

CA

South Brunswick

3-28-84

Transcript of Deposition of
David H. Engel taken by
Janet Labella and John
Payne

Pgs: 130

Note: John M. Payne, Constitutional Litigation Clinic
of Rutgers, took part in deposition

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SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION - OCEAN COUNTY
DOCKET NO. C-4412-73

URBAN LEAGUE OF GREATER	:	
NEW BRUNSWICK, et al.,	:	
	:	
Plaintiffs,	:	CIVIL ACTION
	:	
v.	:	DEPOSITION OF:
	:	
BOROUGH OF CARTERET,	:	DAVID H. ENGEL
et al.,	:	
	:	
De fendants.	:	

TRANSCRIPT of deposition taken by and before MARY LUKENSOW, a Certified Shorthand Reporter, and Notary Public of the State of New Jersey, at the offices of SOUTH BRUNSWICK TOWNSHIP MUNICIPAL COMPLEX, MONMOUTH JUNCTION, NEW JERSEY, on WEDNESDAY, MARCH 28, 1984, commencing at 1:30 P.M.

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I N D E X

<u>WIZNESJS</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RE CROSS</u>
DAVID H. ENGEL				
By: Ms. Labella	3			

E X H I B I T S

<u>NJJMBJER</u>	<u>DESCRIPTION</u>	<u>PAGE</u>
P-1	Map of South Brunswick Township	41
P-2	Chart 3	88

1 D A V I D H. E N G E L , having offices
2 at South Brunswick Township Municipal Complex, being
3 first duly sworn by the Notary according to law
4 testified as follows:

5

6 DIRECT EXAMINATION BY MS. LABELLA:

7 Q. Mr. Engel, as you know, my name is Janet
8 Labella and this is John Payne and we represent the
9 Plaintiffs in this case.

10 Could you briefly describe for us what your
11 background is in planning?

12 A. Sure. I am the director of planning and
13 development for South Brunswick Township. I have been
14 employed by the town for approximately four and
15 three-quarter years. I have a bachelor's degree in
16 urban planning and economics from George Washington
17 University. I have a master's in city and regional
18 planning from Rutgers University. I am a licensed
19 planner in the State of New Jersey. I am a member of
20 the American Institute of Certified Planners, an
21 associate with the American Planner's Association. I
22 have been professionally practicing planning in the
23 State of New Jersey for five years, maybe a little
24 longer by now.

25 Q. Have you written any articles or have you

1 done any studies on fair share methodology or any
2 other aspect dealing with Mount Laurel?

3 A. I have been involved in the development of
4 five master plans, in conjunction with David Zimmerman
5 Associates in Morristown, and in that capacity, doing
6 those municipal master plans, we did do fair share of
7 housing and houses. I can give you the names of the
8 towns, if you would like.

9 Q. Yes, would you?

10 A. Hopatcong Bureau, Vernon Township, Belvidere,
11 the town, in Warren County, Wood-Ridge in Bergen, and
12 I did some housing work for Washington Township in
13 Morris County. I have also been involved in the
14 revision of the South Brunswick Township master plan.

15 Q. What was the second one that you mentioned?
16 I missed that.

17 A. That could have been Vernon Township.

18 Q. Right. That was the one.

19 Now, how many of those townships were
20 involved in Mount Laurel litigation when you were
21 involved in developing the master plans?

22 A. I really can't answer that. I don't recall.

23 Q. But you were cognizant of Mount Laurel at
24 the time?

25 A. Yes.

1 Q. Were you attempting to take care of and
2 satisfy the Mount Laurel obligations in the master
3 plan?

4 A. Yes.

5 MR. BENEDICT: Are you talking about
6 Mount Laurel One or Mount Laurel Two?

7 THE WITNESS: Mount Laurel One.

8 Q. Which was ~

9 A. That was the current planning norm of the
10 day and we were looking to allocate something on a
11 fair share basis. We also considered the state DCA
12 allocation housing plan of 1978, I believe.

13 Q. Now, do you have any other experience or any
14 other expertise in the Mount Laurel area?

15 A. No.

16 Q. I would like to direct your attention to
17 your report on South Brunswick Township's fair share
18 allocation?

19 A. Yes.

20 Q. This was prepared by you, was it?

21 A. Yes, it was.

22 Q. I have a few questions dealing with fair
23 share analysis, that you have described in the report.
24 You appear to rely heavily on the Rutgers report. Is
25 that correct?

1 A. Yes, I did.

2 Q. Could you explain the Rutgers region and why
3 you think that the Rutgers region is appropriate for
4 South Brunswick?

5 A. Yes. The Rutgers report prepared by the
6 center of urban policy research relied on the 1980
7 census in the definition of region for our area. They
8 utilized the primary metropolitan statistical area
9 comprised of Middlesex, Somerset, Hunterdon and Warren
10 counties. The reason that the census bureau indicated
11 this to be a region was based on journey to work
12 information they had and other socioeconomic
13 characteristics found to be relevant by the U.S.
14 Bureau of the Census, as enumerated in the Mount
15 Laurel study Two done by Rutgers which is part of our
16 Answers to Interrogatories.

17 Q. Do you think that the region that you
18 described involves both opportunity for resources and
19 for need for housing?

20 A. I believe it does, yes.

21 Q. Could you explain how it does that?

22 A. I feel that Middlesex County is an
23 employment generator. Our area, especially in
24 southern Middlesex, is the zone of employment for the
25 state and especially Central New Jersey. Based on the

1 Rutgers findings, there was a tremendous association
2 with commutation patterns and in that central location
3 Middlesex being related to the other three counties.

4 Q. What would happen to Newark, in your theory
5 of region? I presume that you recognize that there is
6 an excess housing need in Newark, for low and moderate
7 income people?

8 A. Yes, I understand that.

9 Q. And where would you match that need with
10 resources?

11 A. Well, the Rutgers study provides that Newark
12 is in another region and they analyze the demographics
13 on that basis. I wasn't considering in my report, on
14 the needs of Newark, even though I am cognizant of
15 them. I was considering the requirements of the town
16 to meet our fair share obligation of the Mount Laurel
17 Two.

18 Q. Again you rely on Rutgers for the definition
19 of present need. Is that right?

20 A. Yes.

21 Q. Now, if I understand that report correctly,
22 they identify seven surrogates. Is that right,
23 components of present need?

24 A. Yes.

25 Q. And if housing was constructed before 1940,

1 you need one additional component and if it was
2 constructed after 1940, you need two additional
3 components in order to be counted as a substandard
4 unit for present need. Is that correct?

5 A. I believe you are correct. I would have to
6 review the report to be definitive, but it sounds
7 accurate.

8 Q. Because my question comes to how, with the
9 calculations made in the Rutgers study, how did they
10 determine which units had either one or two or which
11 ones of the surrogates in order to calculate the
12 present need?

13 A. Well, I certainly can't answer that. That's --
14 that point. The report was initiated by the league of
15 municipalities in the New Jersey Home Builders
16 Association, and Rutgers University was selected
17 because they have the center of urban policy research
18 which is a nationally renowned objective urban
19 research institution. They prepared the report based
20 on the best possible data, with men whose resumes are
21 listed in the report and because of their expertise
22 and their high level of experience, we utilize that
23 information to provide our fair share allocation.

24 Now, in my Answers to Interrogatories, when
25 I calculated our regional unmet need, I use the

1 tabulation table provided in the report, and I think
2 that's clearly consistent with the methodology that
3 they indicated was the appropriate way to deal v/ith
4 fair share under the chapter dealing with municipal
5 allocation.

6 Q. But you didn't look behind their tables then
7 to determine how they arrived at the calculations?

8 A. No --

9 Q. And the data in the tables?

10 A. I read through it and it appeared to be
11 extremely reasonable and I utilized it. I didn't
12 evaluate it to the extreme of criticizing it.

13 Q. Going back to region for a moment, do you
14 have a criticism or would you be prepared to critique
15 what has been come to be known as the consensus
16 planners report, which has a distinctly different
17 region than the one that you have defined?

18 A. Yes, I would be available for criticizing
19 that. The unmet present region, I felt was totally
20 inappropriate for South Brunswick because of the very
21 reason why I felt that the Rutgers report was
22 appropriate, relying on the U.S. Bureau of the Census.
23 I don't feel that we have any relationship with some
24 of the northern cities, such as Newark and Jersey City,
25 not from a journey to work pattern, nor from a

1 socioeconomic standpoint.

2 Secondly, I do not agree with the commuter
3 shed for several reasons, for statistical perfection,
4 there was a consensus that if a 30 minute drive time
5 entered into a portion of a county, we were to take
6 the whole county for statistical perfection. I don't
7 feel that that is an equitable way of dealing with an
8 important policy issue, such as fair share.

9 Secondly, the Rutgers report establishes
10 that over 30 percent of the prospective Mount Laurel
11 population will be handicapped or unemployed because
12 of age, elderly, some other consideration, and we are
13 basing almost the entire methodology on fair share
14 analysis for prospective on journey to work patterns.

15 Thirdly, the planning profession is aware
16 through a recent urban land institute study that women,
17 their journey to work patterns, are much different
18 than men, and they are a very large component, of the
19 work force and their general drive time is well under
20 30 minutes, and I am attempting to get a copy of that
21 study to be admitted to you for your review.

22 Q. What is the reason for that, do you know?

23 A. Well, women have generally household
24 responsibilities, if they are married, and secondly
25 there was a psychological profile on women versus men

1 versus their journey to work patterns, women generally
2 just tend to like to be working and employed closer to
3 their home.

4 Q. Now, if I understood you correctly, you were
5 relying on the journey to work in a relationship in
6 the region that you have relied upon?

7 A. Yes, but I also indicated that there were
8 other socioeconomic reasons that the U.S. Census
9 Bureau utilized the PMSA criteria. Basically, the
10 census bureau is an objective agency, they are
11 federally funded, the PMSA data is utilized in
12 determining HUD, section eight and 202 programs, and
13 there is no involvement between the census bureau and
14 the Mount Laurel Two litigation and because of their
15 expertise in that area, we relied on it heavily. Also
15 it allows for a higher level of continuity and data
17 interpretation in projections.

18 Q. You again relied on the Rutgers study for
19 the definition of prospective need.

20 A. Yes, I did.

21 Q. And Rutgers, I believe, only used the ODEA
22 demographic cohort for projecting population growth
23 rather than using an average of the economic and the
24 demographic cohorts?

25 A. That's correct.

1 Q. Which was also done by the consensus report.
2 Could you explain why you apparently prefer the
3 demographic cohort and what difference that makes to
4 South Brunswick and to Middlesex County?

5 A. Well, I felt it was important to utilize a
6 balanced fair share formula for determining the
7 Township's unmet and prospective need. Now, based on
8 that, I felt that the Township has had an enormous
9 track record in decreasing substandard housing within
10 our community by aggressively going after community
11 development block grants, and I felt that we should be
12 credited for our work in reducing substandard housing,
13 so I felt that a percentage of substandard housing
14 versus what we are relative to the region was
15 appropriate.

16 Also the Township has not been an
17 exclusionary community. We have had an enormous
18 amount of housing production in our town over the last
19 10 years, and I felt that at least we should indicate
20 that we are a growth community, in the sense of
21 housing and because we do have a higher proportionment
22 it should be reflected in our allocation.

23 Q. Excuse me. I think you are answering my
24 next question and not the one I just asked.

25 I was asking you about the population

1 projections, and you relied on Rutgers, which only
2 used the demographic cohort.

3 A. Right.

4 Q. And the consensus report, used an average,
5 the economic and the demographic. My question was why
6 did you prefer the demographic? I was not getting
7 into your methodology.

8 A. I used the Rutgers projections because we
9 wanted to leave with a basis of continuity and we were
10 using the Rutgers region and unmet present and
11 prospective so we felt the continuity would allow us
12 to keep using their projection methodology. We didn't
13 want to jump in and out.

14 Q. So do you have any of your own professional
15 analysis as to which is preferred, the demographic,
16 the economic or a combination in terms of which is
17 more accurate?

18 A. Well, I think the combination is deemed to
19 be equitable by a concensus group, but I am not in a
20 position to answer that question at this time without
21 evaluating both, to determine accuracy.

22 Q. Now, we can get back to the question that
23 you were answering before I asked it, which is I would
24 like you to explain your allocation formula and you
25 were starting to explain the different components,

1 different factors in the formula?

2 A. That's correct.

3 Q. And the first one is the percentage of
4 substandard housing, could you review that again?

5 A. Yes.

6 Q. Why you wanted to include that?

7 A. I felt that any allocation formula should be
8 a well-balanced formula, dealing with a number of
9 issues. I felt that percentages of substandard
10 housing was important because if a town has not been
11 diligent in correcting their housing problems, it
12 should be reflected within the allocation formula and
13 conversely, if a town has been utilizing block grant
14 funding to institute a housing rehabilitation program,
15 they should not be penalized.

16 Secondly, I felt that the percentage of
17 housing increase over --

18 Q. Could you interrupt you? I want to have a
19 few questions on each one.

20 A. Sure .

21 Q. Dealing with the substandard issue, isn't
22 that somehow reflected in the number of units of
23 indigenous need?

24 A. Yes, it is.

25 Q. Is that a duplication then, do you think,

1 where if a Township has done, as you described, and
2 taken care of its indigenous poor by using its money
3 to attempt to renovate housing, wouldn't that be
4 reflected in a much smaller indigenous need?

5 A. That's correct, but I also felt that the
6 fair share should be based on some type of indicator
7 of a township's attempt to deal with those issues for
8 the prospective because I felt that a Township like
9 South Brunswick, who is an open community, has a
10 balance zoning approach, isn't a growth area if you
11 didn't have a balancing variable. I felt that our
12 allocation was being weighed one-sidedly on employment
13 and housing rather than looking at a total picture. I
14 didn't feel that that was a fair share way of
15 approaching our community.

16 Q. Assuming for a minute now, and I know what I
17 intend to imply, that this does not describe South
18 Brunswick, but assuming you have a community that is
19 very exclusionary and has basically no poor housing or
20 income people living in the Township, wouldn't they
21 then be getting a credit in your formula by having the
22 percentage of substandard housing as a factor in the
23 formula, wouldn't that be to their advantage?

24 A. That possibly could be, that possibly may
25 not. I can't answer that because I don't deal in

1 hypotheticals, I am dealing with South Brunswick.

2 Q. But had a community -- no matter how they
3 arrived at not having substandard housing, that would
4 go to their benefit under your formula, whether it was
5 because they fixed up their housing or whether they
6 simply didn't permit low income housing or low income
7 people into the community?

8 A. That's a potential, but I am sure the
9 Plaintiff's counsel and experts have scrutinized the
10 Township, or the municipality for a number of reasons
11 and if they were that exclusionary, I think it would
12 be obvious to the courts.

13 Q. Let's go to your second factor, which is the
14 percentage of housing increase. What was your
15 rationale for including that?

16 A. Well, from all the reports I have read
17 dealing with fair share, there seem to be a tremendous
18 emphasis on growth and the township's ability to
19 assimilate growth, and I use that percentage because I
20 felt that that was demonstrative of a fair share
21 component or variable, the ability to assimilate
22 housing and how is a community related from a housing
23 standpoint to a region on the growth trend line. I
24 just felt that that was an appropriate variable. I
25 also believe that several of the, I think the court

1 expert used housing growth also at one time.

2 Q. Are you referring to Carla Lerman?

3 A. Yes, their initial report.

4 Q. How does that, actually work, if a community
5 has had a substantial increase in housing, it would
6 have a higher proportion vis-a-vis the other
7 communities and therefore the fair share allocation
8 would be greater for that community. Is that right?

9 A. That's presumably correct.

10 Q. Now, your third factor is the equalized
11 property evaluation?

12 A. Yes.

13 Q. Could you explain also how that one works?

14 A. Yes. There was a discussion within the
15 Rutgers report and also much discussion in the
16 planning profession as to how to deal with communities
17 that had a high level of wealth in assimilating the
18 needs of the poor in housing and it was felt that the
19 percentage of equalized property value expressed the
20 level of wealth of a community versus the region, the
21 ability to assimilate. If the town was a town of a
22 lower property value did not have a large tax base,
23 their number would be reduced and if it was a wealth
24 year community with a high tax base, then they are,
25 from proportionment would be increased substantially.

1 Q. Now, I am sure you are familiar with the
2 wealth factor debate that went, that the consensus
3 planners were dealing with. Were you involved in that
4 discussion?

5 A. I was involved in that discussion.

6 Q. And in a memo from Carla Lerman, she
7 discusses the possibility of using equalized property
8 value and then she rejects or the consensus group
9 rejected using that because apparently they felt that
10 it was going to give a greater weight to the more
11 developed communities, that might not have any vacant
12 land. Do you have any comment on that?

13 A. Well, first of all, I did use vacant land in
14 the guide plan dealing with the land factor in my
15 analysis. Secondly, I indicated that we should be
16 using a balanced variable approach to fair share
17 allocation and no one variable in my equation
18 dominates the other substantially. I believe the
19 Mount Laurel decision calls to all communities to have
20 a responsibility to provide their fair share of the
21 region, whether they be developed or undeveloped or
22 developing and because one variable reflects on a
23 possible bias as toward developed communities, the
24 other variables dealing with employment growth, with
25 housing projects, with land in the state developing or

1 growth area I believe will balance those items out.

2 Q. Did you consider using the wealth indicator
3 that was used in the consensus report?

4 A. Well, I did not consider utilizing that
5 because I, as you know, rely strongly on the Rutgers
6 report and there was discussion from the consensus
7 planners standpoint about using a wealth, not a wealth
8 factor but some type of means of economic indicator
9 factor and there was a subcommittee that was formed
10 and they were supposed to poll us as planners and I
11 was never polled and I told the Judge at the last
12 meeting, that I wasn't in support of using a wealth
13 factor until I saw which variable was to be utilized
14 and what the results were and I spoke, spoke of this
15 in front of everybody.

16 Q. Do you have a particular criticism of the
17 factor that was used, which was this ratio of median
18 income?

19 A, I do, I do have a criticism because South
20 Brunswick Township, again has not been an exclusionary
21 community. We are well balanced, we have an enormous
22 amount of housing production, we have 2300 units of
23 housing approved, most of them are multi-family and
24 townhouses. We have a 700 employment increase a year,
25 based on state government employment figures, and my

1 feeling is that when somebody has the opportunity to
2 live in our town, there is a good chance they'll be
3 working in our town and because of our open balanced
4 zoning program, the per capita wealth of the community
5 is a little higher than the region. I think we'll get
6 higher overtime and I feel that that penalizes South
7 Brunswick. I do feel this community is unique from a
8 zoning and also from a geographic and economic
9 standpoint, and I feel that all the factors work
10 against the town since I feel it's getting an
11 inappropriate fair share allocation.

12 Q. Lastly, we'll skip over employment unless
13 you have any particular comments you want to make on
14 that?

15 A. No, I don't have.

16 Q. That's been in every one's fair share
17 allocation, you are using a vacant land in the growth
18 area?

19 A. Yes.

20 Q. How do you term the vacant land?

21 A. Well, we did quite extensive analysis on
22 vacant land in the community, but what we ended up
23 doing was using the tax assessor records and land, on
24 the assessment basis, is classified as developed with
25 a commercial code or a residential code, according to

1 the use of vacant land or an agricultural code and we
2 utilized land that was vacant or unqualified or in
3 some cases qualified form, that were tenant occupied.

4 Q. Did you do this for all the other
5 communities in your region?

6 A. No, only for our town. I think that was our
7 sole responsibility.

8 Q. So how does that relate then to the formula?

9 A. We prepared the formula and then we related
10 it to South Brunswick. I don't feel it was our
11 responsibility to provide that formula analysis for
12 other communities. Obviously, it sets up a fair
13 working concept, and if we were to prepare and perform
14 this exercise for every town, you'd allocate equitably
15 the present and prospective needs based on the
16 tabulations for region in the Rutgers report.

17 Q. Maybe my question wasn't clear. What I am
18 curious about is you said that you calculated the
19 amount of vacant land in the growth area in South
20 Brunswick?

21 A. Yes.

22 Q. Now, if I understand how the formula works,
23 is you are going to compare that percentage to the
24 percentage of vacant land in the growth area in your
25 region as a whole, so my question is how did you

1 determine -

2 A. We used the Rutgers report.

3 Q. The Rutgers report for --

4 A. They had a variable for percentage -- they
5 had vacant land in the state development guide plan,
6 they had that variable, I believe.

7 Q. Do you know what they based that on?

8 A. I do not, at this time.

9 Q. So what you did then was use the Rutgers
10 analysis of vacant land in the region, but revised
11 South Brunswick's?

12 A. No, we just - they didn't have municipal
13 data in the report, so we just felt that the
14 assessment records for the County of Middlesex were
15 uniform for all the towns in Middlesex County and we
16 utilized the tax assessment records.

17 Q. But you don't know from where Rutgers
18 derived its vacant land figures then?

19 A. I don't recall. I would have to check.

20 Q. Do you think it might have been the DCA
21 vacant land figures?

22 A. It may have been used from it, extrapolated
23 from the state plan, I just can't answer that at this
24 time.

25 Q. Do you think, let's.-assume for a moment

1 that's what they did rely on, do you have any problems
2 with their accuracy?

3 A. I would reserve comment until I review the
4 report.

5 Q. Well, let's forget whether or not it's in
6 the report for a moment. Do you have problems with
7 the accuracy of the DCA's analysis on vacant land?

8 MR. BENEDICT: Our objection is that
9 you are asking a hypothetical question and we are not
10 certain at this point there will be a factual basis
11 for it. Hypotheticals are appropriate where you can
12 represent that there will be a factual basis for the
13 hypothetical. If you want to take a moment to check
14 that --

15 Q. Do you want to take a moment to check that
16 out and see if that's what is in there?

17 MS. LABELLA: Off the record.

18 (Discussion off the record.)

19 Q. The question is could you evaluate and
20 critique the use of the vacant land data in the DCA
21 study?

22 A. Yes, I could. The vacant land information
23 in the Department of Community Affairs housing
24 allocation plan in 1978 was felt by most planners,
25 under recent scrutiny, that that data was not accurate

1 to be administered on a municipal or municipal basis
2 and many of the planners involved in fair share
3 analysis at this time had discounted using vacant land
4 data and have relied stronger on economic growth
5 indicators.

6 Q. Do you find, you said it was felt by most
7 planners, to be accurate. Do you find that it's also
8 not accurate?

9 A. I did not feel that the present state wide
10 vacant land information is accurate, and the governor
11 has requested that the Department of Community Affairs
12 revise the state development guide plan to project
13 more accurate vacant land figures.

14 Q. When we were off the record, you were
15 reviewing your notes and I believe you were thinking
16 that you may have used the figures in Carla Lerman's
17 original report for vacant land?

18 A. That's correct.

19 Q. Now, would you have used those then for
20 Middlesex County and the region other than for South
21 Brunswick, but still revised South Brunswick vacant
22 land figures as you have indicated previously?

23 A. Again, as I indicated, I would have to
24 review my notes closely and look at my methodology as
25 to exactly how the vacant land figure was determined

1 relative to the report, and I just can't answer that
2 now.

3 Q. All right. How extensive are your notes
4 dealing with the use of that factor?

5 A. Extensive enough for me to provide a report
6 to your office, and I would have to review them at
7 another time, I guess.

8 Q. Because the report does not have a detailed
9 analysis of the vacant land figures. On page three of
10 the report, you have a chart, and you deal with the
11 four other factors, but you do not have a chart on the
12 vacant land figures, so that is somewhat missing and I
13 am wondering if perhaps you could provide that
14 analysis and send it to me later?

15 A. Okay. That's no problem. I would also like
16 to point out that we are averaging on a five variable
17 formula, our apportionment versus the region, so it's
18 not a significant number, regardless of the
19 methodology, there is no secret that the town is
20 largely vacant.

21 Q. But you were using vacant land in the growth
22 area. Is that right?

23 A. Yes, I was.

24 Q. What portion of South Brunswick is in the
25 growth area?

1 A. The Township has two limited growth areas,
2 on an apportionment basis, I would say the town is 75
3 percent in the growth area, is a general guesstimate.

4 Q. Have you formed an opinion of the use of the
5 growth area itself as a factor in the allocation
6 formula?

7 A. As it relates to South Brunswick or
8 generally?

9 Q. Well, both. Say generally first and then as
10 it relates to South Brunswick?

11 A. As it relates to South Brunswick, I find
12 that it's highly accurate. Generally, I have seen
13 some problems that the state development guide plan
14 has indicated urban and well-developed communities as
15 growth areas, which I don't feel is appropriate, but I
16 think you have to read the growth or the state guide
17 plan and indicate that that plan was designed to be a
18 general planning tool, not to be utilized as a
19 blueprint for a housing program, and I think it's been
20 misused.

21 Q. The consensus group again has used the
22 growth area itself as one of their allocation factors.
23 What is your view of that, if you have one?

24 A. I think the consensus group was utilizing
25 the state development guide growth plan because the

1 chief justice of the Supreme Court when he wrote the
2 decision indicated that it should be utilized.

3 Q. As a factor in an allocation formula for
4 fair share?

5 A. I believe the Supreme Court decision calls
6 it the blueprint, and I think that's why they were
7 utilizing it.

8 Q. But you don't utilize it in your allocation
9 formula?

10 A. I used it as vacant land of the SDGP.

11 Q. Well, let me direct my question then to the
12 difference. Would you --

13 A. They used the total apportionment.

14 Q. They used the total number of acres in the
15 growth area, you have used vacant acres in the growth
15 area, I presume there is a significant difference
17 between the two, especially in the more developed
18 townships, and my question to you is do you have a
19 critique or review an opinion of the use of the entire
20 amount of the growth area as an allocation factor?

21 A. Well, as you recall, vacant land was suspect
22 as an accurate way of evaluating fair share, and we
23 are dealing with -- we are dealing with apportionments
24 or ratios, not whole numbers. The consensus group
25 felt, the majority of them, that the state development

1 guide growth plan growth areas were appropriate and
2 that this was the best way to develop an equitable
3 fair share ratio, by using it as a variable.

4 Q. Now, I don't believe that your report deals
5 with reallocation excess need when a community doesn't
6 have sufficient vacant land?

7 A. No, it does not.

8 Q. Do you think that that is something
9 deficient in your report, do you think that that's an
10 important part of a fair share determination, is to re-
11 allocate excess need if a community does not have
12 sufficient vacant land?

13 A. As a planner, I am cognizant of several
14 communities within our area that possibly may have
15 difficulty dealing with a large allocation, but I
16 don't feel that reassigning excess the way it's being
17 done is appropriate because there has not been a full
18 evaluation of municipal infrastructure needs, staging
19 traffic concerns and other components that are
20 intrinsic in comprehensive city planning and growth
21 management, and I think that it's a very one-sided
22 reallocation because many communities with vacant land
23 start getting a large amount of reallocated excess
24 without considering other factors that go into
25 providing for community services.

1 Q. So under your analysis then there would be a
2 portion of the fair share that would never be met,
3 since the portion that was allocated to fully
4 developed or almost fully developed communities would
5 not be reallocated?

6 A. The concept of excess was not fully evolved
7 when I prepared my report, and I indicated I am
8 cognizant of that problem, but I don't feel that the
9 consensus methodology has been fully thought out and
10 perfected at this time and I do object, the way it's
11 being utilized.

12 Q. Well, if you were to prepare your report now,
13 would you have a revision in there to have some sort
14 of reallocation of the excess need that could not be
15 met?

16 A. I would consider it, but looking at the
17 excess reallocated unmet present need from South
18 Brunswick standpoint, it's not a significant amount
19 for our town, within the consensus report at this time,
20 and even though I think it should be identified, I
21 don't think it really substantially would increase or
22 decrease our allocation.

23 Q. When you prepared your report, did you run
24 the numbers for all the towns involved in this lawsuit?

25 A. No, I did not.

1 Q. You just ran them for South Brunswick?

2 A. I also ran them for another town, just to
3 see how accurate I was with another planner's data,
4 but it's unofficial and I really can't recall what the
5 findings were.

6 Q. Which town was that?

7 A. I did East Brunswick.

8 Q. But you don't recall what the number was?

9 A. I just recall that they were very similar,
10 the final allocation.

11 Q. Similar to what?

12 A. My numbers were very similar to the East
13 Brunswick numbers.

14 Q. The East Brunswick numbers derived by whom,
15 which - there is like three or four -

16 A. Carl Hintz report.

17 Q. When you were developing your methodology,
18 did you run numbers for other methodologies with,
19 including different factors or did you arrive at this

20 A. No, I just arrived at what I felt was a
21 reasonable basis and utilized it. I did not try to go
22 through a methodology review process to see which is
23 the lowest or highest numbers, I just did what I felt
24 was appropriate as a licensed planner and established
25 base line and applied it to the town.

1 Q. Moving on in your report, I next deal with
2 affordability, rental and sales prices. That's also
3 on pagethree.

4 A. Yes.

5 Q. Are you assuming a four person household,
6 when I come up with --

7 A. Yes, I did.

8 Q. So did you make variations for family size
9 then, smaller or larger family size?

10 A. I didn't make variations in this report, I
11 just used that as a basis of establishing low and
12 moderate income affordability on rentals and sales
13 housing for a general criteria discussion.

14 Q. But, for example, if you were dealing with a
15 smaller family, you would make variations?

16 A. If you are dealing with a smaller family,
17 you would have to adjust downwardly the monthly rental
18 ceiling as well as the cost of housing, somebody could
19 afford on a sales basis.

20 Q. Could you explain this multiplier that you
21 use in determining affordable rental housing?

22 A. Yes. My first meeting with a group of
23 planners in Judge Serpentelli's chambers prior to
24 finishing our report, we were discussing the
25 apportionment of a household income that people could

1 apply to a rental basis and it was felt that 30
2 percent is the industry accepted multiplier for rental
3 housing, which includes utilities and we utilized a
4 \$100 a month general norm for electrical, for rental
5 housing .

6 Q. And that is what the point three multiplier
7 represents?

8 A. That is the apportionment of annual income
9 which moderate income family could spend towards
10 rental housing, and I think my report clearly
11 indicates the annual income based on the SMA, HUD
12 figures multiplied by point three, giving you an
13 annual rental and breaking it down to monthly and then
14 I also indicated in foot note three, that the rents
15 would have to be reduced further, if you did not
15 include utilities in the rents.

17 Q. On your sales analysis, you used a portion
18 of Alan Mallech's report?

19 A. Yes, I did.

20 Q. Now, Alan Mallech had based the property
21 taxes column on a hypothetical in using actually
22 Cranbury's property taxes?

23 A. Yes, he did.

24 Q. Did you rerun this using South Brunswick's
25 property taxes?

1 A. No, I used Cranbury because our property tax
2 at the time was within I think 40 cents of one another
3 overall. I don't recall specifically, and I just
4 wanted to give a basis of how the town would calculate
5 their final, you know, the final sales affordability
6 for low and moderate.

7 Q. is that still true, that South Brunswick's
8 property taxes are within 40 cents?

9 A. Yes, it is. I don't know what it is at this
10 time because the new equalization tax rate table has
11 not been issued by the county yet, but I know we are
12 fairly similar.

13 Q. And South Brunswick hasn't changed their's
14 or -

15 A. We are going up marginally, but I don't know
16 what the county tax is at this time.

17 MR. BENEDICT: The changes will take
18 place within the next 30 days in just about all
19 municipalities.

20 Q. You also were relying on a 12 and a half
21 percent interest rate?

22 A. Yes.

23 Q. Do you think that might be a little low?

24 A. I think we should be using 13 and a quarter
25 right now.

1 Q. So you would substitute 13 and a quarter
2 percent interest in your formula?

3 A. Possibly, I just have to look at what the
4 prevailing lending institutions are offering for a 30
5 year fixed rate mortgage.

6 Q. I would like to direct your attention now to
7 the different zoning ordinances in South Brunswick. I
8 understand that you started working for South
9 Brunswick in 1979?

10 A. That's correct.

11 Q. Are you aware of the ordinance changes,
12 zoning changes, that were done in 1978? They were in
13 effect I believe in 1979, when you first came to South
14 Brunswick?

15 A. That's correct.

16 Q. At that time, could you correct me if I am
17 wrong, there was a mandatory set aside?

18 A. Yes, there was.

19 Q. Could you explain what the different zones
20 were at that time and how they were changed?

21 A. Yes. There was a master plan designation
22 for a PRD-5A and a PRD-7 and then there were future
23 PRD areas in the master plan that were not allocated
24 or enacted because of infrastructural deficiencies in
25 swimming water and in roads, but the ordinance was

1 amended in '76 to say that all the active PRD areas,
2 the five and seven, the five was Dayton Center and the
3 seven was the town center, was to have a 20 percent
4 mandatory set aside for low and moderate housing.

5 Q. Now, you referred to the PRD-5A zone as that --

6 A. The Dayton area.

7 Q. Where Dayton Center is now constructed. Is
3 that right?

9 A. Yes.

10 Q. Does Dayton Center have a 20 percent set
11 aside?

12 A. They do for senior citizen housing.

13 Q. That's the senior citizen sales units?

14 A. 64 sales units at I believe the ceiling
15 price is \$44,900.

16 Q. Is that 20 percent of the total number of
17 units in Dayton Center?

18 A. It's about. I think it was originally, it
19 was designed for 61 units but they increased it
20 several units because of design criteria. That was 10
21 percent set aside. The reason was Dayton Center was
22 approved before the 20 percent set aside when the
23 Township had a former 10 percent set aside provision.

24 Q. Now, the other zone, the PRD-7 zone, could
25 you tell me where that is?

1 A. Well, that's generally bounded by New Road,
2 Major Road, the main line of the railroad and Route 1
3 and it's a large open area, just west of the Municipal
4 Complex which is designed to be the highest density
5 focus of residential activity in the town.

5 Q. Could you point to that on the map?

7 A. Yes, it is designated on our current zoning
8 map as PRD-3.

9 Q. Is it exactly the same zone then as what had
10 been the PRD-7 zone?

11 A. It's substantially the same, the two basic
12 acquired contiguous tracts are still there. I would
13 really have to look at the other zone map, I am not
14 sure if there was any line changes.

15 Q. But it's substantially similar?

16 A. Absolutely.

17 Q. Now, what was the density in the old PRD-7
18 zone?

19 A. Seven dwelling units per acre.

20 Q. What is the density in the PRD-3 zone?

21 A. Seven dwelling units per acre.

22 Q. But there is no longer a 20 percent
23 mandatory set aside in the PRD-3 zone?

24 A. At this time, there is not. In 1981, when
25 the Township began reevaluating the master plan, Mount

1 Laurel Two decision was not rendered and the state of
2 the art at that time was least cost affordable housing
3 and the town substantially reduced its industrial zone
4 areas and opened up the town from a development
5 standpoint, allowing for mixed residential development
6 where traditionally single family zoned areas were
7 rezoned for townhouses and multi-family and other
8 affordable designed configurations. We did remove the
9 20 percent set. aside because there was no clear court
10 decision and we had, I guess, developed or perfected
11 the least cost area for a planner.

12 Q. Had there been any development in the old
13 PRD-7 zone that utilized the set aside?

14 A. No.

15 Q. Also there had been some changes in the
16 mobile home zones. Is that right?

17 A. Yes.

18 Q. Could we review what changes they were?

19 A. When you say changes, you mean between '76
20 and current?

21 Q. Let's go through the history of mobile homes
22 zones, starting with '76, deal with the '81 amendments
23 I believe and then the '82 amendments?

24 A. In 1976, the Township permitted, as a
25 conditional use in light industrial zones, mobile

1 homes. They also indicated that the town could not --
2 could only have three or less mobile home parks. In
3 1982, the Township established as a permitted use
4 mobile home park zones, for inclusionary zoning in and
5 to allow for some modest expansion and redevelopment
6 of the mobile home parks. We also established areas
7 on Route 130 to allow for manufactured housing
8 production, to increase the opportunity for that type
9 of housing.

10 Q. Which zones are they on the map, how would
11 you - would you point those out?

12 A. There are currently conditional use zones
13 located near Broadway and Route 130 and also
14 Friendship and Route 130.

15 Q. Now, had there been another mobile home zone
16 that had been designated previous to the ones you just
17 indicated on the map?

18 A. Not a zone, no.

19 Q. What about this RR zone, that is bounded by
20 Route 130 and I don't know if it's bounded by anything
21 else?

22 A. Oh, okay, I see the question. In --

23 Q. Well, it's close to Deans Lane?

24 A. In 1982, the master plan designated an area
25 just south of Deans Road, Hall Road and Route 130, a

1 manufactured housing zone but the governing body, upon
2 review of the master plan, felt that there were
3 potentially more appropriate places for that use,
4 based on traffic and other concerns.

5 Q. What was inappropriate about that particular
6 zone?

7 A. I really can't tell you that because that
8 was a decision by the governing body.

9 Q. Were you present at those meetings?

10 A. I was present at it, at those meetings,
11 there was an enormous amount of public involvement and
12 testimony and I believe there were a number of reasons,
13 traffic was one, I think there were some considerations
14 on site drainage and the fact that that was very large
15 qualified form.

16 Q. Did you give any advice to the committee?

17 A. No.

18 Q. As the town planner, you had no views and no
19 advice to give on the appropriateness of that zone?

20 A. I gave my advice in the form of the master
21 plan.

22 Q. So your advice was that that should be a
23 mobile home zone then?

24 A. My advice was that it potentially should be
25 considered as a place for manufactured housing.

1 Q. No, when you say manufactured housing, do
2 you include within that mobile homes?

3 A. Yes, I do.

4 Q. What is your view now, do you think that is
5 still an appropriate site for manufactured housing?

6 A. Yes, I do.

7 Q. Now, are there any other significant changes
8 to the zoning ordinances?

9 A. Between '76 and 1982?

10 Q. Yes.

11 A. Yes, as I was discussing before, there was a
12 very large reduction in industrial zoning. There was
13 also a lesser reliance on development timing criteria
14 and we reduced a lot of the traditional single family
15 zones to what we call RM zones, allowing for mixed
16 residential at three to four units an acre. We also
17 established a planned retirement community area, in
18 what we felt was an ideally situated location. The
19 property was formerly zoned industry, but it's over
20 the Raritan Magothy Aquifer, it's located in an out-
21 crop of the Raritan Magothy Aquifer, and it's a very
22 environmentally sensitive piece of land from a re-
23 charged standpoint and we felt that the need for plan
24 retirement community was great in the area and also
25 that this type of use was much more compatible from a

1 traffic standpoint and in an environmental standpoint
2 and the fact that there is no sewer in that area.

3 Q. Is that the zone that is indicated as PRC?

4 A. Yes.

5 Q. On the map?

6 Perhaps we should have the map
7 identified as exhibit one.

8 (Exhibit P-1 marked for identification)

9 Q. Mr. Engel, on the zoning map which has now
10 been designated as Plaintiff's Exhibit one, could you
11 note on the map itself where the prior mobile home
12 zone had been or the one the master plan had indicated
13 would be appropriate?

14 A. Sure.

15 Q. Now, had that been zoned at any time as a
16 mobile home zone?

17 A. Yes, it was.

18 Q. If you are going to indicate with
19 crosshatches, would you perhaps put up here
20 crosshatches equals former mobile home zone?

21 Now, you just indicated that this zone which
22 is now labeled RR and has crosshatches on it, was
23 officially zoned as a mobile home zone?

24 A. Yes, it was.

25 Q. And when did that zoning occur?

1 A. December 13, 1982 was adopted by the South
2 Brunswick Township committee.

3 Q. And it is not, no longer zoned mobile?

4 A. On February 23, 1983, the committee revised
5 the zoning map and removed that as a zone based on
6 agricultural drainage and traffic considerations.

7 Q. All right.

8 Well, let's backtrack. A moment ago you
9 were talking about I think some of those same
10 considerations and maybe I misunderstood you, but I
11 was thinking that had to do with whether or not it was
12 going to originally be zoned manufactured housing.
13 Were you speaking then of the rezoning back to RR?

14 A. I was telling you what reasons the governing
15 body felt that they would like to rezone it back to RR.

16 Q. So when it was originally zoned as
17 manufactured housing in 1982, the Township committee
18 followed your advice in the master plan?

19 A. Yes, they did.

20 Q. Did you prepare the master plan?

21 A. We worked with Queale and Lynch.

22 Q. "We," who do you mean?

23 A. The planning board, myself and a consultant
24 worked together, but I prepared the master plan
25 overlay that was utilized, those were my decisions and

1 recommendations.

2 Q. So in 1982, did you then recommend that this
3 zone be made manufactured mobile homes?

4 A. Yes, I did.

5 Q. And you indicated before that that is still
6 your view today. Is that right?

7 A. Yes, it is.

8 Q. Could you also indicate on the map it, well,
9 I guess it's already indicated, the PRC, which is the
10 retirement community?

11 A. Yes.

12 Q. Is there any development there?

13 A. There is no current development on that
14 property at this time.

15 Q. Are there any planned developments for the
16 PRC?

17 A. There has been an inquiry made on several
18 occasions to the Township Planning Board regarding a
19 potential retirement community on most of that
20 property, but there are no current land development
21 applications in my office. There has been several
22 planning studies on the property done by outside
23 consultants.

24 Q. Now, I don't intend us to make a total mess
25 of this map and I know that earlier you had submitted

1 to us a color coded map indicating which zones had
2 been industrial and had become residential?

3 A. Yes.

4 Q. Could you briefly, however, indicate just by
5 pointing and describing the zones which ones had been
6 industrial and now are residential?

7 A. Yes, I could.

8 MS. LABELLA: The problem is I have a
9 copy of the color coded map but only a Xerox.

10 MR. BENEDICT: Would it help you to
11 have one right now to refer to --

12 MS. LABELLA: That may simplify things.
13 Off the record.

14 (Discussion off the record.)

15 A. Okay. The question was, let me just repeat
16 the question, what are the areas of the Township, as
17 rezoned that were initially industry to residential,

18 In an area just south of New Road on Route 1
19 between New Road and Stouts Lane, there was a large
20 area that was zoned for industrial, light industrial,
21 and the Township had rezoned that for PRD-2, planned
22 residential development. We have approved a 542 unit
23 PRD on that property, which is currently under
24 construction.

25 Another large area was on Route 1 between

1 Deans Lane and Black Horse Lane in the northern part
2 of the town. That was zoned industrial, light
3 industrial, we rezoned it for residential and a 736
4 unit multi-family rental project is approved for that
5 property and it is anticipated construction will begin
6 this spring.

7 Another area of consequence is the large
8 area bounded by the New Jersey Turnpike, Cranbury
9 South River Road and the East Brunswick border, and
10 the south -- the northern quadrant of the town, that
11 was zoned light industrial, it is rezoned for planned
12 retirement community,

13 Q. Is a portion of it also zoned RR?

14 A. Yes, it is. The town did change some of the
15 industrial zoning to rural residential because of
16 environmental sensitivities. If you would like, I'll
17 enumerate each location, tell you why, or for other
18 land use, it's up to you. Do you want me to go
19 through it?

20 Q. No, let's save that for later.

21 A. Okay. Those are the significant areas.

22 Q. Now, there are some -

23 A. There is some small ones --

24 Q. Other areas down here?

25 A. That is an RR area, there are two areas that

1 Miss Labella is pointing to where the property was
2 zoned industrial, the Township allowed manufactured
3 housing and mobile home development as a conditional
4 use .

5 Lastly, there were some areas that were
6 zoned from industry back to residential, I didn't
7 mention them specifically because they are not, you
8 know, large -- they are large lot residential because
9 of environmental reasons, that's adjacent to Culver
10 Road, adjacent to Broadway Road and adjacent to it.

11 Q. Why don't you briefly tell us what those
12 environmental considerations are?

13 A. Sure. Back again just north of the
14 retirement community in the northeastern quadrant of
15 town, the county is acquiring land for the park, the
16 reason is this feeds into the New Brunswick water
17 supply and because of lack of sewer, the fecal
18 cholophaein level in the watar is very high and there
19 is a protective corridor acquisition program.

20 Secondly, East Brunswick and South Brunswick have
21 been trying to work out conjunctive zoning and we have
22 a septic management program in and around the corridor
23 and we wanted our zoning to be unique, I mean
24 continuitous and consistent. That is why it's rural
25 residential, it was zoned industry.

1 The second one is down adjacent to Broadway
2 Road and this whole area is designated as wet lands by
3 the state development guide plan, and it is in the
4 non-growth area, if you look at the state development
5 guide map. The other area is adjacent to Culver Road
6 and there is no sewerage in this area, it is in a
7 limited growth area and the state development guide
8 plan, it's also currently all farmed, large qualified
9 farm, under contiguous ownership and it's adjacent to
10 flood hazard area and there is no chance of utilizing
11 sewer in that area because of the fact that it's --
12 it's low lands and they'd have to pump it up and we
13 can't get over a hill with conventional sewer.

14 That's basically about it. This is just
15 trimming, does that matter? I mean it's not, just not
16 substantial. I think I really covered all the large
17 areas.

18 Q. Yes, I think you have covered them.

19 A. You have not asked me about these areas, I
20 mentioned they were single family, rezoned them to
21 multi-family.

22 Q. Would you point out which ones they were?

23 A. Sure. The area located just north of
24 Raymond Road and Route 1, a large area consisting of
25 about 600 acres was zoned for R-1, that was one acre

1 single family and we rezoned it for medium density,
2 three units an acre, that allow cluster homes, patio
3 homes, townhouses. There is also a large area that
4 was zoned for R-2 single family, those are 30,000
5 square foot lots, that was a former zoning, to RM-4,
6 which allows for four units an acre consisting of
7 multi-family patio homes and town homes, and cluster
8 homes. There is an area on Georges Road noted as RM-4
9 that used to be R-2 and that was also a 30,000 square
10 foot single family zone, now it allows for four units
11 an acre, mixed housing types, as I previously
12 discussed with the tract just south of Henderson Road.

13 Q. Are there any other significant areas that
14 were rezoned?

15 A. There was a multi-family zone established
16 off of Route 27 but basically encompasses existing and
17 improved land use patterns.

18 Q. Which existing?

19 A. The Princeton Horizons apartment complex,
20 which is currently under construction for 192 units
21 and the Kingston Terrace Apartments and a small multi-
22 family project known as Fair Acre Farms.

23 Q. Now, are they all either under construction
24 or constructed?

25 A. Fair Acres is approved but not under

1 construction. They are still waiting the outcome of
2 it, the Route 92 condemnation in the area.

3 Q. Is there anything else?

4 A. No.

5 Q. Could you explain how the development timing
6 criteria works?

7 A. The Township has established that there is a
8 tremendous need for east-west circulation, because we
9 are, as you know, a rapidly developing community and
10 we have a very antiquated rural road infrastructure
11 base. The town has been aggressively providing for
12 water and sewer availability throughout the community.
13 If you look at our water and sewer maps, they are very
14 consistent with our zoning. We haven't ever tried to
15 restrict the availability of utilities.

16 The last phase in our upgrading program is
17 the road system. We have several road projects that
18 we have integrated within our zoning plan to allow for
19 minimal intrusion on existing neighborhoods in maximum
20 vehicular design efficiency, they are known as the
21 realignment of Route 522 and the Beacon Road extension
22 project. That's basically our development timing
23 criteria in a nutshell.

24 Q. How does that affect the density of
25 particular zones?

1 A. Until the roads are available, the area
2 can't carry density, so there is a density reduction
3 of 50 percent, generally across the board.

4 Q. Now, which zones would be concerned with
5 that?

6 A. RM-4, RM-3 and PRD-3 .

7 Q. So is that the RM-4 zone that's bounded
8 roughly or is close to Route 1?

9 A. Yes.

10 Q. And- the PRD-3 zone, in the center?

11 A. Yes.

12 Q. And what was the other one you mentioned?

13 A. The RM-3 just north of Raymond Road and the
14 RM-4 on Georges Road.

15 Q. Could we note those on the map, you can
16 develop some kind of asterisk or something?

17 A. I'll put developed and timing and I'll put a
18 star. I'll call that development timing areas.

19 MR. BENEDICT: Off the record.

20 (Discussion off the record.)

21 A. I put stars on PRD-2 and RM-3 up by Deans
22 Lane but those all have projects under way. The
23 Township is cognizant of the fact there is enormous
24 need for housing and what we call the Royal Oaks
25 project, they are putting in the Henderson Road

1 extension so they weren't required to wait and the
2 eastern properties, the developer Whispering Woods at
3 PRD-2, they have provided the Township with over
4 \$500,000 towards construction of 522, so we didn't
5 hold them up, and they are relying solely on Route 1.

6 Q. So you said that the development timing
7 criteria actually reduces the density by 50 percent in
8 the zones that have asterisks except for those that
9 you just noted now were -

10 A. No, I didn't say the development timing
11 criteria reduces, I just said there is a 50 percent
12 reduction until the off tract and on site improvements
13 are delivered.

14 Q. So as of now, then instead of a seven unit
15 per acre density in the PRD-3 zone, it would be three
16 point five?

17 A. The Township, that's the intent or basic
18 provision of the ordinance, but the ordinance also
19 refers indirectly, integrates with the master plan of
20 the town. Now, the master plan says that the
21 developer of the town, the PRD-3, can start phasing
22 the construction around the construction program of
23 522. There is a provision within the master plan
24 which is specified in the Township, enabling
25 legislation of land use ordinance that says that the

1 developer can build one-third prior to, you know, the
2 development of 522, and then to stage the remaining
3 components around the construction program, since it
4 is an approved project, which is currently under
5 design and construction is scheduled to begin in 1985.

5 Q. Now, where is that found? You said that was
7 in the master plan?

8 A. Yes, the zoning ordinance refers to
9 development timing criteria of the master plan and
10 there is a whole section in the master plan on
11 development timing criteria and for the town center
12 known as PRD-3, it establishes a phasing formula so we
13 can get started on that project, as soon as developers
14 submit plans because we realize it's a 10 or 15 year
15 project.

16 Q. Is there such a phasing plan for the RM-4
17 zones?

18 A. No.

19 Q. So that only applies to the PRD-3 zone?

20 A. Yes, the R-4 zones we say you can build 50
21 percent now and 50 percent upon the completion of each
22 respective road project. R-4s are basically 522 or
23 the Beekman Road extension.

24 Q. Perhaps now why don't you take 522 and note
25 on the map where it should be or where it is going to

1 be?

2 A. Okay. If I had a thicker pen, it would be
3 helpful.

4 I'll just put little lines on it -- this is
5 general. It is going to cut through here and go like
6 something like this. It is kind of hard to do it this
7 way. That is basically what the alignment is for 522.
8 It generally goes from Route 27 north of Raymond Road,
9 it goes to Route 1 and Stouts Lane and cuts through
10 the town center, through right in front of the
11 municipal building and goes through Dayton Center,
12 Route 130 and Stouts Lane and that's a realignment of
13 an existing county road.

14 Q. What is the status of 522 now?

15 A. It's the federal environmental impact
16 statement is approved and the project is currently
17 being engineered with right of way acquisition to
18 begin in 1985 on the remaining parcels that have not
19 been acquired to date and construction will be bid out
20 in early 1986. The Township is responsible for the
21 acquisition of right of way, the county and state are
22 funding the engineering and it's a federal state
23 financing match. Most of the money is coming from the
24 designation of 1-95, the trust funds already exist.

25 Q. Now, is that all on 522?

1 A. Yes.

2 Q. You also mentioned there was a proposed
3 extension of Beekman Road. Is that right?

4 A. Yes.

5 Q. Do you want to note on the map with the red
6 pen where that would go?

7 A. Sure. The Beekman Road extension is
8 designed to allow for east-west circulation in the
9 town and to circumvent already established
10 neighborhoods, as you may not be aware, I guess you
11 are familiar with the paper, the Fields PRD is just
12 west of the town in Franklin. We are trying to
13 connect them into the Beekman Road extension and also
14 RRM-4 area, bring it through an office research area
15 to 522 and there is also a transit station proposed
16 right here and I'll mark that transit.

17 Q. What is a transit station?

18 A. Park and ride rail station facility.

19 Q. Okay. Which is already there?

20 A. No, it's under discussion now. The Seltzer
21 corporation, which is building the Princeton Park
22 corporate center, a 535 acre corporate park, projected
23 out 13,000 jobs. They are going to be building it in
24 conjunction with the town's project and also in
25 conjunction -

1 Q. What is the status of the Beekman Road
2 extension?

3 A. The Beekman Road extension, we have a
4 consensus of, from the Kislak property owner just
5 south of Beekman Road and the Toll Brothers from
6 Pennsylvania, who own this piece and the Seltzer
7 Corporation, to integrate the Beekman Road extension
8 as their collector road, which they would have to
9 build a collector anyway and the town center people
10 would pick it up at Major Road and bring it into 522,
11 and I am meeting with representatives of the Fields
12 group on Friday, to talk about their involvement.
13 they are enthusiastic about it, and they would like to
14 get involved because they want to secure access to the
15 transit.

16 Q. Does Beekman Road extend into Franklin
17 Township?

18 A. It does now, but the Fields property comes
19 out somewhere in the vicinity and I don't know exactly
20 where at this time, in the area - comes out just
21 south of here. The Fields come out to Route 27.

22 Q. So the Kislak, the Toll Brothers and Seltzer,
23 would all basically chip in to provide for the
24 extension all the way down to Major Road. Is that
25 right?

1 A. When you say chip in, I don't like that
2 expression because they are going to develop their own
3 internal circulation system around our master plan.
4 They have to provide for collector access to the major
5 arterials, Route 1 or 522 and they are just -- they
6 are conjunctively and uniformly building their roads
7 to fit into an overall master plan, so it's not a chip
8 in basis, it's just allowing the town to guide them in
9 how they should develop their circulation system.

10 Q. I am just somewhat confused because it looks
11 like from the map that Beekman Road goes along the
12 entire Kislak property?

13 A. Yes.

14 Q. So they would be contributing to the
15 development of a continuation. Is that right?

16 A. That potentially could be correct. We
17 haven't -- we are just, developing concepts now and I
18 haven't met with all the property owners. I have only
19 met with them singularly. They realize that they are
20 going to be marketing a lot of their traffic off of
21 Route 1 and they want to get a Route 1 road in also,
22 you know, all property owners have identified with
23 that.

24 Q. Now, is that portion just from where Beekman
25 Road ends -

1 A. Becomes curve linear and already developed.
2 There is only a small portion of Beekman Road that has
3 to be extended to Route 1 on the western side. That's
4 one property owner that controls that whole off tract
5 alignment, the Seltzer Corporation, they control the
6 C-3. and C-2 area here and the Seltzers own up to here
7 and Toll Brothers own this, Kislak owns that.

8 MR. BENEDICT: That is not clear for
9 the record.

10 Q. How far does Seltzer extend?

11 A. Seltzers extend from an area approximately
12 2,000 feet west of Route 1.

13 Q. Which is about an inch on the map?

14 A. Yes, to the, which incorporates all the C-2
15 zone and a very small portion of RM-4, and it also
16 extends all the way over to easterly side of Route 1,
17 the whole 500 acres coming off the Major Road.

18 Q. So it includes this R-2 zone as well as the
19 R zone?

20 A. Yes, they do have a portion of the R-2 zone,
21 correct.

22 Q. And a portion of the C-3 zone?

23 A. No, C-2.

24 Q. Just the C-2?

25 A. Yes.

1 Q. So they come down somewhere like this?

2 A. Yes. No, no. They own this, the alignment
3 may come down like this, you know, we haven't -- it's
4 being designed now. The DOT is replacing a bridge
5 over the railroad called Major Road bridge and that's
6 still in design, it could come down like this, but
7 they own this whole area in here. We have plans for
8 that already and they also have optioned, I'll put
9 Seltzer.

10 Q. Now, what have they optioned, what are their
11 plans in the OR zone?

12 A. They are building a 535 acre office research
13 park.

14 Q. And what about the C-2 zone?

15 A. They are going to be building a shopping
15 center there some day, that's a commercial shopping
17 center zone.

18 Q. What about, their proportion?

19 A. They have talked about building apartments
20 and townhouses but we haven't really had an involved
21 discussion on that piece.

22 Q. Let's write in, I guess, Beekman Road
23 extension in these lines. We have got three --

24 A. Well, let me get a magic marker from
25 downstairs and I'll do a general line.

1 Q. Okay.

2 (Discussion off the record.)

3 Q. Do you have any anticipated dates for the
4 extension of Beekman Road?

5 A. We believe that Beekman Road's construction
6 will begin within the next several years. The Seltzer
7 Corporation has already acquired land for the full
8 jughandle design, and we are starting to work out the
9 final alignment for engineering. I don't know when
10 the actual conclusion of the road will be because all
11 the developers are assisting us and it's a conjunctive
12 project. We will allow development in that area to
13 begin because of a uniform cooperation by everybody.

14 Q. Do you have anything more to add in terms of
15 the development timing criteria?

IS h. No, I don't.

17 Q. Is there also something called a least house,
18 least cost housing criteria?

19 A. Yes.

20 Q. Could you explain what that is?

21 A. Least cost housing is a definition for
22 housing that because of its very nature and density
23 will minimize construction costs, that's allowing
24 higher net densities of construction, allowing for
25 smaller households to occupy smaller size units,

1 consistent with demographic trends.

2 I am doing the Beekman Road extension, black
3 marker, and I'll put a legend and I'll do 522 in red
4 marker.

5 (Discussion off the record.)

6 Q. Do you want to explain what maybe happening
7 with Route 92?

8 A. Route 92 is not part of our development
9 timing criteria, but it's a federally funded project
10 that has been ear marked as a vital for our region by
11 the New Jersey Department of Transportation. It
12 allows the interconnection with the Turnpike and 295
13 to the west of us. The project has been reactivated
14 after 10 years of dormancy. The State Department of
15 Transportation is currently going through a design
16 criteria study under the federally mandated EIS
17 process. There is an anticipated final design
18 deadline of 1936, with end of decade construction,
19 using also 95 monies.

20 Q. You were explaining the least cost housing
21 criteria. Now, does that fit in in anyway to the
22 densities in the particular zones?

23 A. Yes, it does, from a standpoint, of the
24 reduction of single family zoning and industrial
25 zoning to RM and PRD zoning, and to allow for

1 substantial higher net densities, meaning a large
2 amount of clustering to be done on all the projects.
3 Even though we have established gross densities based
4 on total community development and utility criteria,
5 we allow a developer in, for example, an RM-4 zone to
6 build townhouses up to eight units an acre on a net
7 basis. To cluster that reduces his infrastructure
3 costs and allows for a higher level of delivery of
9 affordable housing because you are working on a
10 marginal cost basis and it. also allows for multi-family
11 and the like, and that's what we call least cost
12 housing or was the state of the art in the early 1980s,
13 before the Mount Laurel Two decision was rendered.

14 Q. Does that increase the gross density in any
15 of the zones?

16 A. Yes, it has.

17 Q. It has, but does it, for example, if someone
IB were to develop least cost housing, would that now
19 increase the density in any particular zone or --

20 A. No.

21 Q. Is that simply a factor in increasing the
22 densities when you did the rezoning you talked about
23 earlier?

24 A. Yes, that is a factor for increasing the
25 overall zoning plan of the town. To give an example,

1 we had, as I told you, a one acre zone just north of
2 Raymond Road, now it's a three acre zone which allows
3 many other alternatives other than single family
4 housing and we had a 30,000 square foot zone known as
5 R-2, we have rezoned a lot of those areas to RM-4,
5 which allows an enormous density increase and a
7 complete design flexibility by the developer. We are
8 zoning by performance rather than on a lot by lot
9 basis as v/as done before.

10 .0. But the density in any particular zone would
11 not be increased if someone chose to develop
12 townhouses as opposed to single family. Is that right?

13 A. Currently, it's a mandatory least cost
14 zoning because we are saying a development has to be a
15 certain apportionment of multi-family or townhouses,
16 determining that multi-family is a form of least cost
17 housing. We realize that there also could be
18 exclusive multi-family projects such as maybe Hidden
19 Lakes in North Brunswick or another affluent
20 development, but there is specific language in our
21 zoning ordinance which requires least cost affordable
22 housing and that is criteria that has been established
23 by the planning board and the planning board
24 supervises that at the time of subdivision site plan
25 review, and I could give you some example. Matter of

1 fact, I will.

2 The Royal Oaks project, in the RM-3 zone,
3 which is actually a much higher density than the RM-3
4 allows, we have price controls on the initial rental
5 levels, in the Whispering Woods PRD and also in the
6 Woodland Meadows zero lot line home projects in town,
7 which I have given you records on, we have established
8 a maximum price ceiling that these condominiums and
9 single family cluster homes can be sold for, so the
10 planning board did not allow a developer to come in in
11 a density credit area for least cost housing and do
12 what we felt was a wind fall to make an enormous
13 amount of profit to benefit from the density it was
14 equipped for. I think we have established our, the
15 way we operate under that basis already through those
16 three projects.

17 Q. But least cost housing is not synonymous
18 with low-moderate income housing?

19 A. No.

20 Q. And it does not operate as a density bonus,
21 if a developer produces lower cost housing?

22 A. No, it does not.

23 Q. Could you mark on the map which zones in
24 South Brunswick you perceive as the zones that would
25 satisfy Mount Laurel housing, if any?

1 A. Okay. I'll do it in orange.

2 MR. BENEDICT: Do you want to refer to
3 your Answers to Interrogatories or do you remember?

4 THE WITNESS: No, I remember.

5 Q. Do you want to update your legend with the
6 roads before we get lost?

7 A. All right. We'll call that major arterials,
8 the red, and that's Route 92 and Route 522 as marked
9 and we'll call that black major collectors and we'll
10 call that Beacon Road.

11 The question, if I could repeat it was, what
12 areas are -- would we consider providing Mount Laurel
13 housing, what we feel is appropriate and, and there is
14 several areas that the Township was willing to discuss
15 on the basis of compliance. The major components are
16 the following, and I am circling those in orange and
17 I'll mark it on the legend in orange, is the town
18 center, is the Pould, it is a 180 acre tract, bounded
19 by Georges Road and Jamesburg Road and Dayton and the
20 RM-4 zone currently.

21 MR. BENEDICT: Let's get clarification
22 on the (question asked, are you talking about the
23 compliance plan that we have proposed in conjunction
24 with the -- report that David has filed or are you
25 going into areas that we have discussed in settlement

1 MS. LABELLA: No, I am not asking for
2 anything proposed but rather which zones exist now
3 that in your view satisfy Mount Laurel.

4 A. Oh, well, I don't have to use any marker
5 because right now there are no zones that satisfy the
5 Mount Laurel obligation.

7 Q. Okay. So in your view then, the zoning of
3 South Brunswick Township, as it now exists, does not
9 satisfy the Mount Laurel obligation?

10 A. Yes, I agree with that statement.

11 Q. Even if the fair share number is as your
12 methodology results in rather than the Court experts
13 methodology or Alan Mallech's methodology?

14 A. I agree with that statement.

15 Q. Now we can move into -

15 MR. BENEDICT: Can we agree to strike
17 his prior answer? I think what he was trying to
18 answer --

19 MS. LABELLA: We'll get into that in a
20 minute. Do you want her to strike it?

21 MR. BENEDICT: Yes, I think David was
22 responding to some of our settlement conferences which
23 really go beyond anything I think he should have --

24 THE WITNESS: That's correct, I --

25 (Discussion off the record.)

1 MR. BENEDICT: The record should
2 indicate that we have discussed David's answer in
3 which he responded by using an orange marker and
4 circling the town center project and what he referred
5 to as the Pould properties. The answer was
6 unresponsive to the question and we both agree that
7 his answer should be struck.

3 Q. I would like to direct your attention now to
9 developments that are either completed or are under
10 construction within the Township, and you supplied a
11 chart in response to Interrogatories 41 and 42 and
12 that is what I am referring to. Could you first
13 designate on the map where Charleston Place is?

14 A. I'll mark these items in green and I'll just
15 number them. Charleston Place, we'll call number one
16 Charleston Place is number one and it's located on
17 Route 27 in green.

13 Q. And that is completely constructed. Is that
19 right?

20 A. 54 units are, with 30 additional units that
21 are under Farmer's Home application, this year they
22 are all approved by the town, that's 84 in total.

23 Q. All right. So the 54 are section eight. Is
24 that correct?

25 A. There are Farmer's Home but the section

1 eight income criteria is used for administration of
2 the project. We have a non-profit housing corporation
3 that manages the project called the South Brunswick
4 Community Development Corporation.

5 Q. Do you happen to know what the income
6 breakdown is there, between low and moderate?

7 A. The existing breakdown, I don't know,
8 because it's --the rents are on the level of
9 affordability by a low and moderate family and it's
10 done by a case by case basis, and I don't know what
11 the mix is now.

12 Q. What is the status of the 30 additional?

13 A. The town has just made application to
14 Farmer's Home, pre-ap for the additional money. We
15 are on notice that there are funds available and it's
16 an already previously approved Farmer's Home project,
17 just waiting for an additional round of funding. The
18 utilities are already in the ground and all the
19 drainage and drives are already in just waiting for
20 construction.

21 Q. And that would be in the same area as the 54
22 other units?

23 A. Right to the rear.

24 Q. Could you note on the map where Princeton
25 Horizons is?

1 A. Sura. That's in the MF zone on the southern
2 side of Route 27, that's green number two.

3 Q. Now, according to your chart, that's going
4 to be 30 one-bedroom apartments?

5 A. The question in the Interrogatories was what
6 units are potentially affordable to low and moderate
7 income families. There is 192 units being constructed
8 there of a multi-family composition, but I felt only
9 those units would even be anywhere near affordable to
10 a low and moderate income family.

11 Q. So it is 190 units altogether?

12 A. 192 .

13 Q. 30 of which are going to be \$500 a month?

14 A. Yes .

15 Q. What are the others?

16 A. The two bedroom with den model goes for up
17 to 500 -- excuse me, \$750 a month.

18 Q. Now, are any of these completed?

19 A. Yes.

20 Q. How many are completed, do you know?

21 A. I would say about maybe one-third. The
22 project is substantially -- it's totally under
23 construction. I think all the units will be completed
24 within the next six months.

25 Q. Are any occupied now?

1 A. Yes.

2 Q. All right. Could you designate where Royal
3 Oaks is located on the map?

4 A. Sure, that is number three and located off
5 of Route 1, north of Deans Lane.

6 Q. And what is the total number of units in
7 Royal Oaks?

8 A. 736.

9 Q. What is the breakdown there?

10 A. Well, you have the chart, I don't recall
11 offhand. Let's take a look. 516 one bedroom, 220 two
12 bedroom.

13 Q. And the rents are as indicated on the chart,
14 440 a month for the one bedroom?

15 A. Yes.

16 Q. Now, does that include utilities?

17 A. No. It doesn't include electric, it
18 includes heat.

19 Q. What about Princeton Horizons, you said plus
20 electric, is that electric heat or not electric heat?

21 A. I think they are using a centralized furnace
22 with natural gas, I would have to go out there and
23 check, I forgot.

24 Q. Are you sure about Royal Oaks including heat?

25 A. Yeah, I am sure they are using a central

1 heating plan.

2 Q. What would the average cost of utilities a
3 month be, do you think, for the electric?

4 A. Well, it would be somewhere in the vicinity
5 of 80 to a hundred dollars, depending on if there is a
6 one bedroom or two bedroom unit.

7 Q. You think that is just for the electric?

8 A. I didn't know, if you are talking about
9 Royal Oaks.

10 Q. I am sorry?

11 A. Talking about Royal Oaks, I think electric
12 is much less, if you are not talking about a heating
13 component. Generally electric runs 25 to \$35,
14 excluding heat, that's a per monthly estimate.

15 Q. Could you designate on the map with the
16 number four where Dayton Center is?

17 A. Okay. That's in the PRD-1 zone, and that's
18 number four in green.

IS) Q. What are the total number of units in Dayton
20 Center?

21 A. I think there are approximately 670 units.

22 Q. Now, are there a mixture of sales and
23 rentals. Is that correct?

24 A. Yes, there is 224 rental apartments and the
25 rest are condominium townhouses for sale or cluster

1 single family homes and there is a 64 unit, what we
2 feel was moderate income senior citizen component.

3 Q. And those are priced at 44999. Is that
4 right?

5 A. I think it was 990, but I don't want to --
6 \$10 one way or the other isn't going to make or break

7 Q. Now, you note on the chart that the one
8 bedrooms - 156 one bedrooms rent for approximately
9 450 a month?

10 A. We contacted the developer, he said that, he
11 would set the rents on a market rental basis and he
12 gave us those rents.

13 Q. Does that, include utilities?

14 A. He didn't say. He just said that's what the

15 Q. So you don't know if that includes or does
16 not include utilities?

17 A. I do not know. I know that we probably will
18 have electrical, individually metered -- he just
19 submitted his building permit plans, and I would have
20 to check to see how the heating mechanism was going to
21 be maintained, if it was going to be a central plan or
22 heat pumps.

23 Q. So none of the rental units are then
24 completed?

25 A. No, they just submitted their building

1 permit application, for first building last week.

2 Q. Is that also true for the senior citizen
3 units?

4 A. That project has preliminary approval and
5 the site plan is being prepared now. The planning
6 board required that the site plan be submitted this
7 spring and the units have to be under construction by
8 the end of the year or we are going to place a
9 moratorium on building permits in the project.

10 Q. Could you explain very briefly what the
11 history is of the senior citizen units in Dayton
12 Center?

13 A. The Township required that there be a 10
14 percent set aside in Dayton Center from the initial
15 zoning that was in effect when it was approved in 1975.
16 The applicant made several HUD applications for a
17 section eight and was denied on both times because of
18 lack of funds, one in 1980 and the other in 1981,
19 Peter Abeles, the planner in New York City, acted as
20 the consultant in the second application.

21 & also our Charleston Place project
22 concurrently has a, I think a 200 family waiting list,
23 people trying to get in, and the senior citizen
24 component in South Brunswick uses our municipal
25 building here, the community room for functions and

1 programs, so we decided that since that site was in
2 walking distance from the municipal building and right
3 across the street from the library, that would be a
4 very good location for some senior citizen moderate
5 income housing, and we told the developer that we
6 didn't like the delay and it was his responsibility to
7 generate modern income units, regardless of the lack
8 of funding because that was designed in the overall
9 density and that was part of his 1975 obligation and
10 we forced the hand, as a community, and the developer
11 has agreed to provide that housing and he priced it
12 out and it generally was at \$50,000 a unit. We
13 internally provided internal density bonus and we
14 brought down each unit by about \$5,000 a unit to 449,
15 and that's the history.

16 Q. Do you know what proportion of Charleston
17 Place is occupied by senior citizens?

18 A. Hundred percent.

19 Q. Even the two bedrooms?

20 A. Yes.

21 Q. So that waiting list you referred to was a
22 senior citizen waiting list?

23 A. Yes.

24 Q. is there any subsidized housing for families
25 existing in South Brunswick now?

1 A. Mo.

2 Q. The next development on the chart is
3 Whispering Woods?

4 A. That's number five and it's in the PRD-2
5 area, just north of Stouts Lane and Route 1.

6 Q. How much of that is constructed now, do you
7 know?

8 A. About 25 percent.

9 Q. Are any of those occupied?

10 A. Yes.

11 Q. And they are selling for approximately
12 \$47,000 for a one bedroom. Is that right?

13 A. Yes. That's the rental unit, I mean the
14 multi-family unit, excuse me. It consists of multi-
15 family and townhouse construction design.

16 Q. Could you describe that briefly, because the
17 only thing on the chart is the 57 one bedroom?

18 A. Yes. Well, if you look at the title of the
19 chart it says affordable to low and moderate families.
20 It's a 542 unit planned residential development, it
21 consists of multi-family condominium apartments and
22 condominium townhouses, prices ranging from the 40s up
23 to I think maybe 90,000 for a very large townhouse
24 unit. They are all price controlled and because the
25 Township gave a density bonus to hold the price and

1 deliver a design package for maximum fuel efficiency,
2 you know, beefed up insulation and heating units to
3 reduce the long term costs of maintaining each unit.

4 Q. Are there a total of 157 one-bedroom units?

5 A. Those are the units we felt could
6 potentially be occupied by low and moderate family,
7 actually a moderate in that case.

8 Q. And those are condominium units?

9 A. Yes.

10 Q. And the final development on the chart is
11 the Xebec Farmer's Home?

12 A. Yes.

13 Q. Where would that be?

14 A. That's number six, just off of Black Horse
15 Lane, it's near Route 1, it's next to the Brookside
16 mobile home park. It's 40 rental units, and I gave
17 you the mix on the chart.

18 Q. What is the status of this development?

19 A. The town has approved it and they have a
20 formal Farmer's Home application in for their one
21 percent construction and mortgage financing program
22 for a limited dividend corporations. That will be
23 family housing.

24 Q. Has that been approved by Farmer's Home?

25 A. I don't know the status. The Xebec

1 Corporation, this is I believe their tenth project by
2 Farmer's Home and I don't know if it's approved, but
3 they have a very excellent track record with that
4 agency. Alan Zublatt of North Brunswick is their
5 attorney, at 246-3333, he can give you an update on
6 the federal application status.

7 MS. LABELLA: Off the record.

8 (Discussion off the record.)

9 (Recess taken.)

10 Q. I would like to go back a little' bit now to
11 the affordable income standards that you had developed
12 in your report for rentals. Now, you indicated when
13 we were talking about this before that these rentals
14 were based on a family of four.

15 A. Yes.

16 Q. Monthly rental. What would you say, can you
17 extrapolate from those figures what the maximum rental
18 would be for those categories for a family of one or a
19 family of two?

20 A. I could not do that at this time. I would
21 have to look at the data available and also look at
22 Alan's report because we relied on it strongly for our
23 determination of housing affordability limits.

24 Q. Could I direct your attention to page seven
25 of Alan Mailech's report, on which there is a table,

1 which is entitled maximum proposed rent levels by
2 income family size. Now, as a matter of fact, I was
3 impressed at his and your numbers were quite similar,
4 for the maximum gross rent. He has \$650 for a family
5 of four, whereas you have 654. Now, this chart was
6 based on a median income for the PMSA, in Middlesex
7 County.

8 A. Well, it was the PMSA for New Brunswick,
9 Perth Amboy and Sayreville, I believe.

10 Q. Okay. Nonetheless, you and he used the same
11 median income?

12 A. Yes, we did.

13 Q. I believe. Now, there is a new median
14 income insofar as it is based on the 11 county present
15 need region or at least in the consensus report. That
16 median income is actually \$2,000 lower, but for our
17 purposes right now, we can refer to Alan's report and
18 then perhaps extrapolate for the \$2,000 difference.
19 For a family of two, for moderate income, Alan had a
20 gross rent of 520.

21 A. That seems to be in the ballpark with the
22 initial calculations prepared by the South Brunswick
23 planning staff. We utilize the same basis of analysis.

24 Q. And he had a gross rent of \$455 for a family
25 of one.

1 A. That, is correct.

2 Q. Referring back then to the rents in these
3 different developments, for example, Princeton
4 Horizons, \$100 a month plus electricity for a one
5 bedroom, I would assume a one bedroom will be occupied
6 by one person or perhaps two. Now, I think that you
7 would readily agree that it would not be affordable,
8 even at a hundred percent of moderate ceiling, for a
9 one person family. Is that correct?

10 A. That, is correct.

11 Q. And it most likely would not. be affordable
12 for a family of two, once you add in the utilities
13 consideration?

14 A. That's correct.

15 Q. Since they were all one-bedroom apartments.
16 Now, Royal Oaks is perhaps a little bit
17 closer, but again once you add the utilities in there
18 and for a one bedroom go to a family of one again, it
19 would not be affordable to a family of one. Is that
20 correct, would you agree to that?

21 A. Well, they are closer and I don't really
22 think you can tie down a specific dollar to dollar
23 rent level. You really have to sit down and look at
24 what the family's costs are and where they are working
25 and the work patterns and other factors. I feel a

1 moderate income family could reside at Royal Oaks once
2 it's completed, because most likely they'll be working
3 in the town.

4 Q. How does -- that aspect of it was not dealt
5 with in your report. Are you saying if they live in
5 South Brunswick that their incomes somehow could be
7 lower and support higher rents, is that a new factor
8 in the affordable --

9 A. No, I am saying that they possibly maybe
10 commuting a very short distance to work because of the
11 enormous employment base that's growing on an annual
12 basis in the town, and presumably they may get a good
13 job and not be moderate income any more. There is a
14 lot of jobs available here and all the new companies
15 coming in are looking to attract man power into the
16 area, so what I am saying is the Royal Oaks rentals
17 are very close to Alan's report and I feel they are in
13 desirable location. They possibly could be afforded
19 by moderate income family.

20 Q. But under our strict application of the 30
21 percent of income definition, the rents would exceed a
22 strict interpretation of that?

23 A. That's correct, marginally they would exceed
24 that.

25 Q. Now, in Alan's report, he also at the bottom

1 had an average rent at 85 percent of maximum. Now,
2 the reason for that was that if you targeted at the
3 hundred percent, you are only reaching the people at
4 the very top of the ceiling. Therefore, what he
5 considered to be the top rent to be charged for
6 moderate or low income, whichever the category was,
7 was that as indicated on the bottom. What is your
8 view concerning that, did you target at a hundred
9 percent of the ceiling or 85 percent or do you have a
10 view -

11 A. I don't have a view on that. We just try to
12 achieve a general housing goal of a hundred percent of
13 the ceiling and develop housing as that target. I
14 realize what Alan was trying to do, I don't
15 necessarily agree with it as a realistic figure
16 without direct public subsidation.

17 Q. Let's separate now the reality of achieving
18 this without a subsidy and what is affordable under
19 the standards. I mean your standards and Alan's
20 standards are similar in that you are taking 30
21 percent of the income and you are coming up with very
22 similar rent figures, based on that, so forgetting for
23 a moment whether or not you can achieve this without
24 subsidies, isn't it true that if you are taking a
25 hundred percent of ceiling, the only people who could

1 afford to live in these moderate, quote unquote
2 moderate priced units, would be the people who are
3 making the exact top of the moderate income ceiling?

4 A. That is predominantly true.

5 Q. In other words, Mount Laurel defines
6 moderate income as those families making between 50
7 and 30 percent, of median, and if you are taking a
8 hundred percent of the ceiling, would only be those
9 people making 30 percent of median and certainly no
10 one making 51 percent or 60 or 70 percent of median --

11 A. That's correct.

12 Q. Now, on page six of Alan's report, is the
13 breakdown for sales, which is also somewhat similar to
14 the sales analysis in your report, although you again
15 were coming out with assumptions based on family of
15 four, and 12 and a half percent financing. Is that
17 right?

13 A. That's correct.

19 Q. So, for example, in the Dayton Center,
20 senior citizen subsidized units of which there are 64,
21 if you were to take a 13 percent -

22 A. We are not working with 13 percent, we are
23 trying to achieve AMFAs mortgage finance
24 administration mortgage of 11 percent on that.

25 Q. Have you achieved that yet?

1 A. No, we have an application out for it.

2 Q. Well, even if one assumed 11 percent, this
3 is senior citizen, I would assume the families would
4 be predominantly one and perhaps twos, but certainly
5 you would not have larger families in your senior
6 citizen units. Is that an accurate assumption?

7 A. That's true.

8 Q. So for the predominant number, which is one
9 person families, even at 11 percent, moderate income
10 would be 36,560 under Alan's analysis, and if it were
11 13 percent financing, it would be 32,660?

12 A. Well, at the time and an expert, which I
13 previously indicated to you, indicated would be
14 moderate, I guess his expertise has been modified over
15 the last two years.

16 Q. So would you agree then that that would not
17 be affordable to a moderate income one person senior
18 citizen family?

19 A. On a 30 year conventional rate mortgage, I
20 agree with it.

21 Q. Even at 11 percent?

22 A. Yes.

23 Q. Now, the two person family at 11 percent is
24 somewhat closer in that Alan has it at 41,780, but at
25 13 percent, is 37,330, so again if it were a strict

1 application, it would not even be affordable to
2 someone at the top of the moderate income two person
3 family. Would you agree with that?

4 A. Yes, it's the best the Township could do
5 without subsidation with reasonable densities already
6 up into the six units to seven unit acre category.

7 Q. Now, I think Whispering Woods is an even
8 more clearer picture because their units are going for
9 47,000 and they are all one bedroom, so again it would
10 be maximum of two person family and would not be
11 affordable. Would you agree with that?

12 A. Based on Alan's methodology, yes, that's
13 correct.

14 Q. Which is similar to yours?

15 A. Yes, it is.

16 Q. Do you take issue with Alan's figures?

17 A. I think Alan's figures are appropriate with
18 subsidized programs. I don't take exception to them,
19 no.

20 Q. So if you could summarize then which units
21 do you think qualify under Mount Laurel of the units
22 that are either constructed now, have been constructed
23 since 1980 or those that are under construction?

24 A. I think our mobile home --

25 Q. Let's exclude mobile homes for a minute,

1 just do the ones we have been talking about.

2 A. Charleston Place, Xebec and possibly Royal
3 Oaks.

4 Q. Now I would like to refer to table one in
5 response to question 27 of the Interrogatories. Now,
6 on table one, you have analyzed the different zones in
7 terms of their total acres, the vacant acres and
8 environmental constraints, and at the end, you have a
9 column which is acres vacant, and available. Could you
10 explain how you arrived at the figures in the column
11 acres vacant and available?

12 A. We haven't been using that, that variable
13 was not requested in Interrogatories and we haven't
14 been utilizing it for any calculations, so I prefer
15 not to explain it since it's not an active set of data.

16 Q. So you are not saying that what is in this
17 column is not accurate?

18 A. We are not utilizing it. It was just some
19 extrapolations done by staff but it was just not
20 included in any of our calculations.

21 MR. BENEDICT: Off the record.

22 (Discussion off the record.)

23 Q. It appears that the figures in that column
24 were derived from subtracting out all the acres that
25 had some environmental constraints, such as difficult

1 development, erosion, bedrock?

2 A. Yeah, I think you are correct, they were,
3 the environmental factors were subtracted out and in
4 some cases, negative numbers were the end result
5 because some property had several constraints and it
6 was double or triple environmental credit, if you will.
7 That's why those numbers are not accurate and were not
8 utilized in those figures.

9 Q. All right. Do you know how many acres are
10 developable in each of these zones?

11 A. Well, we provided you with the factors. I
12 would have to use his system of overlays he calculated.
13 I couldn't do it right now, because some, some pieces
14 of land have multiple sensitivity problems.

15 Q. In these different cat. --

16 A. Excuse me. We did provide you with our
17 environmental maps, I think.

18 Q. In these different categories, for example,
19 let's say erosion just because there is a number here
20 of 56 which would mean 56 acres in this particular
21 zone having erosion problem. Is that right?

22 A. Right.

23 Q. Would that mean that those 56 acres could
24 not be developed?

25 A. Development in those areas would have to be

1 done with extreme care and at a higher cost. I am not
2 saying they could not be, but I am just saying that
3 they have to be considered during development or
4 assessment. Those environmental factors are planning
5 tools to guide the town in its review of development
6 applications and to make land use decisions for zoning.
7 They are based on the soil conservation service.

3 Q. Because in the PRD-3 zone, for example, this
9 chart indicates that a hundred five acres have severe
10 environmental constraint. Do you know what that
11 refers to?

12 A. There are some areas in the PRD-3,
13 especially along the railroad, that have, the Heath --
14 excuse me, Lawrence Brook going through it and have
15 some flood hazard problems and in our initial design
16 with developers. Those areas are used for the storm
17 water management areas, so they won't be actively
13 utilized for development but they will be instituted
19 for storm water measures, which are integral to any
20 development at this time.

21 Q. So would they interfere or not interfere
22 with maximum development of the PRD-3 zone?

23 A. They wouldn't interfere with the gross
24 density, no.

25 Q. Is the same true of the RM-4 zones?

1 A. That's correct.

2 Q. And is it also true of the PRD-2 zone?

3 A. That's correct.

4 Q. And the RM-2 and RM-3 zones?

5 A. That's right.

6 Q. So, in other words, in your higher density
7 zones, the ones that we just indicated, the
8 environmental constraints that appear on this chart
9 would not interfere with the achievement of full
10 density development?

11 A. That's right, it just guides where it should
12 take place and how the land should be utilized.

13 Q. Calling your attention now to question
14 number 23, chart number three, I am sorry, 33, this is
15 an analysis of vacant land owned by the Township.
16 Could you indicate on the map where the sizable
17 parcels, which would be, well, the first, second,
18 third, fourth and fifth parcels that are indicated
19 there?

20 A. I'll try to because I don't have a tax map
21 in front of me, but I think I can generally indicate
22 where these properties are. I think I'll use blue
23 since most of them are wet. I think I'll have to get
24 a tax map with blocks.

25 (Discussion off the record.)

1 A. I ain marking in blue the properties owned by
2 the town on this map that are vacant.

3 MR. BENEDICT: Off the record.

4 (Discussion off the record.)

5 A. Yes, I have numbered in blue numbers one
5 through five, which are the larger tracts of
7 municipally owned land. I have provided those numbers
8 on the base map known as P-1, and I have also provided
9 the numbers on the chart that you have given me.

10 MS. LABELLA: Let's mark the Chart 3 as
11 exhibit two.

12 (Exhibit P-2 marked for identification).

13 Q. Would you like to go through them one at a
14 time and tell us about each parcel?

15 A. Certainly.

16 Number one consists of land in the rural
17 residential zone, it's 15.38 acres. It's in a wet
18 lands area. The water table is perched on the surface
19 much of the year. There is no sewer water
20 availability and it's in a limited growth area in the
21 state development guide plan, and the Township secured
22 it because of foreclosure, because of non-payment of
23 taxes.

24 The second piece is a 6.08 acre piece, noted
25 as number two. It's located adjacent to the main line

1 of Conrail. That piece of property we're utilizing
2 for that transit station that I told you about as some
3 of the parking area, and it's right on the main line
4 of Conrail, so it's an ideally situated place and it
5 has the 3eekman Road extension going right by it. We
6 didn't purchase that, we secured that because of
7 foreclosure also. All these properties are in
8 foreclosure.

9 The next one is noted as number three.
10 There are two landlocked pieces in the OR zone
11 district. There is no enormous environmental problems
12 with these two lots, they are almost 11 acres, but
13 landlocked and have no access at this time and they
14 are in the office research --

15 Q. So they are --

16 A. This square here and this square here.

17 Q. Now, they are generally located in the zone
18 where Seltzer owns most of the land. Is that right?

19 A. That's correct.

20 Q. So they are like two out parcels?

21 A. Correct.

22 Q. And he owns almost all the other land there?

23 A. Yes.

24 Q. Does the municipality have any intentions of
25 selling those parcels to Seltzer?

1 A. We have just considered doing things with
2 our vacant land. We haven't discussed those
3 particular parcels at this time. There is no plans,
4 and that could be a possibility.

5 I would like to point out, they are 10 acres,
6 but they are separate pieces of land, about five acres
7 a piece, respectively, and they are not contiguous.

8 The next piece is known as number four.
9 It's up Route 130, where the PSE&G line crosses the
10 highway, we picked this up because of foreclosure.
11 The property is in the flood hazard area, it's an area
12 known as the Pigeon Swamp, it's in a non-growth area
13 and it doesn't currently have utilities service.

14 The next piece is number five, and that's
15 located, there are landlocked pieces of land in the
16 rural residential zone and the limited growth area of
17 state development guide plan, they have no access to
18 utilities and the pieces are in the frequently ponded
19 high water table area.

20 Q. Are any of those pieces suitable for
21 residential development, most particularly say number
22 four?

23 A. Number four is right on Route 130 and
24 because of the flood hazard conditions there, I think
25 they have a limited use for residential.

1 Q. Now I would like to call your attention to
2 what is referred to as the compliance plan, which was
3 submitted in response to questions 12C and D of the
4 Interrogatories.

5 A. Yes, can I just see that for a second? Okay.

6 Q. You note in the compliance plan the first
7 entry is the manufactured housing zones. Could you
8 indicate which ones they are on the map?

9 A. Okay. I'll use red numbers for those.

10 MR. BENEDICT: Aren't they already
11 indicated on the map?

12 THE WITNESS: Not on this map, no.

13 MR. BENEDICT: I am sorry.

14 A. There is a piece on Broadway, we'll note is
15 number one, that's the 107.15 acres. There is a piece
16 up at Deans Road, Hall Road and Route 130, we'll note
17 that as number two, that's the 60 acre piece known as
18 block 30 -- excuse me, block 30.01, lot 24.02. There
19 is a 27.28 acre, acre parcel known as block 93 lot 41.

20 Q. Wait, let's just -- are you still talking
21 about mobile homes?

22 A. No, I stopped.

23 Q. Let's just talk about mobile homes for the
24 moment.

25 A. Okay.

1 Q. One and two?

2 A. Yes.

3 Q. Now, I note that number two is in a
4 different area than what the zoning map, where the
5 zoning map would locate the second mobile home zone,
6 so does your compliance plan envision rezoning the
7 parcel now number two on the zoning-map to a mobile
8 home manufactured housing zone?

9 A. Yes, it does.

10 Q. What is that zone presently now?

11 A. Light industrial three.

12 Q. Now, is the boundary of that zone, what is
13 basically the darker blue going around it, which takes
14 it. down to near where number four, blue lettered
15 number four is?

16 A. Yes.

17 Q. Now, you indicated that --

18 MR. BENEDICT: Let me clarify that.

19 Are you following the line as it went above Deans Lane?

20 Q. Maybe what you should do is outline in red
21 the outline?

22 A. The actual lot?

23 Q. Yes, the actual zone.

24 A. No, the actual lot.

25 Q. Lot, yes, or the area that you would be

1 putting in the mobile homes?

2 A. How about the tract?

3 Q. That's the best term.

4 Tsjow, what is this little out parcel that
5 goes along Route 130?

6 A. There is some homes there.

7 Q. Single family homes?

8 A. Yes, and there is a place called the
9 Sandhill off road, it's a -- there is a guy, he does
10 work on off road on vehicles and he lives next door.
11 He is a nice clean operation.

12 Q. Is there any industry north of that zone,
13 which is the LI-3 zone now?

14 A. No.

15 Q. North of Deans Lane?

16 A. No, just a small office, building located
17 right here with the red X. It's a one story 30,000
18 square foot or less office building.

19 Q. And is there any other development in the
20 surrounding RR zone?

21 A. When you say development, what do you mean?

22 Q. Either residential or industrial?

23 A. Well, there is a cemetery, that's about it,
24 and some farm houses.

25 Q. Now, you mentioned that there were some

1 serious ponding and environmental concerns with what
2 has been numbered in blue as number four?

3 A. Yes.

4 Q. Does that also apply to this zone or this
5 lot?

6 A. No, no. Basically the criteria of where we
7 establish zone boundaries was based on environmental
8 information, and that lot does have sandy lane, up
9 land soil on the predominant portions of the property.
10 It's currently being farmed for row crops and any low
11 lying areas, to the southeastern tip could be used for
12 storm water management impoundment so it wouldn't
13 interfere with the development, of the property.

14 Q. Do you envision or what is the present
15 infrastructure that would be supplied or is supplied
16 to this area?

17 A. Sura. I'll put in a red dotted line. You
18 have our utility maps, but there is a sewer line that
19 comes up like this and we just have to run it down
20 here, a short run, and water is currently available,
21 here a 12 inch line.

22 Q. So would you then consider this tract to be
23 suitable for manufactured housing?

24 A. Absolutely.

25 Q. And what density are you considering for

1 this tract?

2 A. Seven units an acre.

3 Q. But you still have problems with this
4 municipally owned tract right below it?

5 A. Yes, it is a frequently ponded and
6 potentially flood hazard area. What happens is the
7 PSE&G right away has made an embankment and enormous
8 damming effect on draining the property, and it's
9 contiguous to a, a water course known as The Great
10 Ditch, which was dug a hundred years ago by farmers to
11 irrigate their fields west of the Pigeon Swamp, in a
12 time of drought.

13 Q. All right. Now, I notice that this MH zone,
14 which is the northern one, that's already indicated MH
15 zone on the zoning map is not included in the
16 compliance plan. Is there any particular reason why
17 this zone was not included?

18 A. Yes. I felt as a professional planner that
19 that property is dominated by industrial activities
20 and highway industrial impacts, and I didn't feel it
21 was appropriate for residential use.

22 Q. What are the industrial developments
23 surrounding MH zone noted by a number one on the map?

24 A. Surrounding, there are very limited amount
25 of industrial activities. South of the property, it's

1 basically vacant. West of the property, it's vacant.
2 North of the property, there is a potential office use
3 going in at the corner of Broadway and Route 130, but
4 there is no active industrial right on top of the
5 property. There is a road called Melrich Road,
6 approximately 2,000 feet north on Route 130, we have
7 some industrial uses there, basically there is no
8 manufacturing in there. There is light uses,
9 distribution type of outlets.

10 Q. Were the MH number one area to be developed
11 as manufactured mobile homes, would you contemplate
12 having a buffer so that industrial development would
13 not come directly to the door of the mobile home zone?

14 A. Absolutely. Our ordinance has a buffer
15 requirement that requires a sizable buffer between
16 non-residential and residential uses at the
17 responsibility of the non-residential use. Land area
18 and the buffer as well as landscaping treatments and
19 there certainly will be an emphasis on the buffering
20 and creating an attractive living environment for
21 these developments.

22 Q. The next entry - what is the status of the

23 A. There is a Township portable well, known as
24 number 15 there, and our major sewer pump station, I
25 think known as S-1 for sewer, is right there. We have

1 full utility service on the property, water and sewer.

2 Q. The next item in the compliance plan is an
3 R-3 zone. Could you identify on the map?

4 A. Okay. In as number three. Augustine's
5 piece.

6 Q. Would you outline that?

7 A. Yeah.

8 Q. Now, according to the compliance plan, you
9 envision moderate income housing there?

10 A. That's correct.

11 Q. And could you give a brief description of
12 the status of any plans or proposals?

13 A. Okay. Saint Augustine's church was
14 interested in developing senior citizen housing, but
15 unfortunately, the parish priest passed away several
16 years ago and I guess the current management of that
17 facility feel that they don't want to get involved in
18 the development business, and the Metuchen Arch-
19 diocese was attempting to sell the property. A
20 gentleman by the name of Louis Grassia, who is a
21 builder in conjunction with Ryan Homes of Maryland,
22 was interested in purchasing the property and they
23 have optioned it from the Saint A's Church and the
24 Archdiocese of Metuchen, and they would like to build
25 960 square foot manufactured townhouse units on the

1 property. In the interim, they have also acquired a
2 small piece out to Route 27, adjacent to their access
3 next door, and they would like to package now
4 currently a 396 unit project. Their engineers are
5 preparing a site plan now and they are also, we have
6 initiated discussions with the Middlesex County
7 Housing and Community Development Corporation, excuse
8 me, Committee, to probably get some federal money and
9 block grant money, to help assist in defraying the
10 costs of the project and we are also evaluating other
11 means of decreasing the cost of the housing. We are
12 trying to market a unit for 44 to \$45,000, and the
13 developer would like the Township to be directly
14 involved in the project.

15 Q. What size units are you thinking about?

16 A. As I stated, 960 square feet is approximate
17 size.

18 Q. How many bedrooms would that be?

19 A. Two to three bedrooms, predominantly two
20 bedrooms.

21 Q. Have you analyzed the financial feasibility
22 of producing units of that size for that cost?

23 A. We have on a very superficial basis. The
24 developer is acquiring or getting together specific
25 cost data, and we are involved in reviewing

1 conjunctively that data right now.

2 Q. What would the gross density be of that
3 parcel, for the 396 units?

4 A. It's going to come out to 11 to 12 units an
5 acre. That will also be the net density.

6 Q. Are there any problems with infrastructure?

7 A. No, the tract is served by water and sewer,
8 and also by existing mass transit and it has schools
9 and commercial in walking distance.

10 Q. And the schools would be able to adjust to
11 any increase -

12 A. Yes, they would.

13 Q. Has the developer done any preliminary
14 investigations into the availability of financing?

15 A. They're beginning to at this time.

16 Q. Do you have anything else on that particular
17 site?

18 A. No, I don't.

19 Q. The next site in the compliance plan is I
20 believe a 70 acre tract -- I am sorry, seven acre,
21 proposed for 70 units. Where would that be?

22 A. That's located, it's so small.

23 Q. Why don't you color it in?

24 A. That's located, what we call Old New Road in
25 Monmouth Junction Village, just east of the main line

1 of the railroad.

2 Q. Now, it is quite close to the railroad,
3 isn't it, there?

4 A. Yes, it is.

5 Q. Do the tracts go right by the perimeter of
6 that property?

7 A. They do, as in much of Monmouth Junction.

8 Q. And that's a small seven acre site. Is that
9 right?

10 A. Yes.

11 Q. And what proposals, if any, concern that
12 property?

13 A. That property is contracted by a guy name
14 Jim O'Neill. He used to be president of the South
15 Brunswick Community Development Corporation, senior
16 citizen project, and he currently is attempting to
17 secure a one percent Farmer's Home finance application
18 for mortgage financing, to build moderate income
19 townhouses at 10 units an acre.

20 Q. Would he also be putting up modular
21 manufactured homes?

22 A. No, he is -- he thinks he can, with an
23 efficient development program, build site, build
24 housing in mid 40s.

25 Q. What size are these going to be?

1 A. A thousand square feet.

2 Q. And how many bedrooms?

3 A. Two to three.

4 Q. Have you analyzed the financial feasibility
5 of this one?

6 A. Yes.

7 Q. And what is your conclusion?

8 A. With the Farmer's Home application approval,
9 potential, he could definitely swing it.

10 Q. Could you explain what the Farmer's Home
11 program is, how that works?

12 A. They allow a very low interest construction
13 and long term mortgage. If two things happen, the
14 builder becomes a limited dividend corporation or he
15 only can make a certain amount of capital profit or
16 goes non-profit and draws a salary off the corporation
17 or becomes a subcontractor for the corporation. Also
18 the housing has to be eligible for low and moderate
19 income families to reside in the premises, and there
20 is a covenant that goes with the title of each unit.

21 Q. Do you know what the guidelines are for low
22 and moderate?

23 A. I think they do use the section eight
24 guidelines.

25 Q. So is the subsidized interest rates then

1 provided to the purchasers or just to the developer
2 for the construction alone?

3 A. It's provided to the developer, that's how
4 the prices of the housing can get down to a moderate
5 income level. Insofar as direct financing package to
6 the purchaser, we haven't really gotten into
7 discussions. The developer is just making a pre-ap to
8 Farmer's Home now because Farmer's Home contacted him
9 that they are looking for several builders in the
10 state to do these projects and because of his
11 involvement with Charleston Place and his track record
12 with modern income housing, they asked him to place an
13 application.

14 Q. Now, when you referring to "him," is that to
15 Mr. O'Neill?

16 A. Yes.

17 Q. Does he own that particular site?

18 A. He is the contract purchaser.

19 Q. The last item on the compliance plan, I
20 believe is the PRD-3 zone?

21 A. Okay.

22 Q. And would you discuss what you had in mind
23 there?

24 A. We had in mind that keeping it at seven
25 units an acre and establishing, a 20 percent set aside

1 in that zone.

2 Q. Are there any developers that have expressed
3 an interest there?

4 A. Yes, two developers.

5 Q. Who are they?

6 A. One is a man named Dr. Leo Mindel, he has
7 contracted Gerry Larsen, the architect, in New Town,
8 designer from Red Bank, New Jersey, and also has
9 employed the use of an engineering firm called Berson
10 Associates from Fords, New Jersey. They are preparing
11 plans for that development and the other developer, we
12 call the Canadians, there is a group of Canadians that
13 were involved in the property and I think there is
14 another party involved in that tract now, Andre Gruber,
15 is an attorney in Kendall Park, and he is dealing with
16 that whole package, so I don't really know who's who
17 and what is what, but there has been an expressed
18 interest to develop the 254 acres from the railroad up
19 to Dr. Mindel's land.

20 Q. Do you know what type of -

21 A. High density residential -- both developers
22 have been put on notice regarding the 20 percent set
23 aside, both developers have knowledge that - they
24 realize they have to reduce 20 percent, you can
25 contact them and discuss it with them because they

1 both have been, have had that discussion recently with
2 them and they know they have to provide 20 percent.

3 MR. BENEDICT: You haven't described
4 the 20 percent.

5 A. That's just, that's straight 20 you know,
6 you are talking about the compliance plan? Well, it's
7 low and moderate 20 percent set aside, we didn't get
8 specific on our compliance form.

9 Q. Are you envisioning a 50-50 split?

10 A. I think we would like to achieve a 50-50
11 split, in the town center.

12 Q. Which reminds me, in the mobile homes zones,
13 what type of a split are you envisioning there?

14 MR. BENEDICT: The question is based
15 upon the coinpliance plan we submitted.

16 THE WITNESS: I understand.

17 We were thinking about providing 800
18 low income, 200 moderate and 239 market.

19 Q. I would like to call your attention to some
20 of the other zones on the zoning map and discuss the
21 possibility for high density residential development.
22 Let's deal with the RM-4 zone, which is west of the
23 tracts and actually close to Route 130. If you want
24 to note that with a one or something, with the orange.

25 A. We'll note that as number one.

1 Q. And what, why don't you describe what is
2 going on with that one?

3 A. It's zoned for RM-4, it is a large vacant
4 parcel, it has utilities service, it's very attractive
5 because it doesn't have any environmental -
6 significant environmental sensitivities, generally
7 comprised of sandy land, up land soils and it's right
8 on the Route 522 alignment so it allows for
9 maximization of traffic, efficiency for the area.

10 Q. Wouldn't that be suitable for higher density
11 development, from a planning point of view?

12 A. Only if it was to achieve an established
13 goal.

14 Q. Would you explain what you mean by that?

15 A. If it would allow a deliberation of
16 compliance for Mount Laurel, I think possibly it could
17 yield higher densities.

18 Q. What would be the reason for it not to yield
19 higher densities?

20 A. Because basically the town is designed for
21 the highest density to be the town center, with a
22 general decrease in densities as you move away from
23 the town and the community services in the center of
24 the town. I think the property is a nice piece of
25 property and could yield a higher density, but I would

1 only recommend to our governing body to increase the
2 density if we were going to fulfill a specific goal,
3 and the Mount Laurel obligation is certainly a
4 legitimate goal.

5 Q. Could you describe the property east of the
6 electric and gas?

7 A. Yes, that is the, there is two tracts, one
8 is the Dayton Center East property, there already is a
9 previous approval on it for 71 single family houses
10 and the developer is trying to get an approval for
11 patio homes on it but much of the property, I'll
12 outline it briefly, is a storm water management or
13 retention area for Dayton Center, so it's not a large
14 contiguous piece of land. The next piece is Woodland
15 Meadows, it's a previously approved development for a
16 hundred one zero line cluster houses. Dayton Center
17 East is number two in orange and Woodland Meadows is
18 number three.

19 Q. I would like to call your attention to
20 another RM-4 zone which is located west?

21 A. Just north of Beekman Road, we call it the
22 Beekman Road area.

23 Q. North of Beekman Road, and what is the
24 status of that particular area?

25 A. The land is predominantly vacant, well

1 drained. There are some environmental characteristics
2 we would like to preserve. There is a stand of beach
3 trees right there and there is a couple of streams
4 that meander through the property, but all in all, the
5 property is pradinantly sandy land, up lands, very
6 attractive land.

7 There is a large property called the Toll
8 Brothers, from Pennsylvania, one of the largest
9 builders in the country, I'll mark that as RM-4 one.
10 There is another big piece of property called, owned
11 by the Kislak Corporation of Woodbridge. They are
12 realtor developers, that's number two, and the Seltzer
13 Corporation owns a piece that's partially C-2 and
14 partially RM-4, we'll call that number three.

15 Q. We have a one, two and three over here?

15 A. This is the RM-4 Beekman and that's the RM-4
17 Georges Road.

18 Q. Okay.

19 MR. BENEDICT: Why don't you put an
20 orange circle around that and number that number four
21 and you can talk about it four, one, two and three,
22 the breakdown, just so you continue with the
23 delineation you started?

24 A. I'll rename it. The Toll Brothers we'll
25 call four, the Kislak we'll call five and the Seltzers

1 we'll call six. The Toll Brothers are making a PRD
2 application for Timber Ponds something, I forget the
3 name of the project. Kislaks are interested in
4 developing the property and Seltzers would like to do
5 a mixed commercial residential project.

6 Q. Now, regarding Toll Brothers, do you know
7 what type of project they have in mind?

8 A. Mixed use, three or four clustered villages,
9 utilizing small single family cluster homes,
10 townhouses and multi-family in succinct neighborhood
11 villages.

12 g. Are they contemplating any low and moderate
13 income units there?

14 A. No.

15 Q. And what density are they dealing with?

15 A. Four units an acre.

17 Q. Have Kislaks admitted any plans or have you
18 talked to them about any proposals?

19 A. The only plans we had were several years ago,
20 they talked about single family homes, but because of
21 the new more progressive least cost housing zoning on
22 the property, they are reconsidering their options and
23 they have no development plans there now. On the
24 Seltzer Corporation, number six, we just have no plans
25 at all. The Seltzer group has been concentrating on

1 their office research park to the east of the site on
2 the other side of Route 1.

3 Q. Now, I assume that infrastructure is
4 supplied, in terms of --

5 A. Yes, it is.

6 Q. To the entire tract. Is that right?

7 A. That's correct.

8 Q. Would there be any problem, that you could
9 see, with developing either the Toll Brothers or the
10 Kislak site or even the Seltzer site at higher density
11 than four?

12 A. There could be a problem with water and
13 sewer infrastructure. It certainly is not classified
14 as that type of density, getting up above four on our
15 master plan, and I would have to research that
16 question. You have to recall that it used to be a
17 30,000 square foot R-2 zone, with the same
18 infrastructure and now we are talking about four units
19 an acre and I don't really feel as a planner that that
20 area could really sustain any higher density, on that
21 large of a basis.

22 Q. You don't have any problem with the 12 unit
23 par acre density in what is denoted by a red three,
24 adjacent to this large area?

25 A. I don't, because I look at it as an overall

1 plan for the whola area and when you start talking
2 about taking 500 acres and increasing the density
3 several units, you get an enormous impact. The number
4 three in the red, known as the Saint A's property or
5 Saint Augustine's is an ideal piece of property,
6 because it has immediate access to transit, it has
7 frontage on Route 27, schools are in walking distance
3 and so are commercial support services. I think it's
9 a show case project area for that type of moderate
10 income housing.

11 Q. Doyouhaveany development time table on
12 Toll Brothers?

13 A. They are preparing plans now, and they would
14 like to begin construction in '85.

15 MR. BENEDICT: Are you referring to
16 Beekman Road?

17 A. No, Toll Brothers.

18 Q. This particular site, designated by number
19 four?

20 A. Right.

21 Q. I would like to direct your attention now to
22 this R.M-3 zone, which is just south of Major Road and
23 tell me what the status is of that particular area?

24 A. Dr. Mindel, one of the large town center
25 owners, owns a small portion of that and the other

1 piece is just scattered out parcels. We rezoned it
2 from R-3 to try to stimulate land assemblage, in some
3 type of mixed housing within that development,

4 Q. All right. Could you draw an orange circle
5 around the portion owned by Dr. Mindel?

6 A. I really couldn't do it without looking at
7 the tax list.

8 Q. Is it a significant portion?

9 A. No, because we increase the PRD zoning to
10 include more of this property so we would have over a
11 hundred contiguous acres required in our PRD ordinance.
12 It's not a significant amount.

13 Q. And is the rest, is any of this developed or
14 is it -

15 A. There is some houses, a couple of sheep
16 farms, water tower and -

17 Q. Has there been any movement towards -

18 A. Land assemblage?

19 Q. Yes.

20 A. I don't believe so. The zoning was just in
21 place for a little over a year now, and there hasn't
22 seemed to be some active land assemblage in the area,
23 but a lot of times I don't find out until after land
24 has been assembled and a bona fide application is
25 going to be taking place.

1 Q. All right. Assuming there was land
2 assemblage in this particular area, why don't we make
3 an orange circle and note it number seven, around that
4 site?

5 A. Okay.

5 Q. Would that be appropriate for an expansion
7 of the PRD-3 zone?

8 A. Potentially.

9 Q. Could you explain what you mean by
10 potentially?

11 A. I just said possibly. I don't make rash
12 decisions on very significant questions, that's a
13 tremendous question. We have to evaluate the land's
14 ability to sustain that type of development. You are
15 going from three units an acre to seven units an acre,
15 that is over double. We want to look at the utilities,
17 land use implications, environmental factors,
18 circulation system criteria, and make an intelligent
19 decision, rather than making a rash judgment.

20 Q. Well, very briefly, is there an
21 infrastructure supplied to that area, do you have
22 water and sewer available?

23 A. Sewer is not directly available, it's in the
24 town center tract, we extend sewer lines there. There
25 is water, it's -- it could be receiving utility sewer

1 service at a future date, but it's not readily
2 available right now. The sewer line comes in like
3 this, there is a stub -- one goes to Mindel and one
4 goes to --

5 Q. Is that approximately the end of the --

6 A. Not really. You have it on the utility maps
7 that we forwarded you.

8 Q. Calling your attention now to the RM-3 zone,
9 which is just west of U.S. Route 1?

10 A. Yes, we'll call that number eight, orange
11 eight.

12 Q. Do you want to draw a circle around it?

13 A. Sure.

14 Q. What is the status of number eight?

15 A. Number eight is predominantly owned by two
16 property owners, Eastern Properties of Kendall Park
17 owns what we call the Goldman parcel and the other
18 piece, which is a little over 120 acres is owned by
19 Dr. Weisenfeld of Iselin, New Jersey, who owns -- off
20 the record.

21 (Discussion off the record.)

22 Q. Let's get back to number eight.

23 A. Basically you have two property owners,
24 Weisenfeld and Eastern Properties. Eastern Properties
25 is definitely making development plans now, Weisenfeld --

1 Q. What kind of development plans?

2 A. RM-3, consisting of family single homes,
3 consisting of cluster homes and consisting of
4 townhouses.

5 Q. What is the density per acre that they are
6 planning?

7 A. Three units an acre.

8 Q. And any plans to include low and moderate
9 income there?

10 A. No.

11 Q. Are there any plans on the other part of the
12 site?

13 A. Not at this time. There are not development
14 plans on the Weisenfeld piece, he is a land investor,
15 not a builder. I am sure one day somebody will buy
16 that property shortly.

17 Q. Again, what are the infrastructure that --

18 A. Sewer and water available to both tracts.

19 Q. Are there any serious environmental
20 constraints?

21 A. They have a shallow depth of bedrock and a --
22 and a -- you have to blast your way through, which is
23 part of the problem in much of the town. Other than
24 the high water table and bedrock problems, it's a nice
25 piece of property.

1 Q. So this also has a high water table, number
2 eight?

3 A. Yes, it does, it has three to four feet from
4 the surface, at the high water table period, late
5 winter, early spring.

5 Q. Would there be any problem with developing
7 that at a higher density?

3 A. I believe there would be.

9 Q. And what would that problem be?

10 A. Environmental basically.

11 Q. Because of the high water table?

12 A. And the shallow depth of the bedrock.

13 Q. Would that apply to both of those tracts?

14 A. I think you could make that assumption
15 generally, yes.

16 Q. What about the R-3 zone, which is pretty
17 much north of what is now marked as number eight, what
18 is going on with that site?

19 A. That area used to be R-1 and we rezoned it
20 to R-3, and the Wilson farm, which is 139 acres, 117,
21 I believe of those are number nine and I'll outline it,
22 are residential. We have a developer that is looking
23 to build on that piece of property. He is cooperating
24 with the town on the drainage project and also an off
25 tract improvement and we are discussing possibly patio

1 style homes and single family owned property,

2 Q. What density?

3 A. Density has not been set yet. It is going
4 to be between two and three units an acre.

5 Q. And infrastructure is available there as
6 well?

7 A. Sewer and water, yeah.

8 Q. Any environmental constraints?

9 A. Not severe ones, no. There is two minor
10 stream corridors in the property, it kind of enhances
11 the aesthetics of the property and provides a storm
12 water outlet. The water table is not, is fairly high
13 but not to the point where it's prohibitive. There is
14 a shale problem but it's rippable shale so it's
15 readily removed by a backhoe so you don't have to
16 blast. Route 27, however, is an over utilized over
17 capacitated highway, almost at capacity, as identified
18 in the 1-95 impact study, and we have severe traffic
19 problems. The DOT has asked the town to consider down
20 zoning its whole corridor on Route 27 because of
21 problems from 518 north. If you got stuck out there
22 during a traffic jam, you would know what I am talking
23 about.

24 Q. Does that go up -

25 A. From this juncture of 518 north, it goes all

1 the way up.

2 Q. So it goes past what is marked in red as
3 three?

4 A. Yes .

5 Q. Have there been any discussions about
6 including low and moderate income housing in number
7 nine?

8 A. No, because it's a single family zone and we
9 are considering increasing the density for patio style
10 homes that aren't permitted in the single family zones,
11 so we haven't really even approached low and moderate
12 multi-family configuration in a single family
13 neighborhood, Kendall Park.

14 Q. Other than the fact that it's adjacent to
15 single family neighborhood, would there be any reason
16 not to have multi-family higher density zone there?

17 A. Well, it's more than a single family
18 neighborhood. Kendall Park is 1500 units, it's a
19 single family area and we make our planning
20 assumptions based on land use considerations. Also
21 the road and just the overall continuity of our zone
22 plan. The whole town is not appropriately zoned
23 multi-family. We have high density, we have medium
24 density and single family areas, and we feel that's a
25 single family area of the Township.

1 Q. What do you base your assumption or your
2 feeling that that is a single family area of the
3 Township?

4 A. Utility, pipe sizes, storm water plan, roads
5 and also land use, also school capacity. Kendall Park
5 schools are highly utilized and don't have a large
7 amount of capacity and we are phasing in new school
8 plans. Basically our school plans point towards
9 providing new schools at the PRD sites rather than
10 over on the 27 corridor, south of New Road.

11 Q. Now, what schools would the children in red
12 number three?

13 A. Brunswick acres, which is located up here.

14 Q. Do those schools have more vacancies than
15 Kendall Park?

16 A. Yes, they do. We closed one Kendall Park
17 school recently, the elementary school, and because of
18 that decision, years ago, we are at very high capacity
19 level in Kendall Park now.

20 Q. Why was that school closed?

21 A. I think at one time there was a problem with
22 enrollment.

23 Q. You mean low enrollment?

24 A. Yes.

25 Q. Is that school still available?

1 A. I don't really know, it is a Board of Ed
2 matter .

3 Q. What is going on about the bottom portion of --

4 A. There is landlocked properties. We have no
5 activity there.

6 Q. Calling your attention now to, let's take
7 the RM-3 zone, which is near the 522 expansion. What
8 is going on in that zone?

9 A. There is no activity in that property right
10 now.

11 Q. Could you describe that area?

12 A. It's basically all farm, some wet area to
13 the rear and sandy land, up land soils up towards
14 Route 522.

15 Q. Why don't we mark that number 10?

16 A. Okay.

17 Q. is there infrastructure supplied, sewer and
18 water availability?

19 A. Yes .

20 Q. And what about traffic?

21 A. Well, rely on Route 522 will service the
22 project.

23 Q. Has there been any consideration given to
24 making that a higher density?

25 A. No.

1 Q. Is there any reason why it would not be
2 appropriate for a higher density?

3 A. No.

4 Q. So that then would be appropriate for a
5 higher density, as an expansion of the PRD-3?

6 A. Again I can't answer that, the same time you
7 asked me about the RM-3 on Major Road, I don't make
8 rash decisions on important land use policy matters.

9 Q. But there is no apparent reason that you can
10 see right now why it would not be suitable for a
11 higher density development?

12 A. I can't answer that. I just said I don't
13 know.

14 Q. Now let's take the R-2 zone just north of
15 there and call that number 11, which is bounded I
16 guess by what, Kingston Lane and Georges Road?

17 A. Mm-hmm.

18 Q. Is there any activity in that particular
19 zone?

20 A. Yes, there is.

21 Q. What kind of activity?

22 A. Board of Ed owns all the land here and the
23 Township owns all the land here and that's where the
24 municipal building is located, and the public works
25 garage and library here.

1 Q. So that land is then not available for any
2 other use, is that what you are saying?

3 A. That's correct.

4 Q. What about the R-3 zone, north of there?
5 Make that 12?

5 A. 12, there is a single family development,
7 it's already being developed for single family homes
8 under construction now, small modestly priced single
9 family homes.

10 Q. Is that the entire zone?

11 A. Yes, only a small portion of it, as far as
12 the entire zone, no, there is a piece here, abutting
13 the rural residential area, has a house in the front
14 and wet lands in the back and I don't, you know,
15 that's just owned by a resident of the town, I don't
16 know what is going on there.

17 Q, Let's move south to the R-4 zone and call
18 that, I guess we are up to 13. Is there anything
19 available in that R-4 zone?

20 A. Well, the rear of the property are basically
21 some out parcels that are farmed and there are single
22 family homes and commercial on the front. We do have
23 a problem because of traffic. Five corners, at Culver,
24 Jamesburg, Monmouth Junction and Georges Road, is a
25 poorly aligned intersection. It is at a level or

1 almost grid lock service at rush hour and to increase
2 the density there over and above the village density,
3 is really going to create a severe problem or
4 exacerbate an existing problem. The board has already
5 denied a commercial application at that corner, just
6 on the basis of capacity, at that intersection, the
7 town was considering placing a moratorium because of
8 that traffic problem.

9 Q. What about the R-3 area which is just east
10 of that?

11 A. That property is a transition area, it also
12 has severe wet constraints to the rear.

13 Q. Are there any development plans for that
14 parcel?

15 A. Yes, a developer is researching building on
16 that property for single family development, but there
17 is no applications and the property is owned by
18 Schlinger Realty, there has only been an inquiry --

19 Q. Is there infrastructure sewer and water
20 availability?

21 A. Yes.

22 Q. To that zone? And could you go into some
23 more detail on the environmental constraints?

24 A. There is a significant amount of wet lands
25 down towards the Hay Press Road area. The board was

1 classified as a major subdivision for single family
2 homes, just before I began working here, and I
3 reviewed the file and I noted that there were some
4 drainage problems. I can't elaborate more
5 specifically and I'll lead you to look at the maps I
6 supplied you, based on soil conservation, service
7 criteria for soils. It's just, you know, wet low land
8 and rear, that predominates the rear half of the
9 property.

10 Q. Do those conditions apply also to like the
11 what have been or now is the MH zone, which is
12 unmarked --

13 A. There is a stream that bounds the northern
14 part of the zone, but the property is currently or
15 predominantly row farmed and sandy land, up land soils.
16 The reason I took that property out, talking about the
17 MH on the Friendship, was because of the industrial
18 land use impacts.

19 Q. Could you mark what is the non-growth areas,
20 could you do that?

21 A. Sure. Something like that.

22 Q. So the area inside of these brown circles
23 are the non-growth areas?

24 A. Generally speaking, that's correct. I mean
25 I don't have a scale and I don't think the state

1 development guide plan was prepared on a scale map
2 that the Supreme Court used.

3 MR. BENEDICT: Why don't you put an NG
4 in both of those .

5 A. All right.

6 Q. Or L growth, limited growth.

7 Q. How about LG?

8 A. Okay.

9 Q. Now, I think the last one maybe the planned
10 retirement community, which is let's call that number
11 15 in orange?

12 A. Okay.

13 Q. Is there any activity going on in the
14 planned retirement community?

15 A. There is some development inquiries on the
16 property. I know a planner made a study for
17 retirement community there, and there does seem to be
18 some interest, but other than that, I can't really
19 assist you on that tract because we have no
20 development applications.

21 Q. What is the present density in the
22 retirement community?

23 A. Up to four units an acre, but the ultimate
24 zoning criteria is based on on-site individual,
25 because the property doesn't have sewer service, which

1 is confirmed by the utility maps that we gave you. It
2 has water though, 12 inch water line access.

3 Q. How difficult would it be to bring up sewer?

4 A. You would have to extend it right through
5 the limited growth area, it would have to be done by
6 an enormous force, you can't do it by gravity.

7 Q. What is the highest density you can have
8 without having sewer?

9 A. It depends. They would have to put some
10 type of on-site treatment plant in. That really
11 depends on the design, I am not an engineer.

12 Q. Has there been any thought to setting aside
13 a portion of that zone for low and moderate income
14 senior citizens?

15 A. No.

16 Q. Is there any reason why there hasn't been
17 any thought given to that?

18 A. We have Charleston Place, Dayton Center and
19 we would like to, as I indicated to you in one of our
20 discussions off the record, the town --

21 MR. BENEDICT: Off the record.

22 (Discussion off the record.)

23 A. We are going to utilize a senior citizen --
24 we were going to utilize a portion approximately 25
25 percent of our low and moderate component in the town

1 center, the PRD-3, for senior citizen because of its
2 ideal location.

3 Q. Is this also a good location for senior
4 citizens, the number 15?

5 A. It is a good location for retirement
6 community because the retirement community does not
7 have a tremendous traffic flow and as I indicated
8 before, the property is highly environmentally
9 sensitive because of the aquifer crop, magothy aquifer,
10 supplies the drinking water for over a million people,
11 and we are very concerned about water quality and it
12 is a better use than industry, but in regards to
13 higher densities, senior citizen projects, the
14 property doesn't have sewer service and it's just not
15 appropriately developed at that type of level.

16 Q. I think I see one more site.

17 A. Okay.

18 Q. And that's the R-2, which is south of, is
19 that Ridge Road?

20 A. Yes.

21 Q. Let's make that number 16.

22 Is there any action in that zone?

23 A. Well, we don't have sewer and water to it
24 yet.

25 Q. Is there sewer and water to the R-2

1 developed zone just north of there?

2 A. Yes, there is. The water line, I think
3 comes down to here and sewer comes to here. Sewer is
4 the most biggest limiting factor, and the pipe sizes
5 here aren't designed to effectuate development in this
6 property. Once this big OR piece is developed, then
7 the sewer service will be brought down, and the
8 properties, all farm now, 91, 92 obviously is a
9 potential problem. This is general, I don't know
10 exactly when 92 is going through, it's just a line on
11 the map now. It could go like this, who knows?

12 Q. Are there any applications pending other
13 than the ones that you have just mentioned, pending
14 for development approval?

15 A. No.

16 MR. BENEDICT: Residential, you mean?

17 Q. Yes, residential?

18 A. No.

19 Q. In any of the areas we have mentioned?

20 A. No, other than the ones I have mentioned to
21 you in the course of this deposition, no others.

22 Q. Are there any plans to act on any of those
23 applications in the near future?

24 A. The only active application the board is
25 considering is Dayton Center East, that was known as

1 orange number two, which is part of the Dayton Center
2 detention area and it's a very limited piece of
3 property. There maybe action by the board before the
4 summer, I just can't really speculate as to what their
5 feelings are. They had some concerns and there has
6 been discussion regarding those concerns.

7 Q. What is planned in that area?

8 A. That was a small piece of property, it was
9 zoned for, it was approved previously for single
10 family homes and the builder feels there is a
11 marketing problem and he wants to build some patio
12 style homes.

13 Q. And that is all part of the large Dayton
14 Center development?

15 A. Yes, it is.

16 Q. And there is -

17 A. Actually it's divorced at this time. It's
18 not part of Dayton Center, it's just called Dayton
19 Center East, because of marketing considerations in
20 1977, which I know nothing about, only been here since '79

21 Q. Could I ask you to let us know if the
22 planning board or anyone in town is concerned with
23 that is going to act on any of these applications?

24 A. Certainly, it's public record, I'll be glad
25 to let you know.

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MS. LA3ELLA: I think that is it.

(DEPOSITION ADJOURNED)

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C E R T I F I C A T I O N

I, MARY LUKENSOW, a Certified Shorthand Reporter, and Notary Public of New Jersey, do hereby certify that the foregoing is a true and accurate transcript of the deposition of DAVID H. ENGEL, who was first duly sworn by me, at the place and on the date hereinbefore set forth.

I further certify that I am neither attorney or counsel for, nor related to nor employed by any of the parties to the action in which this deposition was taken, and further that I am not a relative or employee of any attorney or counsel employed in this case, nor am I financially interested in the action.

A Notary Public of New Jersey

Commission Expires:
October 30, 1984