about across the street in tract 28?

2 A I believe a portion of tract 28 lies between the
3 flood plain of the Ambrose Brook, and I believe that an
4 existing dwelling is located on that tract listed on the
5 National Historic Register. Both tracts 28 and 29 in
6 my view are not suitable for residential development,
7 because they are very susceptible to flooding. It
8 doesn't take the hundred year storm to inundate the
9 property.

10 Q Are they currently vacant, though?

11 A I believe our tax books show them as vacant, yes.

12 Q Then are they in any way incompatible with
13 the development of residential use across the street
14 from tract 27 and 30?

15 A There is no residential development across the
16 street. I'm not sure I understand your question, to
17 tell you the truth.

18 Q Well, you have just testified that develop-
19 ment of residential use in tract 27 would be inappropriate
20 given the surrounding uses, and what I am trying to do
21 is explore what those surrounding uses are. Let me
22 withdraw the question.

23 While we are in this area, would the area
24 identified as tract 59 be suitable for residential
25 development?

1 A No.

2 Q Why not?

3 A It would be bisected by Centennial Avenue. A
4 portion of it lies within the flood plain of the Ambrose-
5 Doty's Brook, and the owner and developer of the adjacent
6 industrial park has already expressed interest in
7 developing the property for office use.

8 Q And who is the owner?

9 A Murray Construction Company, which may be known
10 as Centennial Industrial Park.

11 Q Is there an application on file relating
12 to that?

13 A There was a subdivision approval granted by the
14 Planning Board, yes.

15 Q When?

16 A 1983, I believe, or 1982. No site plans for any
17 of the lots created, but a subdivision approval.

18 Q Is there any portion of that tract that
19 would be suitable for residential development?

20 A No.

21 Q Now on tract 27 there is a subdivision
22 approval for the tract; is that correct?

23 A Correct.

24 Q Have there been any preliminary site appli-
25 cations, applications for preliminary site approval filed

1 for tract 27?

2 A No.

3 Q Okay. What about tract 30?

4 A An application for subdivision for tract 30 has
5 been filed as of last week in our offices. The same
6 developer as Corporate Park I intends to develop that
7 tract, that being Sudler Construction, and has indicated
8 to me and to the Planning Board or to the governing body,
9 that he intends to develop that as he intends to develop
10 the remainder of Corporate Park I.

11 Q When do you anticipate that the Board will
12 act on the subdivision application?

13 A The site plan and Subdivision Committee of the
14 Planning Board will meet to review and set their agenda
15 this coming Wednesday afternoon.

16 Q Do you anticipate any action will take
17 place within the next month?

18 MR. PALEY: You mean final action by
19 the Planning Board as a body?

20 MR. GELBER: That's correct.

21 THE WITNESS: I don't know. It's a big
22 application, a relatively large application.
23 There will be a public hearing held in
24 accordance with the law, and the residents in
25 the area to the south have expressed great interest

1 in that application, and it would not surprise
2 me if an action were not taken within a month,
3 but again it is very difficult to second-guess
4 the Planning Board.

5 Q Did you say that there has been an applica-
6 tion for preliminary site approval as well as an applica-
7 tion for subdivision?

8 A No.

9 Q There is no application for preliminary
10 site approval on file?

11 A No.

12 Q Do you know if they intend to file one within
13 the next few weeks?

14 A No.

15 Q You just don't know?

16 A Correct.

17 Q What about 31? Well, is tract 30 still an
18 operating farm; do you know?

19 A Yes, I believe it is.

20 Q And what about tract 31, do you know?

21 A The latest information we have from the tax
22 assessor shows the property, a large portion of the
23 property or ten acres of it, as being qualified farm
24 land for tax assessment purposes, which suggests that
25 some farming operation is being undertaken.

1 Q Would that tract be suitable for higher
2 density residential development?

3 A I don't believe so.

4 Q Why not?

5 A It would be totally out of character with the
6 single family residential uses located to the south and
7 east, which have been developed in accordance with the
8 existing zoning, which is R-20, and given the limited
9 width of the property and again potential access problems,
10 I'm not sure whether the road that lies adjacent to it
11 to the north is a public road. I think it is not. I think
12 it is a driveway for school access purposes only. So
13 that all access would have to be borne onto South Randolph-
14 ville Road, and in my view that road at that location
15 is incapable of handling that type of traffic. If the
16 development were to tie into Holly Lane somehow, which
17 would have to then be tied in through existing residential
18 developments, I believe we would be dumping, so to speak,
19 additional traffic onto those local roadways.

20 Q Okay. Anything else about tract 31?

21 A The tax map shows stream areas lying adjacent to
22 that tract as well, and they may present significant
23 problems to development.

24 Q Okay. Tract 32?

25 A Tract 32 is traversed by a pipeline.

1 Q Does that prevent development for resi-
2 dential use?

3 A It does not prevent it. It decreases the desira-
4 bility. For instance, some people find it unsafe to
5 reside, I would think, underneath a power line. I am
6 not sure whether a power line or pipe line is there.
7 Those are high tension power lines which in my view
8 form a potential hazard. I certainly would not wish
9 to reside underneath one of those or in any near
10 proximity, because in case of a mishap I would think
11 that the extent of danger would be quite a distance.
12 They impact the property from an aesthetic point of
13 view when considering residential use as well.

14 Q Is that area currently wooded?

15 A Portions of the property are wooded, and portions
16 of the property also lie within flood plain of Doty's
17 Brook.

18 Q Which portion?

19 A The northerlymost portion of Tract 32.

20 Q Is it possible to develop the easterly
21 portion of the tract for residential use, by establish-
22 ing, let's say, a wooded buffer or fence to the east
23 of the power line?

24 A I suppose it's possible. I don't know if it is
25 necessarily feasible, or whether that would be a desirable

1 living area again.

2 Q For what reason?

3 A Due to the conditions I just mentioned.

4 Q The conditions of the power line?

5 A Yes. I might also point out that South Washington
6 Avenue itself, which would be the only access for that
7 property, experiences great travel volumes comparatively
8 speaking. It would pose great access problems for
9 residential use again.

10 Q Okay. Anything else about that tract?

11 A Nothing comes to mind.

12 Q How about tract 33?

13 A Tract 33 is presently now used as a trapshoot and
14 farming operation. I have suspicions about that property
15 and as to its soil content due to my observation of various
16 foreign materials being piled on that property, and that
17 appears to be done by the owner of the farmland on the
18 other side of South Washington Avenue. Before that --

19 MR. PALEY: Off the record.

20 (A discussion off the record.)

21 THE WITNESS: Again, tract 33 is traversed
22 by high tension power lines.

23 Q In which portion of the tract; the far
24 westerly portion?

25 A No. It actually cuts at an angle from the easterly-

1 most portion northward at an angle towards the westerly
2 portion.

3 Q Would the southwesterly portion be suitable
4 for residential development away from the power lines?

5 A I don't think it would be suitable for high density
6 residential development. I think it's suitable for lower
7 density residential development due to the access that
8 would entail. Again it appears to me that any access
9 would necessarily have to be tied into existing local
10 roads, which have been developed with R-10 and R-20
11 zoning.

12 Q Okay. What about tract 34?

13 A That tract is known as Block 496, Lot 12. It is
14 traversed by the transmission lines at its easterlymost
15 portion, and is traversed by the Texas Eastern Transmission
16 Corporation, I believe that's a pipe line, in an east
17 to west direction.

18 Q Would those prevent development of that
19 tract for residential use?

20 A In my view it makes development of residential
21 property very unattractive for those reasons I mentioned
22 previously dealing with the pipe line and the overhead
23 transmission wires.

24 Q What about the pipe line?

25 A The pipe line would pose serious problems with

1 regard to design or may pose serious problems with the
2 design of any residential development.

3 Q In what respect?

4 A No dwellings, for instance, could be constructed
5 over the pipe line. I'm not sure whether a public
6 right of way could be constructed over the pipe line.

7 Q Couldn't you avoid the problem by clustering
8 the housing away from it?

9 A I think at the acreage that is left for clustering,
10 I doubt seriously whether any significant housing could
11 be constructed on the tract even clustered. It appears
12 to me that only eight or so acres would be developable,
13 and again given the nature and the character of the
14 existing residential uses immediately adjacent to it,
15 that type of development would be totally out of
16 character.

17 Q Out of character with what?

18 A With the existing residential uses on Woodland
19 Road, I believe.

20 Q What about tract 35?

21 A Tract 35 is a working dairy farm.

22 Q If it were to be developed for residential
23 use, would it be suitable for higher density residential
24 use?

25 A Again there are tremendous traffic problems

1 associated at that location. Any increased density
2 will contribute to those problems. Any large scale
3 development will pose problems with regard to traffic
4 and again increase in density will increase the amount of
5 trip generations at that location.

6 Q Doesn't that site allow access to both South
7 Washington Street and Metlars Lane?

8 A Yes, it does, and presently the traffic which backs
9 up on Metlars Lane, that traffic attempting to proceed
10 to South Washington Avenue in a p.m. rush hour, for
11 instance, would extend along the entire frontage of that
12 property on most p.m. peak hours.

13 Q Would access be possible to Stelton Road
14 from the westerly portion of the tract, or the easterly
15 portion of the tract, I'm sorry.

16 A Not unless -- I don't think so. I believe access
17 would have to traverse an existing private school, the
18 St. Pius High School property. The property adjacent
19 to this tract is owned by the Arch Diocese and I don't
20 believe that they will have any inclination to allow
21 increased traffic which would pose a danger to the students
22 which travel to the school.

23 MR. PALEY: It's really the Diocese of
24 Trenton.

25 THE WITNESS: Or now Metuchen, or whatever.

1 Q Any other reason why this tract might
2 not be suitable for residential development?

3 A I think if the property were, for instance,
4 rezoned for a higher density residential development,
5 the likelihood that the farming operation would remain
6 would be diminished, and I see that as a contravention
7 of stated goals and policies in both our Master Plan
8 and State policy.

9 Q Are you saying that if it were to be
10 rezoned for higher density residential use it's likely
11 to be developed for that use?

12 A I don't think so at any rate. My limited knowledge
13 of the farmers who own the property indicate to me that
14 they really would have no intention of selling that
15 property, or developing it. They have operated the
16 farm for many years and to my knowledge, intend to do
17 so in the future, given their recent activity before
18 our zoning Board of Adjustment for variances for the
19 construction of a silo, for instance, and their
20 acquiescence in providing for the construction of a
21 very large fence in terms of length to keep the cows
22 and horses which graze on the land, off the roads.

23 Q When was the silo constructed?

24 A The silo was constructed approximately five years
25 ago. It was constructed without municipal approval, and

1 became a source of litigation, where actually the
2 Township was withheld initially in its denial, and then
3 subsequently the Board granted approval for the silo,
4 with conditions.

5 Q What about tract 36?

6 A Tract 36 is comprised of two corner lots on a
7 very busy intersection of two County roadways. The
8 Judge of the Superior Court of Middlesex County issued
9 an opinion that one of those tracts was not suitable
10 for residential development when an application was made
11 for an office use before the Zoning Board of Adjustment
12 and denied, but the Zoning Board was overturned when
13 it denied the use for a veterinarian clinic.

14 MR. PALEY: That's the northerly portion.

15 Q What is the surrounding use?

16 A To the north on Stelton Road lies various commer-
17 cial facilities such as restaurants and basically fast
18 food restaurants. As you proceed north from Stelton
19 Road there are various mixed commercial uses and a
20 fuel oil storage facility. To the west on Metlars Lane
21 lies a few -- I believe one vacant parcel I believe of
22 about one acre in size. There is a single family
23 detached housing development lying to the southwest and
24 south, and on the South Plainfield side or the easterly
25 side of Stelton Road.

1 Q You mean along Coventry Circle?

2 A Yes, it's all developed single family, detached R-10.

3 Q You said there was a vacant parcel to the
4 west?

5 A I believe there is a vacant parcel, very small
6 piece in here.

7 Q But that has not been indicated in the
8 answers to interrogatories concerning vacant parcels?

9 A No, it's very small in size, insignificant in
10 terms of its ability to withstand any development for
11 any multifamily residential use, for instance.

12 Q Okay. What about tract 37?

13 A Tract 37 is comprised of approximately six acres.
14 Well, it is actually comprised of 7.82 acres, a portion
15 of which lies within the general business zone, that
16 portion being or having frontage along Stelton Road.
17 On the west it is bordered by municipal park land. On
18 the north it is bordered by a fire squad or fire fight-
19 ing facility and volunteer First Aid facility.

20 Q Would that be suitable for residential
21 development?

22 A I believe it is suitable for residential develop-
23 ment. I believe multifamily residential development
24 would be out of character with all of the surrounding
25 residential development to the northwest, which has been

1 developed with quarter acre single family housing.

2 Q I notice that along Tuxedo and Haines; is
3 that correct?

4 A Along the northerly side of Haines Avenue.

5 MR.PALEY: Between Haines Avenue and
6 Metlars Lane, Mr. Gelber, for your information,
7 is one extensive single family housing develop-
8 ment that was constructed virtually at the same
9 time, called Gramercy Park.

10 Q Okay, and Mr. Nebenzahl, what is the current
11 use of the southerly side of Haines Avenue just north
12 of tract 37?

13 A Municipal park land.

14 Q And I'm sorry, but you may have mentioned
15 this earlier, but what is the use just to the west of
16 that tract?

17 A Municipal park lands. I thought that was the
18 area you were just referring to.

19 Q No, I was referring to the area just
20 north of the tract along Haines Avenue.

21 A Just to the north of the tract along Haines Avenue
22 lies the fire fighting facility.

23 Q And again to the south of the tract?

24 A Existing single family uses.

25 Q And across the street, across Stelton Road?

1 A Existing commercial uses, a MacDonal'd's fast food
2 operation and shopping area, a little shopping area.

3 Q Is this area between School Street and
4 Poplar, just to the west of Water Street, is that
5 developed?

6 MR. PALEY: It's along Poplar and
7 it's along Water and it is along School Street.

8 THE WITNESS: The answer is yes. It is
9 developed in single family detached residential
10 uses on relatively narrow but long lots.

11 Q Let me show you 17, a page of the aeri'als
12 which were plaintiff's exhibit 6. See if you could help
13 me identify Hidden Hollow. Is that a development?

14 A Yes.

15 Q Has that been developed since 1980?

16 A Yes.

17 Q What about tract 38?

18 A 38 is for the most part municipally owned lands,
19 and in my view is suitable for multifamily development,
20 and has been earmarked as such in the Master Plan
21 and Zoning Ordinance.

22 MR. GELBER: Okay. Let's go off the
23 record just one second.

24 (A discussion off the record.)

25 Q Okay. Mr. Nebenzahl, would your statement

1 also apply to what has been marked as tract 39?

2 A No.

3 Q Why not.

4 A It appears to me that that land is severely impacted
5 by the Ambrose-Doty's Brook for its entire length along
6 Stelton Road, and in my view is most suited for general
7 business when considering adjacent land uses, and the
8 need for services to be provided for the residents of
9 the housing under construction directly to the east and
10 to the south in Edison Township.

11 Q What about tract 40?

12 A Tract 40 presents serious problems in terms of
13 residential development, but not in terms of, for
14 instance, a shopping center, for which it is zoned. It
15 is traversed by overhead power lines.

16 Q In which portion of the tract?

17 A At the southwesterly portion on the north side
18 of the Ambrose-Doty's Brook. So for instance where a
19 parking lot could be constructed underneath those power
20 lines, housing really shouldn't be. In addition, again
21 I see that site fulfilling a very real need in terms of
22 providing these shopping facilities for the very large
23 numbers of residents who would be located in the vicinity.

24 Q Would a portion of the tract be suitable
25 for residential development?

1 A Assuming that the shopping center, or some portion
2 of the property were to be developed for shopping, I
3 think a very small portion of the property could be
4 developed residentially with no significant detrimental
5 impact.

6 Q What about tract 41?

7 A There is an industrial subdivision which has been
8 under construction for the last ten years approximately
9 along Ethel Road West, which provides the access to
10 that property. The same concerns that I raised regarding
11 industrial use being located adjacent to residential
12 uses previously would apply in this instance as well.
13 Some of the facilities occupied along Ethel Road West
14 are warehousing facilities, and involve truck traffic,
15 for instance, and noise. I don't believe anyone would
16 develop any of that property for residential use, and I
17 understand that there is a tremendous demand for the
18 type of buildings which have been under construction
19 there for the last ten years from the owner of the tract.
20 I would be most inclined to believe that the owner of
21 those properties would continue to develop that property,
22 sell those individual lots that are left that appear
23 on the map, for industrial purposes, and that it would
24 not be developed for residential use even if it were so
25 zoned.

1 Q Would it be possible to develop residential
2 use on the tract adjacent to Stelton Road on the easterly
3 portion of that area?

4 A I don't think so.

5 Q Why not?

6 A A portion of that tract lies within the flood
7 plain of the Ambrose-Doty's Brook, and it would be
8 subject to severe flooding problems.

9 Q Is information about this area contained
10 in the study you referred to early about the Ambrose
11 Brook?

12 A Yes, I believe it is.

13 Q Do you have any other information other
14 than what is recorded and what is studied concerning
15 that tract, and potential flooding problems?

16 A I have indications from the owner of the property
17 that that land is undevelopable, verbal conversations
18 with him, and as a matter of fact the last time I spoke
19 to him he was negotiating with the County so that
20 the County would acquire that property.

21 Q What about the two tracts that face
22 Sutton Lane?

23 A They are surrounded by industrial uses, and again
24 could not be developed residentially from any developer's
25 point of view.

1 Q Isn't there residential use directly
2 across the street, across Sutton Lane, from the tract
3 in the upper left-hand corner?

4 A No, that is Rutgers University.

5 Q What is the current use of that area?

6 A I believe for the most part that is vacant.
7 On that map you see an Avenue D and to the left of that
8 may be located the high rise dorms of Livingston College.
9 There is also large parking areas that serve the Rutgers
10 Athletic Center within that area.

11 Q What is the current use of the area just
12 north of School Street north of the tract we are
13 referring to?

14 A That is under development as part of University
15 Heights Planned Residential Development.

16 Q Okay. And what is the use immediately to
17 the left of the tract at the corner of Ethel Road and
18 Sutton Lane?

19 A You're pointing east and you mentioned west.

20 Q I'm sorry. East.

21 A I believe an existing warehousing facility,
22 although I'm not sure. There is certainly no residential
23 use along Ethel Road West. It is all industrial use.

24 Q Are there any noxious uses?

25 A By noxious do you mean odor or noise?

1 Q Both.

2 A Other than heavy truck traffic which travels on
3 Ethel Road and noises which are attendant to the ware-
4 housing uses, I cannot presently think of any noxious
5 characteristics.

6 Q Okay. What about tract 42?

7 A Tract 42 is known as the Smith farm. Mr. Smith
8 has indicated an interest in preserving the land as
9 a working historic farm. In the middle of the property
10 lies an existing dwelling which is, I believe, listed
11 on the National Historic Register or the Registry of
12 National Historic places, and the administration is
13 presently working with her to preserve that area.

14 Q Is there an area suitable for residential
15 development?

16 A If one ignores the goals of preserving historic
17 properties and providing open space, that land could
18 be developed in residential use.

19 Q You mentioned that this is an historic site;
20 is that correct?

21 A Correct.

22 Q Does that have a designation from the
23 National Trust of Historic Preservation?

24 A I believe it is listed on the National Historic
25 Registry.

1 Q Is that one building, or the entire farm?

2 A I'm not sure.

3 Q Is that a sizeable portion of the tract?

4 A It's located directly in the center of the tract,
5 I believe. Let's find out. There are various farm
6 structures, such as a barn, stable, an area where
7 horses are exercised, I imagine, in addition to the
8 existing dwelling.

9 Q Are they all on the Register?

10 A I'm not sure.

11 Q Okay. That area is currently surrounded
12 by residential development; is that correct?

13 A Correct.

14 Q What about tract 43, is that suitable
15 for residential development?

16 A Yes, I believe it is suitable for residential
17 development.

18 Q Tract 44 is recently rezoned to R-15A;
19 is that correct?

20 A Correct.

21 Q Isn't it surrounded on either side by
22 cemeteries?

23 A Yes.

24 Q Okay. What is the intended use for that
25 tract?

1 A Townhouse development.

2 Q Has there been an application filed?

3 A There has been an application filed for sub-
4 division of the property.

5 Q What is the name of it?

6 A The Castle Group.

7 Q Has there been an application filed for
8 preliminary site approval?

9 A No.

10 Q Has there been any action taken on the sub-
11 division application?

12 A The application was deferred pending the submission
13 of maps for filing, which can be more clearly understood
14 by the members of the Planning Board in terms of the
15 structures and the existence of the cemetery uses, and
16 the lack of any public roads other than Morris Avenue
17 frontage.

18 Q What is the proposed density?

19 A Five units per acre.

20 Q In your opinion is that tract suitable
21 for higher density residential development?

22 A In my opinion it is not when considering that
23 directly across the street there will be in the very
24 near future 550 dwelling units, and the fact that major
25 traffic improvements are scheduled, but not yet

1 completed from Morris Avenue.

2 Q What are the proposed improvements?

3 A Widening of Morris Avenue is projected in the
4 Master Plan, which would accommodate an additional two
5 lanes of traffic. That will have to be phased in as
6 development occurs along the roadway. In addition,
7 Hoes Lane, Section 4, is being presently designed as
8 we understand it, by a consultant for the New Jersey
9 D.O.T. That road would be further south of Morris
10 Avenue and would connect into the R-10A area, which we
11 have labeled as item 46.

12 Q Why don't you draw on the map the proposed
13 extension.

14 MR. PALEY: Wait. Excuse me. Do you
15 want it on that map which has been marked?

16 MR. GELBER: Oh, yes. Why don't you
17 put it on here.

18 THE WITNESS: Okay.

19 Q Once these traffic or road improvements
20 have been completed, would tract 44 then be suitable
21 for residential development in your opinion?

22 A I think it is now suitable for residential
23 development at five units per acre. I think any
24 additional density is questionable in terms of traffic
25 generation, even though there would be roadway improvement

1 in that area. In addition, I should note or point out
2 that existing residential development on the southerly
3 side of Morris Avenue is comprised of single family
4 dwellings on minimum of half acre lots; that tract 46
5 will be developed at a density of approximately ten
6 units per acre; and that there comes a certain point
7 where it becomes unreasonable to keep drastically
8 changing density in terms of impact upon those existing
9 single family residential uses. It's very difficult to
10 quantify at what point to that impact would be felt,
11 but I think it is understandable that those residents
12 who exist in the area can be given some assurance that
13 the entire vacant stretch along Morris Avenue should
14 not be developed so drastically differently than the
15 density that they have been living with.

16 Q The tract that has been identified as 45,
17 is that the same tract that we discussed two days ago
18 and have labeled Roman numeral I?

19 A Yes.

20 Q What about tract 47, is that suitable
21 for residential development?

22 A Yes.

23 Q Is that part of the R-20A zone?

24 A No.

25 Q That is currently zoned as R-20?

1 A Correct.

2 Q What about tract 48? What is your opinion
3 about tract 48?

4 A That tract I believe is comprised of two lots
5 with a depth of 600 feet and relatively narrow width
6 of 250 feet. There is an existing single family develop-
7 ment on all sides in accordance with the R-20 half acre
8 zoning, and if that were developed at high density
9 it would be plopping that density right in the midst
10 of already developed single family housing. I don't
11 think that would be good planning, and I don't think
12 that the land is suitable for that type of development
13 because of that. There is also a flood plain area in
14 the vicinity, which may have an impact on the develop-
15 ment of that site.

16 Q You said the land is not suitable. Do you
17 mean there are any physical or environmental restraints?

18 A There may be. There may be flooding considerations.
19 A portion of the property, which would be the southerly
20 portion fronting on Zirkel has streams crossing through
21 them. I believe there is generally flooding problems
22 in that area of the Township in that particular block.

23 Q Okay. What about tract 49?

24 A It appears to me that that vacant area is
25 comprised of a number of individual lots that lie in the

1 midst of Rutgers University property, Rutgers Chapel,
2 I know, and Rutgers dormitories, eating halls.

3 Q Are all those facilities located to the
4 south of Davidson Road?

5 A No.

6 Q What is located to the north?

7 A Well, of the subject property there would be
8 private ownership of land developed in single family,
9 detached, half-acre lots on Artis Avenue. To the north,
10 that would be, To the south would exist various Univer-
11 sity properties and the chapel, and proceeding north
12 on Davidson or westerly on Davidson Road would be the
13 other University uses and properties I mentioned, such
14 as the Davidson Hall dining facility and dorms.

15 Q So what is your answer to the question as
16 to whether or not it would be suitable for residential
17 development?

18 A I'm not sure at this point.

19 Q The information that we have received in
20 answers to interrogatories concerning vacant land, does
21 that include or exclude Hoes Lane, or that area that
22 has been condemned for the Hoes Lane extension?

23 A We would have to add it up to check it, compare
24 to the listing. I don't believe that we included the
25 right-of-way for Hoes Lane in the computation.

1 Q Now once Hoes Lane is completed, wouldn't
2 that be a fairly suitable place for residential develop-
3 ment?

4 A If all the properties, all the vacant lots, were
5 incorporated into one.

6 Q Okay. Tract 50. Do you know the
7 character of the area surrounding tract 50?

8 A Immediately adjacent to this tract 50 on the
9 easterly side I believe exists a garage for buses,
10 and then to the east of that would be single family,
11 detached housing in accordance with half-acre or R-15
12 requirements.

13 Q Okay.

14 A And to the north would be the municipal offices
15 and complex separated by a church. To the south on
16 Lincoln Avenue is the cemetery.

17 Q The municipal complex is located south
18 of Sidney Road in this area?

19 A Correct.

20 Q I see. Let's go back here just one second.
21 Do you know what the current use of this area is that
22 is presently vacant?

23 MR. PALEY: You are pointing to an
24 area which is to the south of Lot 31, which
25 appears to be bisected by the Texas Eastern Pipe

1 Line in part between South Randolphville Road
2 and Stuart Road?

3 A Yes.

4 Q What is the current use?

5 A The current use is of a large church and some
6 single family dwellings.

7 Q Yes, it is vacant?

8 A No.

9 Q It is not vacant?

10 A No, it's not vacant.

11 Q Okay. Let's go to 51.

12 A All right.

13 MR. GELBER: Off the record.

14 (A discussion off the record.)

15 Q I have asked about tracts 51, 52 and 60.

16 A Those tracts are comprised of numerous individual
17 properties, and although environmentally do not pose any
18 restriction in terms of their development for the most
19 part, it tends to make any large scale residential
20 development infeasible due to the various and numerous
21 ownerships, for one, the existence of roadways which
22 bisect all of the properties, the use of much of the
23 property by the Board of Education by Piscataway Township
24 as playground facilities. There are large areas utilized
25 for municipal recreational facilities.

1 Q Are the latter two categories reported in
2 answers to interrogatories 27-D and 33, as vacant land?

3 A It's very difficult at this juncture for me to
4 answer that with any degree of accuracy, and for trial
5 our office is going to have to look at this area in
6 more detail than we have thus far, to determine which
7 areas are in fact developed by the Board of Education
8 and/or Piscataway for recreational use, and exactly
9 where the schools lie, and that sort of thing. I don't
10 think that this area could feasibly be developed or
11 packaged by a developer for large scale residential
12 development.

13 Q Do you know if there are any sizeable, let's
14 say, any areas within this that are contiguous under
15 single ownership that would be four or five acres?

16 A I don't believe there are, but I would like to
17 check the list to make sure.

18 MR. PALEY: Let me say we have had a
19 conversation regarding lots 51, 52 and 60 as
20 shown on BD-1 exhibit, and we will undertake
21 to provide you with a more exact analysis of
22 the uses of that property, a substantial portion
23 of which is currently park lands and other sub-
24 stantial portions are proposed park lands. We
25 will also attempt to obtain for you any

1 contiguous ownerships within that tract which are
2 not so designated, and which may be available for
3 residential housing.

4 MR. GELBER: And I might add to the extent
5 that you consider those tracts to be unsuitable
6 for residential development, as to that, infor-
7 mation should be provided at least as to some
8 indication of the grounds.

9 MR. PALEY: Fine.

10 Q Now tract 53, I believe we talked about
11 that two days ago, is the Senior Citizens Housing Tract;
12 is that correct?

13 A Correct.

14 Q Is that tract suitable for higher density
15 residential development irrespective of the use of
16 the Senior Citizens?

17 A It's very difficult for me to answer that question
18 knowing the need, or realizing the need for Senior
19 Citizen housing, the work that has been done to date to
20 effectuate that need or to implement a plan to proceed
21 with meeting that need, and realizing that if the land
22 were developed for other type of housing, that it
23 would not then be available for the necessary Senior
24 Citizen housing. I think it's very suitable for Senior
25 Citizen housing because the Senior Citizens Center is

1 located in the very close proximity to it, that there
2 is planned park lands adjacent to it for Senior Citizens,
3 for instance, to enjoy.

4 Q What is the proposed density for that site?

5 A The Zoning Ordinance allows twenty units per acre.
6 The proposal set forth by the Senior Citizen Housing
7 Corporation before the Zoning Board of Adjustment pre-
8 viously were for, I believe, 150 units on that tract.

9 Q What about tract 54?

10 A Tract 54 lies in the midst of existing single
11 family residential developments developed in accordance
12 with R-15 and R-10 zoning requirements, so that the
13 compatibility of any dense multifamily housing would
14 be questionable.

15 Q Is there any other reason why that tract
16 would be unsuitable for high density residential develop-
17 ment?

18 A Other than the limitations posed by its size and
19 therefore any amenities that might be offered to resi-
20 dents of a higher density development, I can see no
21 environmental constraints.

22 Q Is the area across Hoes Lane from the
23 Municipal Center both north and south, is that fully
24 developed?

25 A No, there is a site plan approval for a large

1 tract adjacent to A.T. & T.'s property. I believe it
2 is owned by a construction company.

3 Q The site plan has already been approved?

4 A Yes.

5 Q Are there any other vacant parcels across
6 Hoes Lane north of Vista Avenue?

7 A Not to my knowledge. There may be very small
8 parcels.

9 Q We are looking at pages 9-E and 16-A of
10 plaintiff's exhibit 6, which are aerial photographs. We
11 are trying to identify if there are any other vacant
12 parcels in the Hoes Lane area.

13 A Roman numeral V is that area which received the
14 site plan approval, I believe, if I am reading this map
15 correctly.

16 Q You are on page 16-A?

17 A Yes.

18 Q Is that the portion you have identified
19 as 51 and 52?

20 A Correct.

21 Q Okay. And the area behind which you have
22 identified as 5 right in here?

23 Q That is all this?

24 A It is all a portion of tract 60 wherein we are
25 going to get you more information. You can see on the

1 aerial photograph the existence of a baseball diamond.

2 Q It is currently used as park lands?

3 A Correct.

4 Q On page 9-E, is that Behmer Road?

5 A Yes.

6 Q So that the aerial shows vacant land to
7 the southwest corner of Hoes Lane?

8 A That land is now developed.

9 Q And across the street on the easterly
10 section, the southerly side of Hoes Lane?

11 A There lies the high school and land which
12 received approvals for office use. Ground breaking is
13 scheduled for April of 1984.

14 Q Okay. Tract 55?

15 A Tract 55 is owned by Rutgers University, and is
16 zoned for educational uses.

17 Q Okay. Tract 57 is also owned by Rutgers
18 University?

19 A Correct. Rutgers University has indicated a
20 desire to develop that property for multifamily housing.
21 The Planning Board and the Mayor and Council have
22 obviously agreed with the proposal, and zoned the area
23 for PRD.

24 Q Is there other areas of vacant land owned
25 by Rutgers University that might be available for

1 residential development?

2 A No, there is not. The land surrounding that area
3 that we have marked 57 is an ecological preserve. It has
4 been designated as such by the Board of Governors of Rutgers
5 University, and has been designated as a teaching area in
6 that regard.

7 Q What about the areas adjacent to Tract 55
8 and 56?

9 A Meaning their nature?

10 Q Are they available? Is it possible? Are
11 they available for residential development?

12 A The area to the west is the home of the Colgate-
13 Palmolive Research Center. They have never indicated
14 any desire to do anything other than to continue with
15 their research operation. I understand they are committed
16 by the corporate policy to even expand their research
17 in terms of their corporate obligation. The land to
18 the north is already developed as single family housing
19 in accordance with our R-15 zoning requirements. The
20 land to the south of Hoes Lane comprises the Rutgers
21 University golf course, and it has been indicated to us
22 by the University officials that the golf course will
23 be an integral part of the hotel-conference center, and
24 that there are no plans for anything other than the
25 golf course use.

1 Q Why don't we mark that area.

2 A The golf course?

3 Q Yes.

4 A Okay.

5 Q Are there any areas within the Township
6 other than those tracts 57 that are currently owned by
7 Rutgers that in your opinion would be suitable for
8 residential development?

9 A I really haven't -- no, I don't know. I'm not
10 sure.

11 Q Could you, if it's possible, draw the
12 boundaries of the areas owned by Rutgers on the exhibit?
13 Is that possible?

14 MR. PALEY: No.

15 THE WITNESS: That area is already desig-
16 nated by the Zoning designation of E and ER in
17 that southwest portion of the Township, which
18 comprises an area of approximately 1200 acres.

19 Q So everything designated as Zone E is owned
20 by Rutgers?

21 A Only in the portion of the municipality of which
22 we are speaking.

23 Q I see. Okay. What about the R-15 tract
24 in that area?

25 A That area is completely developed.

1 Q What about tract 61, 62 and 63?

2 A If either tract 61, 62 or 63 were to be developed,
3 we would be violating the public trust, in that when
4 the properties were subdivided all notice to parties
5 during those hearings as well as those who have purchased
6 dwellings within those subdivisions, and municipal officials
7 earmarked those tracts as being forever preserved, in my
8 opinion, in accordance with sound planning principles.

9 Q Does that also apply with respect to
10 tract 64?

11 A No.

12 Q Would tract 63 be suitable for development?

13 A I believe tract 63 is traversed by a stream,
14 and that with that limitation and the existence of
15 single family homes on all sides on half-acre lots,
16 that multifamily development is not feasible.

17 MR. PALEY: Mr. Gelber, you have asked
18 for a summary, if you will, as to the existence
19 of applications on any of the parcels which we
20 have covered, and I think that the easiest
21 way to do that instead of trying to characterize
22 the parcels for any purpose, is just to go through
23 them, okay, and to let you know if any applications
24 are pending.

25 MR. GELBER: Okay.

1 MR. PALEY: To my knowledge, and Mr. Nebenzahl
2 you can correct me, there are no applications
3 pending on parcels 1, 2, 3, 4, 5,6 or 7.

4 THE WITNESS: Correct.

5 MR. PALEY: There is an application pending
6 on parcel 8, which is the subdivision application
7 he referred to between Halo Carbon and Reometrics.

8 THE WITNESS: Correct.

9 MR. PALEY: There is no application pend-
10 ing for lots 9, 9-A, 10, 11, 12 or 13; is that
11 correct?

12 THE WITNESS: Correct.

13 MR. PALEY: There is no application pending
14 for lot 14, the Miller farm.

15 THE WITNESS: Correct.

16 MR. PALEY: Are there any applications
17 pending for lot 15,16 or 17?

18 THE WITNESS: No.

19 MR. PALEY: 18, 19 or 20?

20 THE WITNESS: No, I don't think so.

21 MR. PALEY: 21?

22 THE WITNESS: No.

23 MR. PALEY: 22?

24 THE WITNESS: No.

25 MR. PALEY: 23?

1 THE WITNESS: No.

2 MR. PALEY: 24, 25?

3 THE WITNESS: No.

4 MR. PALEY: 26?

5 THE WITNESS: There is an application
6 pending before the Zoning Board for the construc-
7 tion of a hotel on a portion of what is shown
8 as 26.

9 MR. PALEY: 27?

10 THE WITNESS: I don't believe any applica-
11 tion for site plan has been made for any of those
12 building properties.

13 MR. PALEY: 28 and 29?

14 THE WITNESS: No.

15 MR. PALEY: 30?

16 THE WITNESS: Yes.

17 MR. PALEY: While we are in the same
18 neighborhood, 59?

19 THE WITNESS: No.

20 MR. PALEY: 31?

21 THE WITNESS: No.

22 MR. PALEY: 32?

23 THE WITNESS: No.

24 MR. PALEY: 33, 34 and 35?

25 THE WITNESS: No.

1 MR. PALEY: 36?

2 THE WITNESS: No.

3 MR. PALEY: That is neither of the two?

4 THE WITNESS: Oh, the one on the southwesterly
5 corner of Metlars Lane is the subject of an appli-
6 cation before the Zoning Board for the tire ware-
7 house.

8 MR. PALEY: 37?

9 THE WITNESS: No.

10 MR. PALEY: 38?

11 THE WITNESS: No.

12 MR. PALEY: 39?

13 THE WITNESS: No.

14 MR. PALEY: 40?

15 THE WITNESS: No.

16 MR. PALEY: 41?

17 THE WITNESS: Portions of 41 have been
18 submitted for site plan approval of warehousing
19 type of facilities.

20 MR. PALEY: Those portions of the area 41
21 shown as vacant now?

22 THE WITNESS: Yes.

23 MR. PALEY: 42?

24 THE WITNESS: No.

25 MR. PALEY: 43?

1 THE WITNESS: No.

2 MR. PALEY: 44?

3 THE WITNESS: The subject of a subdivision
4 application was mentioned previously.

5 MR. GELBER: That is the Castle Group?

6 THE WITNESS: Yes.

7 MR. PALEY: 45?

8 THE WITNESS: No.

9 MR. PALEY: 46?

10 THE WITNESS: Preliminary discussions and
11 informal public hearings have been held on the
12 PRD application of Hovnanian, Inc.

13 MR. PALEY: 47?

14 THE WITNESS: No.

15 MR. PALEY: The Hovnanian application does
16 not include 47; is that correct?

17 THE WITNESS: Correct.

18 MR. PALEY: 48?

19 THE WITNESS: No.

20 MR. PALEY: 49?

21 THE WITNESS: No.

22 MR. PALEY: 50?

23 THE WITNESS: No.

24 MR. PALEY: 51?

25 THE WITNESS: No.

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MR. PALEY: 52?

THE WITNESS: No.

MR. PALEY: Anything in the area known
as 60?

THE WITNESS: No.

MR. PALEY: The Senior Citizens Center, 53?

THE WITNESS: No.

MR. PALEY: 54?

THE WITNESS: No.

MR. PALEY: 55, 56?

THE WITNESS: NO.

MR. PALEY: 57?

THE WITNESS: No.

MR. PALEY: 58? That is a portion of
the Seeley Drive development?

THE WITNESS: I don't think so.

MR. PALEY: 59 we have talked about. 60
we have talked about.

THE WITNESS: No, no.

MR. PALEY: 61, 62 or 63?

THE WITNESS: No, no, no.

MR. PALEY: Okay.

MR. GELBER: That's it.

(Witness excused.)

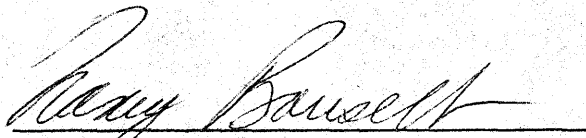
(Proceedings concluded at 5 o'clock p.m.)

C E R T I F I C A T E

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4 I, NANCY BOUSELLI, a Certified Short-
5 hand Reporter and Notary Public of the State
6 of New Jersey, do hereby certify that the fore-
7 going continued deposition of LESTER NEBENZAHL
8 was taken before me on March 23, 1984, and was
9 recorded stenographically by me, and the fore-
10 going is a true and accurate transcript of my
11 stenographic notes.

12 I further certify that the witness was
13 duly sworn by me according to law, prior to
14 testifying.

15 I further certify that I am not an
16 attorney or counsel for any of the parties, and
17 that I am not financially interested in this
18 case.

19
20 
21 NANCY BOUSELLI, C.S.R.