

Transcrip of proceedings

-examination of Allan Mallach

note - pgs 46A-581

P-117

CA0026145

Employees List (Budget Related) As of Oct 1, 1974

DEPT	NAME AND JOB TITLE		SALARY	RACE
001	OFFICE OF THE MAYOR			
001	T H	PATERNITI MAYOR	\$ 6,000.00	W
001		ADMINISTRATIVE ASS'T P.T.	\$ 3,000.00	
			\$ 9,000.00*	
002	MUNICIPAL COUNCIL			
002	M	BOLGER COUNCIL PRESIDENT	\$ 2,500.00	W
002	W	TOTH COUNCILMAN	\$ 2,000.00	W
002	E	GRYGO COUNCILMAN	\$ 2,000.00	W
002	L	BLOOM COUNCILMAN	\$ 2,000.00	W
002	J	HYNES COUNCILMAN	\$ 2,000.00	W
002	P	NUZZO COUNCILMAN	\$ 2,000.00	W
002	H	DAUGHERTY COUNCILMAN	\$ 2,000.00	W
			\$ 14,500.00*	
003	OFFICE OF THE TOWNSHIP CLERK			
003	A	TUCKER TOWNSHIP CLERK	\$13,640.27	W
003		SUPV OF ELECTIONS	\$ 1,140.00	
003	E	KRASZEWSKI SR. ADM SECY.	\$ 8,991.16	W
003	H	GEARDINO SR. CLERK TYPIST	\$ 5,200.00	W
003		SUMMERTIME HELP	\$ 999.80	
			\$ 29,971.23*	
004	BUSINESS ADMINISTRATOR			
004	J	DELESANDRO BUSINESS ADMINISTRATOR	\$23,687.74	W
004	A M	SEARFOSS EXECUTIVE SECY.	\$10,091.00	W
004	M A	PETERSEN SECY. P.T.	\$ 1,000.00	W
004		P.T. SUMMER HELP & OVERTIME	\$ 1,500.00	
			\$ 35,278.74*	
006	PURCHASING			
006	I J	NORTON CHIEF PURCH. CLK.	\$ 9,130.00	W
006	D	HALLIWELL ADM SECY.	\$ 6,321.56	W
006		PART TIME & OVERTIME	\$ 500.00	
			\$ 16,001.56*	
009	DEPARTMENT OF LAW			

EXHIBIT "G"

DEPT	NAME AND JOB TITLE			SALARY	RACE
009	R A	WINTER	TWP. ATTORNEY	\$ 5,000.00	W
009	M	DUYK	ASST. ATTORNEY	\$ 6,000.00	W
				\$ 11,000.00*	
010	DIRECTOR OF FINANCE				
010	J F	HUGHES	DIRECTOR OF FINANCE	\$17,006.57	W
				\$ 17,006.57*	
011	DISBURSEMENTS				
011			PART TIME-SUMMER/HELP	\$ 900.00	
011	J	DROBACH	CHIEF PERSONNEL CLK.	\$10,094.00	W
011	N	MARCHITTO	SR. ACCOUNTANT	\$10,200.00	W
011	J C	COLLETTA	PR. ACCT. CLK.	\$ 7,704.00	W
				\$ 28,898.00*	
012	TAX COLLECTION				
012	G	FARINICH	COLLECTOR	\$11,500.00	W
012	G	BARR	DEPUTY COLL.	\$10,300.00	W
012	L	SKOWRONEK	CASHIER	\$ 6,600.00	W
012	J M	HRABAR	PR. ACCT. CLK.	\$ 6,000.00	W
012	R F	STEVENSON	CASHIER	\$ 6,000.00	W
012	V	NAULT	CLERK TYPIST	\$ 5,200.00	W
012			OVERTIME & SUMMER HELP	\$ 2,120.00	
				\$ 47,720.00*	
013	'ASSESSMENT				
013			PART TIME & OVERTIME	\$ 1,500.00	
013	J	MOONEY	TAX ASSESSOR	\$17,686.83	W
013	J	BUCK	ASST. ASSESSOR	\$15,937.41	W
013	M	TIRPAK	ASSESS. INVEST.	\$ 9,289.31	W
013	K	GEILER	PR. ACCT. CLK.	\$ 8,991.16	W
013	M	TURNER	PR. ACCT. CLK.	\$ 8,563.00	W
013	L	D'ALLIEGRO	SR. ACCT. CLK.	\$ 7,810.99	W
				\$ 69,828.70*	
014	ACCOUNTS & CONTROLS				

DEPT NAME AND JOB TITLE SALARY RACE

014 W HEGEDUS SUPERVISOR \$17,779.39 W
 014 D TANNURA OFFICE SUPV. \$10,139.32 W
 014 E BRIANT SR. KEYPUNCH OPER. \$ 8,091.63 W
 014 A FRAN CZAK COMPUTER PROG. \$12,240.80 W
 014 PROGRAMMER ANALYST \$13,000.00
 014 PART TIME & OVERTIME \$ 1,700.00

\$ 62,951.14*

015 LICENSES AND PERMITS

015 W A RAYMOND SUPERVISOR \$12,870.46 W
 015 F DI SILVESTRO INSPECTOR \$ 8,479.05 W
 015 J RYAN INSPECTOR \$ 7,145.62 W
 015 S E COSTAS ADM. CLK. \$ 5,800.00 W

\$ 34,295.13*

016 REAL ESTATE

016 L HANSMANN SUPERVISOR \$12,138.49 W

\$ 12,138.49*

022 PLANNING BOARD

022 S SCHIFFMAN LEGAL ASST. P.T. \$ 2,500.00 W
 022 C IRVING SECY. P.T. \$ 2,000.00 W
 022 R A QUINN SECRETARY P.T. \$ 1,300.00 W
 022 SECY. P.T. (SITE PLAN) \$ 1,300.00

\$ 7,100.00*

023 ZONING BOARD

023 E SEAMAN LEGAL ASST. P.T. \$ 4,000.00 W
 023 W DUNHAM SECY. P.T. \$ 2,000.00 W
 023 J ROSSI ZONING OFFICER P.T. \$ 300.00 W
 023 ASST. ZONING OFFICER P.T. \$ 200.00

\$ 6,500.00*

024 OFF OF DIR OF P & P & H W & R

024 S CAPESTRU DIRECTOR \$18,706.63 W

\$ 18,706.63*

DEPT	NAME AND JOB TITLE		SALARY	RACE
025	PARKS & PUBLIC PROPERTY			
025	D	LALLEY TELEPHONE OP.	\$ 5,671.00	W
025	E	ZENG FOREMAN	\$11,068.81	W
025	C	CASALE ASST. FOREMAN	\$ 9,453.18	W
025	G	BERGMAN GEN. MAINT. MAN	\$ 9,812.19	W
025	S	KELLAR GEN. MAINT. MAN	\$ 9,526.40	W
025	R L	FIGLIOLINO GEN. MAINT. MAN	\$ 9,526.40	W
025	J	STEFANI MAINT. MAN	\$ 9,544.08	W
025	A	NEMES MAINT. MAN	\$ 9,063.78	W
025	D	GARLAND EQUIP. OPER.	\$ 9,716.93	W
025	J	VALENTINO GEN. MAINT. MAN	\$ 9,526.40	W
025	D	TIVALD MAINT. MAN	\$ 8,819.20	W
025	M	SMOLIGA MAINT. MAN	\$ 8,819.20	W
025	D	STEPHENS CHIEF OPER.	\$ 7,725.00	W
025	J	AMBROSIO PR. ACCT. CLK.	\$ 7,070.00	W
025	N	NEFF ACTG. FOREMAN	\$10,526.40	W
025	D	METHNER MAINT MAN	\$ 8,819.20	W
025	A	TURANICZA SRMAINT. MAN	\$ 8,819.20	W
025	B A	KRUPA MAINT MAN	\$ 8,819.20	W
025	J	CHMURA LABORER	\$ 3.30	W
025	B	FOX LABORER	\$ 3.91	W
025	E	DALTON MAINT. MAN	\$ 8,819.20	W
025	L	PERROCHINO LABORER	\$ 3.30	W
025	K	CAMPBELL GEN. MAINT.	\$ 4.58	W
025		OVERTIME & SUMMER HELP	\$41,292.79	

\$212,473.65*

031	HEALTH			
031	J	DALTON SR. ADM. SECY.	\$ 7,337.36	W
031	J	BLASZKA ASST. NURSING SUPV.	\$10,284.94	W
031	A	OLSEN PUBLIC HEALTH NURSE	\$ 8,840.91	W
031	E	BALASIC PUBLIC HEALTH NURSE	\$ 7,622.00	W
031	A P	CAPPARELLI HEALTH OFFICER	\$18,775.05	W
031	J	DUDICS OFFICE SUPV.	\$10,303.98	W
031	B	PFEIFFER NURSING SUPV.	\$12,026.09	W
031	N	MONAGHAN PUBLIC HEALTH NURSE	\$ 8,961.81	W
031	P	DONALDSON PUBLIC HEALTH NURSE	\$ 8,217.46	W
031	M F	BARAN PUBLIC HEALTH NURSE	\$ 7,145.62	W
031	A T	MC QUARRIE FIELD INVEST.	\$ 7,112.29	W
031	A S	GRYKIEN HOUSING INSP.	\$ 3,379.88	W
031	J	SCHIAVO FIELD INVEST.	\$ 8,241.28	W
031		WEED CONTROL-NEW	\$ 3,640.00	
031	J F	WINCHESTER DOG WARDEN SUPV.	\$ 9,884.78	B
031	F I	KENNEY ASST. DOG WARDEN	\$ 8,132.80	W
031	C	PADAVANO ADM. SEC.	\$ 5,596.84	W
031	P A	DEVLIN CLK. TYPIST - P.T.	\$ 3,020.00	W
031	M L	HAGGLAND P.H. NURSE	\$ 4.00	W
031	J	DELESANDRU BOARD SECY.	\$ 100.00	W

DEPT		NAME AND JOB TITLE	SALARY	RACE
031	R L	LAPINSKI D. MSCHOOL DENTIST-P.T.	\$ 685.75	W
031	B	COWEN MD CLINIC PEDIATRICIAN	\$ 4,674.71	W
031	B	COWEN MD SCHOOL PHYSICIAN-P.T.	\$ 1,002.25	"
031	G E	TRONCOSA M. DSCHOOL PHYSICIAN-P.T.	\$ 1,002.25	W
031	M	BRONSTEIN MDSCHOOL PHYSICIAN-P.T.	\$ 527.50	W
031	M	BRONSTEIN MDBOARD PHYSICIAN	\$ 1,055.00	"
031	D	BERSHSTEIN SCHOOL DENTIST-P.T.	\$ 316.50	W
031	D	BERSHSTEIN SCHOOL DENTIST-P.T.	\$ 316.50	"
031	L C	DE CASTRO M. SCHOOL PHYSICIAN-P.T.	\$ 685.75	W
031	R E	STEINMAN M. DSCHOOL PHYSICIAN-P.T.	\$ 791.25	W
031	B	COWEN MD SCHOOL PHYSICIAN-P.T.	\$ 527.50	W
031	A P	CAPPARELLI HEALTH OFFICER	\$ 4,055.30	W
031	A S	GRYKIEN HOUSING INSP.	\$ 8,391.00	W
031	T	CUNLIFFE MAINT. & MOBILE OP.	\$ 8,132.80	W
031	J	GRUN SANITARY INSPECTOR	\$ 9,500.00	W
031	A	HELGE CLERK TYPIST	\$ 4,900.00	W

\$195,191.15*

032 WELFARE

032	M	BINGERT DIRECTOR	\$11,907.28	W
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\$ 11,907.28*

033 RECREATION

033	A	LIPNICK SUPV. PARKS, BLDGS, H.W. & R.	\$12,284.04	W
033	A	LIPNICK STREET LIGHT COORDINATOR	\$ 1,500.00	"
033	M	SANDERS PROGRAM COORDINATOR -SR CITIZNS	\$ 8,160.00	W
033	K	VALEKI SOCCER INSTR.	\$ 2.00	W
033	E	MISTRETTA INSTRUCTOR	\$ 3,536.00	W
033	M	CRISAFULLI PLGRND. AIDE	\$ 1.75	W
033	F	BARROQUEIRROSOCCER INSTR.	\$ 2.00	W
033	J	PHARON BRIDGE INSTR.	\$ 5.00	W
033	J	BLALOCK GOLF INSTR.	\$ 5.00	W
033	S	ROSENBLUM CULTURAL ARTS	\$ 3,600.00	W
033	C	VITEK CULTURAL ARTS	\$ 3.00	W
033	J	SHAFRANSKI TENNIS SUPER.	\$ 3.00	W
033	P	LOESER PLGRND, AIDE	\$ 1.75	W
033	C	GRIFFIN CHEERLEADING INSTR.	\$ 2.00	W
033	T	ELLMYER DRAMA TEACHER	\$ 2.00	W
033		SUPV-SCHOOL NIGHT PROGRAMS	\$99,000.00	
033		SUPV-SCHOOL NIGHT PROGRAMS	\$19,089.94	

\$147,197.48*

039 PUBLIC WORKS-DIRECTOR'S OFF.

039 PUBLIC WORKS - DIRECTOR'S OFFICE

DEPT		NAME AND JOB TITLE	SALARY	RACE
039	W	GODWIN DIRECTOR	\$21,343.97	W
039	W	FINLEY ASST. DIRECTOR	\$15,881.15	W
039		ASST. DIRECTOR	\$14,000.00	
039	M	BERRY OFFICE SUPV.	\$10,485.40	W
039		OVERTIME	\$ 400.00	

\$ 62,110.52*

040	PUBLIC WORKS-STREETS			
040	C	RUGGIERO SUPERVISOR	\$13,231.00	W
040	E	HANSEN FOREMAN	\$11,338.78	W
040	L	COLUSARDO FOREMAN	\$11,338.78	W
040	W	PALMER STORM SEW. MAINT. FOREMAN	\$10,391.22	W
040	W	CHMURA FOREMAN	\$ 8,681.60	W
040	M	VEISZ EQUIP. OPER.	\$10,825.57	W
040	J R	VEISZ EQUIP. OPER.	\$10,723.44	W
040	C	HANSEN DRIVER	\$10,274.37	W
040	P	HORNACEK WELDER	\$ 9,929.09	W
040	P	BACHMAN DRIVER	\$10,080.51	W
040	E	GILES TANDEM TRUCK DRIVER	\$10,759.42	W
040	J	HANSEN EQUIP. OPER.	\$10,723.44	W
040	W	COX DRIVER	\$ 9,734.40	W
040	R	GRAY TANDEM TRUCK DRIVER	\$10,759.42	W
040	W	KORDUSKY DRIVER	\$ 9,362.29	W
040	H	ABRON DRIVER	\$ 9,362.29	B
040	A H	HARTMAN DRIVER	\$ 9,101.66	W
040	L	KARA LABORER	\$ 9,696.96	W
040	J	POLLOCK LABORER	\$ 8,890.96	W
040	J	SABO LABORER	\$ 8,132.80	W
040	J	TOMORI LABORER	\$ 8,295.46	W
040	D	HANSEN EQUIP. OP.	\$ 4.58	W
040	J C	OVERTON SR LABORER	\$ 8,132.80	B
040	J	WOODING DRIVER	\$ 4.24	W
040	H	JAMES DRIVER	\$ 4.24	B
040	K M	TERPACK LABORER	\$ 8,132.80	W
040	G L	DALLEY LABORER	\$ 8,132.80	W
040	M	ORUSS LABORER	\$ 8,132.80	W
040	J S	DACIUK LABORER	\$ 8,132.80	W
040	C	LISENO LABORER	\$ 8,132.80	W
040	T M	MARIND LABORER	\$ 8,132.80	W
040	G	STORY LABORER	\$ 8,132.80	W
040	R	CACKOWSKI LABORER	\$ 3.91	W
040	J	LUMINIELLO EQUIPMENT OPERATOR	\$ 9,526.40	W
040	R S	LD RUSSO LABORER	\$ 8,132.80	W
040	T	BERRY LABORER	\$ 3.91	W
040	W L	JOHNSON LABORER	\$ 8,132.80	B
040	J	EMERICH LABORER	\$ 3.91	W
040	C	BELL LABORER	\$ 3.91	W
040	M	MAKUSKY LABORER	\$ 3.91	W

DEPT		NAME AND JOB TITLE	SALARY	RACE
040	T	SADDWSKI LABORER	\$ 3.91	W
040	A	CATALINA LABORER	\$ 3.91	W
040		SNOW REMOVAL	\$12,000.00	
040		OVERTIME	\$17,000.00	
040		SUMMER TIME HELP	\$15,000.00	
040		EQUIP. OPERATOR (1)	\$ 9,526.40	
040		TRAILER DRIVER (1)	\$ 9,526.40	

\$365,581.09*

041 SEWERS				
041	W	STOUT SUPERVISOR	\$13,915.39	W
041	F	RUBRIGHT FOREMAN	\$11,132.28	W
041	W	MAISON FOREMAN	\$11,558.95	W
041	P	HERT SR. CHIEF STOREKEEPER	\$ 9,907.46	W
041	J	WILKENS SR. PUMP HOUSE OPER.	\$10,212.80	W
041	R	DI PINTO SR. PUMP OP.	\$10,519.18	W
041	B	MILLER SR. PUMP OP.	\$10,212.80	W
041	J	RODZIEWICZ TRUCK DRIVER	\$ 8,995.58	W
041	L	GULYAS SEWER MAINT. MAN	\$ 8,295.46	W
041	W	PHILLIPS SEWER MAINT. MAN	\$ 8,295.46	W
041	A	JUAREZ JR SEWER MAINT. MAN	\$ 8,132.80	SP
041	T	COUPLAND SEWER MAINT. MAN	\$ 8,132.80	W
041	J H	HENDERSON SEWER MAINT. MAN	\$ 8,132.80	W
041		SEWER MAINT. MAN	\$ 8,132.80	
041		OVERTIME	\$25,000.00	
041	R J	SMITH LABORER	\$ 8,132.80	W
041	R	WESTOVER MAINT. MAN	\$ 3.91	W
041	W	ENOCH JR. MAINT. MAN	\$ 3.91	W
041	R	MACKO MAINT. MAN	\$ 3.91	W

\$168,721.09*

042 ENGINEERING				
042	W	LUND TWP. ENGR.	\$21,301.40	W
042	C I	BALUT ASST. TWP. ENGR.	\$16,500.00	W
042	C	KELLOGG CHIEF INSP.	\$15,315.64	W
042	J	GENTORE SR. DESIGN ENGR.	\$16,165.78	W
042	L	ELLISON CHIEF OF PARTY	\$14,965.32	W
042	W	SA SR. DRAFTSMAN	\$12,504.83	W
042	C	MARCOLS SR. FIELD INSP.	\$14,005.41	W
042	D	GOLDEN EXEC. SECY.	\$ 8,861.74	W
042	R	SPENCE SR. DRAFTSMAN	\$12,504.84	W
042	K	ENOCH SR. CLK. STENO	\$ 5,487.96	W
042	R	STARKINS SR. INSP.	\$12,505.11	W
042	P	CHESTER SR. DRAFTSMAN	\$10,718.44	W
042	J	PFAUNZ SR. DRAFTSMAN	\$13,228.75	W

DEPT		NAME AND JOB TITLE		SALARY	RACE
042	R	STEPHENS	SR. DRAFTSMAN	\$ 9,121.10	W
042	P P	ZAVOTSKY	SR. FIELD INSP.	\$13,375.00	W
042	T	KOHUTICH	SR. DRAFTSMAN	\$ 9,030.80	W
042	M	LYONS	SR. DESIGN ENGR.	\$10,593.00	W
042			OVERTIME	\$ 9,500.00	
042			SUMMER HELP	\$ 3,000.00	

\$229,185.12*

043 BLDG & PLUMBING INSPECTION					
043	J	ROSSI	BLDG. INSP.	\$14,157.49	W
043	L	ROHLAND	PLUMBING INSP.	\$14,157.49	W
043	G	MOSKOWITZ	ACTING BLDG. INSP.	\$13,130.00	W
043	A	RYBACZEWSKI	ASST. PLUMBING INSP.	\$ 9,588.04	W
043	D	HALL	ASST. BLDG. INSP.	\$ 3,989.63	B
043	J P	KAPCSANDI	ASST. BLDG. INSP.	\$10,159.65	W
043	J	MENNUTI	ASST. TO PLUMBING INSP.	\$10,165.00	W
043	R	ARMSTRONG	PRIN. ACCT. CLK.	\$ 8,991.16	W
043	E	FOX	ADMIN. SECY.	\$ 5,597.41	W
043			SUMMER HELP	\$ 4,500.00	
043			OVERTIME	\$ 1,500.00	
043	J	HANSON	SR. CLERK STENO	\$ 5,000.00	W
043	A	PADULA	ASST. BLDG. INSP.	\$ 9,000.00	W

\$109,935.87*

046 MUNICIPAL GARAGE					
046	C E	WEINGART	MECHANIC	\$ 9,526.40	W
046	J	ENOCH	SUPERVISOR	\$13,781.59	W
046	G	LUX SR.	SR. MECHANIC	\$11,244.48	W
046	E	ROXBURY	MECHANIC	\$11,771.76	W
046	M	TORTORELLO	MECHANIC'S HELPER	\$ 4.24	W
046	J	DERI	SR. CHIEF STOREKEEPER	\$ 9,726.30	W
046			OVERTIME	\$ 3,500.00	

\$ 59,554.77*

048 DISPOSAL AREA					
048	A	NACCARATO	SUPERVISOR	\$13,000.00	W
048	R	REED	EQUIP. OPER.	\$ 9,919.31	B
048	D	SCHWEITZER	EQUIP. OPER.	\$ 9,919.31	W
048	L	GHILINO	EQUIP. OPER.	\$10,583.04	W
048	E	HANSON	EQUIP. OPER.	\$ 9,323.01	W
048	S	CHISOWSKI	LABORER	\$ 8,132.80	W
048	G	VELEZ	DRIVER	\$ 8,819.20	SP

DEPT		NAME AND JOB TITLE	SALARY	RACE
048	J	RISPOLI DRIVER	\$ 8,819.20	W
048	J	JACOT JR DRIVER	\$10,015.62	W
048	L	MARCHITTO LABORER	\$ 9,604.61	W
048	D	TORRES LABORER	\$ 8,132.80	SP
048		OVERTIME	\$18,000.00	

\$124,768.90*

POLICE				
050	W	FISHER CHIEF	\$24,243.20	W
050	W	PINTER DEP. CHIEF	\$22,029.12	W
050	W	DOLL CAPTAIN	\$19,810.02	W
050	R	MILCSIK CAPTAIN	\$19,810.02	W
050	P	QUAGLIARIELL CAPTAIN	\$19,810.02	W
050	R	MC GINNIS CAPTAIN	\$19,810.02	W
050	G	MILLER CAPTAIN	\$19,810.02	W
050	J	MARINO CAPTAIN	\$19,719.97	W
050	R	CUTTER LIEUTENANT	\$17,590.93	W
050	V	SCHUSTER LIEUTENANT	\$17,590.93	W
050	R	KROG LIEUTENANT	\$17,590.93	W
050	B	GOCKEL LIEUTENANT	\$17,590.93	W
050	J	MADARASZ LIEUTENANT	\$17,590.93	W
050	G	DUDICS LIEUTENANT	\$17,590.93	W
050	P	JENNEY LIEUTENANT	\$17,590.93	W
050	C	PETERSON LIEUTENANT	\$17,431.01	W
050	J	SEROKA LIEUTENANT	\$17,351.05	W
050	R	WILLIAMS LIEUTENANT	\$17,351.05	W
050	G	VOORHEES LIEUTENANT	\$17,191.13	W
050	R	PALKO LIEUTENANT	\$17,191.13	W
050	J	SHIRLEY LIEUTENANT	\$17,031.21	W
050	A J	CALAMONERI LIEUTENANT	\$16,951.26	W
050	R J	KERMES LIEUTENANT	\$16,951.26	W
050	J	SMOLIGA SERGEANT	\$16,316.67	W
050	R	VOORHEES SERGEANT	\$16,316.67	W
050	J	VARGO SERGEANT	\$16,316.67	W
050	F	PFEIFFER SERGEANT	\$16,316.67	W
050	F	MURLEY SERGEANT	\$16,316.67	W
050	J	YANCSEK SERGEANT	\$16,316.67	W
050	W	SHERIDAN SERGEANT	\$16,242.51	W
050	E	BERTHA SERGEANT	\$16,242.51	W
050	R	WUEST SERGEANT	\$16,242.51	W
050	J	HERMSEN SERGEANT	\$16,094.17	W
050	D	MILLER SERGEANT	\$16,020.01	W
050	T	BRYAN SERGEANT	\$15,945.84	W
050	R	BARRETT SERGEANT	\$15,945.84	W
050	L	LA PLAGA SERGEANT	\$15,871.67	W
050	A	NAGY SERGEANT	\$15,797.51	W
050	G	COOK SERGEANT	\$15,797.51	W
050	G J	ROBINSON SERGEANT	\$15,723.34	W

DEPT		NAME AND JOB TITLE	SALARY	RACE
050	G H	BERRUE SERGEANT	\$15,723.34	W
050	M	RODRIGUEZ SERGEANT	\$15,723.34	SP
050	F H	KOZAL SERGEANT	\$15,649.17	W
050	F	LACIK SERGEANT	\$15,575.01	W
050	G	MACECHOK SERGEANT	\$15,575.01	W
050	W	SEREDY SERGEANT	\$15,575.01	W
050	C	SALVEMINI SERGEANT	\$15,575.01	W
050	W C	QUIGLEY SERGEANT	\$15,575.01	W
050	A	MARICS SERGEANT	\$15,575.01	W
050	A	BEKIARIAN SERGEANT	\$15,500.84	W
050	A	RUGGIERO SERGEANT	\$15,500.84	W
050	R	BOBIK SERGEANT	\$15,426.67	W
050	G	BANDICS SERGEANT	\$15,426.67	W
050	M	BERLINSKI SERGEANT	\$15,426.67	W
050	A	LANDI SERGEANT	\$15,426.67	W
050	A	MUTH PATROLMAN	\$15,296.88	W
050	J	ROGAN PATROLMAN	\$15,088.28	W
050	H	THOMAS PATROLMAN	\$14,949.22	W
050	C A	HENDERSON PATROLMAN	\$14,740.63	W
050	D F	MERKER PATROLMAN	\$14,740.63	W
050	R	MATOUSEK PATROLMAN	\$14,532.03	W
050	K	PATTON PATROLMAN	\$14,462.50	W
050	F	GALATI PATROLMAN	\$14,462.50	W
050	D	YDURSTONE PATROLMAN	\$14,462.50	W
050	J	KENNEY PATROLMAN	\$14,462.50	W
050	D	SEMENZA PATROLMAN	\$14,462.50	W
050	S	SZALAY PATROLMAN	\$14,462.50	W
050	J	BAUER PATROLMAN	\$14,462.50	W
050	F	ALFONSO PATROLMAN	\$14,323.44	W
050	R	FISHER PATROLMAN	\$14,323.44	W
050	R	GERBA PATROLMAN	\$14,323.44	W
050	M	HRITZ PATROLMAN	\$14,323.44	W
050	J	SANDAS PATROLMAN	\$14,323.44	W
050	A	VITELLO PATROLMAN	\$14,323.44	W
050	J T	CIES PATROLMAN	\$14,323.44	W
050	S R	DEAK PATROLMAN	\$14,323.44	W
050	R	DIXON PATROLMAN	\$14,323.44	W
050	R	HORVATH PATROLMAN	\$14,323.44	W
050	W	MINTCHWARNER PATROLMAN	\$14,323.44	W
050	W	PETROFF PATROLMAN	\$14,323.44	W
050	J	KINSEY PATROLMAN	\$14,323.44	W
050	R	DI, HAMILTON PATROLMAN	\$14,253.91	W
050	A	HASKINS PATROLMAN	\$14,253.91	B
050	S	STABACK PATROLMAN	\$14,253.91	W
050	J	ANGELINE PATROLMAN	\$13,906.25	W
050	A R	DUTKA PATROLMAN	\$13,906.25	W
050	C J	EDWARDS PATROLMAN	\$13,906.25	W
050	A L	JENSEN PATROLMAN	\$13,906.25	W
050	M A	KERMES JR PATROLMAN	\$13,906.25	W
050	B N	PAPI PATROLMAN	\$13,906.25	W
050	J F	SISULAK PATROLMAN	\$13,906.25	W

DEPT	NAME AND JOB TITLE			SALARY	RACE
050	J R	WHALEN	PATROLMAN	\$13,906.25	W
050	A S	WHITE	PATROLMAN	\$13,906.25	W
050	G T	ZSIDO	PATROLMAN	\$13,906.25	W
050	P W	ULOZAS	PATROLMAN	\$12,748.21	W
050	R R	MAZZA	PATROLMAN	\$12,748.21	W
050	W G	BUNTING	PATROLMAN	\$12,748.21	W
050	C E	KINNERSLEY	PATROLMAN	\$12,748.21	W
050	B J	DANCSECS	PATROLMAN	\$12,748.21	W
050	A	ROSA	PATROLMAN	\$12,748.21	SP
050	W J	SMITH JR	PATROLMAN	\$12,748.21	W
050	R R	PROMUTICO	PATROLMAN	\$12,748.21	W
050	R G	ZUBER	PATROLMAN	\$12,748.21	W
050	K A	ZAWROTNIAK	PATROLMAN	\$12,748.21	W
050	W	KADY JR.	PATROLMAN	\$11,705.65	W
050	J N	STYNER	PATROLMAN	\$11,705.65	W
050	R E	BOETTINGER	PATROLMAN	\$11,705.65	W
050	K R	CLARKE	PATROLMAN	\$11,705.65	W
050	E	COSTELLO JR.	PATROLMAN	\$11,705.65	W
050	R S	KLUJ	PATROLMAN	\$11,705.65	W
050	M A	KOHUT	PATROLMAN	\$11,705.65	W
050	G W	MIECZKOWSKI	PATROLMAN	\$11,705.65	W
050	W J	PLODZIEN	PATROLMAN	\$11,705.65	W
050	J A	STENUKINIS	PATROLMAN	\$11,705.65	W
050	M	WOODS	EXEC. SECY	\$ 9,245.31	B
050	W	HANSEN	PR. ADM. SECY.	\$ 7,570.77	W
050	J	STABILE	PR. ADM. SECY	\$ 8,066.19	W
050	B P	DYEVOICH	PR. ADM. SECY.	\$ 6,734.24	W
050	A	KASHTOCK	PR. ADM. SECY.	\$ 7,366.83	W
050	L R	HRABAR	CLERK	\$ 5,192.71	W
050	M	IRVING	SR. CLK. TYPIST	\$ 6,605.99	W
050			CLERK TYPIST (TEMP)	\$ 6,760.00	
050	N	ROMANOFF	CLERK TYPIST	\$ 6,313.00	W
050	M A	KELLY	CLERK TYPIST	\$ 5,564.00	W
050	A	STEVENS	CLERK TYP PERM.	\$ 6,760.00	W
050	P	VARGO	CLERK TYPIST	\$ 5,000.00	W
050	W	SHEA	SR. COUNSELOR	\$ 8.00	W
050	J	KAIDY	YOUTH COUNSELOR	\$11,000.00	W
050	S J	EMANUELE	POLICE PHYSICIAN	\$ 1,600.00	W
050	C	FIRCHA	POLICE MATRON	\$ 3,000.00	W
050	J	TOTH JR.	PATROLMAN	\$11,705.65	W
050	R G	WENSKOSKI	PATROLMAN	\$11,705.65	W
050	A D	BRUND	PATROLMAN	\$10,778.91	W
050	J A	CANAVERA JR	PATROLMAN	\$10,778.91	W
050	J L	CARTER	PATROLMAN	\$10,778.91	W
050	A J	DAMIANO	PATROLMAN	\$10,778.91	W
050	W T	DZUBAN	PATROLMAN	\$10,778.91	W
050	P M	JANKOVICH	PATROLMAN	\$10,778.91	W
050	E P	KRONSEDER	PATROLMAN	\$10,778.91	W
050	A A	LANDOLFI	PATROLMAN	\$10,778.91	W
050	S F	NEMETH	PATROLMAN	\$10,778.91	W
050	R E	ULSEN	PATROLMAN	\$10,778.91	W

DEPT		NAME AND JOB TITLE		SALARY	RACE
050	W	REVILL	PATROLMAN	\$10,778.91	W
050	E	SHERIDAN	PATROLMAN	\$10,778.91	W
050	W A	REVILL	PATROLMAN	\$10,778.91	W
050	D W	DEAK	PATROLMAN	\$10,778.91	W
050	G H	HANSEN	PATROLMAN	\$10,778.91	W
050	R A	TOTH	PATROLMAN	\$10,778.91	W
050	C L	FEKETE	PATROLMAN	\$ 8,779.68	W
050			OVERTIME	\$20,704.70	
050	W	ADAMS	CAPTAIN	\$19,810.02	W
050	G	SNEED	SERGEANT	\$15,797.51	W
050			REVENUE SHARING	\$99,000.00	
050			REVENUE SHARING	\$99,000.00	
050			REVENUE SHARING	\$ 2,000.00	

\$893,616.24*

051	FIRE				
051	H R	VLIET	CHIEF	\$23,126.83	W
051	D	DUDICS	DEPUTY CHIEF	\$19,810.02	W
051	J	GALAMBOS	CAPTAIN	\$17,590.93	W
051	M	ASPROCOLAS	CAPTAIN	\$17,590.93	W
051	E H	COSTELLO	CAPTAIN	\$17,271.09	W
051	J	SOVART	FIREMAN	\$15,296.88	W
051	W	SCHNEIDER	CAPTAIN	\$17,590.93	W
051	G	ZIGRE	CAPTAIN	\$17,590.93	W
051	J	BURKE	CAPTAIN	\$17,590.93	W
051	G	ELLMYER	CAPTAIN	\$17,590.93	W
051	R	GRANDJEAN	FIREMAN	\$15,296.88	W
051	J	ONDER	FIREMAN	\$15,296.88	W
051	R	VAN SICKLE	CAPTAIN	\$17,351.05	W
051	P	BORWEGEN	FIREMAN	\$15,088.28	W
051	R	MELUSKI	CAPTAIN	\$15,845.05	W
051	C	GRANDJEAN JRCAPTAIN		\$17,191.13	W
051	A	HARMON	CAPTAIN	\$17,111.17	W
051	A	MILCSIK	FIREMAN	\$14,879.69	W
051	J	LINDQUIST	CAPTAIN	\$17,111.17	W
051	T	DALTON	FIREMAN	\$14,879.69	W
051	F	BROGAN	CAPTAIN	\$17,031.21	W
051	J V	COLLETTI	CAPTAIN	\$16,951.25	W
051	S	MOZSGAE	FIREMAN	\$14,740.63	W
051	J	YUHAS	FIREMAN	\$14,740.63	W
051	R	LATHAM	FIREMAN	\$14,740.63	W
051	J	SMITH	FIREMAN	\$14,671.09	W
051	C	CLARKE	FIREMAN	\$14,601.56	W
051	A	COLLETTU	FIREMAN	\$14,532.03	W
051	A	DANISH	FIREMAN	\$14,532.03	W
051	J	DUBLANYK	FIREMAN	\$14,532.03	W
051	J	NETZ	FIREMAN	\$14,532.03	W
051	R	PUGAN	FIREMAN	\$14,532.03	W

DEPT		NAME AND JOB TITLE	SALARY	RACE
051	D	JENSEN FIREMAN	\$14,392.97	W
051	R	COLEMAN FIREMAN	\$14,392.97	W
051	R	VROOM FIREMAN	\$14,392.97	W
051	J	HORVATH FIREMAN	\$14,323.44	W
051	J E	MADGER FIREMAN	\$14,323.44	W
051	L	SANDS FIREMAN	\$14,323.44	W
051	C	TOTH FIREMAN	\$14,323.44	W
051	R	LINDQUIST FIREMAN	\$14,323.44	W
051	R	KOPAC FIREMAN	\$14,323.44	W
051	H	BUERGEL FIREMAN	\$14,323.44	W
051	T	BLANCHARD FIREMAN	\$14,323.44	W
051	D	FREEMAN FIREMAN	\$14,253.91	W
051	A	YOURSTONE FIREMAN	\$14,253.91	W
051	W A	KEEFE FIREMAN	\$14,253.91	W
051	E	BERLINSKI FIREMAN	\$14,253.91	W
051	C S	PIEGDON FIREMAN	\$14,253.91	W
051	R	CAMPBELL FIREMAN	\$13,906.25	W
051	L	MAZUR FIREMAN	\$13,906.25	W
051	C	DEMKO FIREMAN	\$13,906.25	W
051	D	JORDAN FIREMAN	\$13,906.25	W
051	J	RENNER JR FIREMAN	\$13,906.25	W
051	R	AMBROSIO FIREMAN	\$13,906.25	W
051	H	EAYRES FIREMAN	\$12,748.21	W
051	W	LATHAM FIREMAN	\$12,748.21	W
051	J	SPITLER JR. FIREMAN	\$12,748.21	W
051	G	CAMPBELL FIREMAN	\$12,748.21	W
051	J	MELNYK FIREMAN	\$12,748.21	W
051	J	MONTANYE FIREMAN	\$12,748.21	W
051	K	KOZMA FIREMAN	\$12,748.21	W
051	R	STRAMARA FIREMAN	\$12,748.21	W
051	R	BANKS FIREMAN	\$12,748.21	W
051	F L	VICKERY JR. FIREMAN	\$11,705.65	W
051	E J	GUARNIERI FIREMAN	\$10,778.91	W
051	B A	ALMQUIST FIREMAN	\$11,705.65	W
051	R M	ASPROCOLAS FIREMAN	\$11,705.65	W
051	R W	KERMES FIREMAN	\$11,705.65	W
051	P A	MATULEWICZ FIREMAN	\$11,705.65	W
051	H E	PEACH FIREMAN	\$11,705.65	W
051	C E	SPEARNOCK FIREMAN	\$11,705.65	W
051	J B	SZEBENYI FIREMAN	\$11,705.65	W
051	E E	TIBOK FIREMAN	\$11,705.65	W
051	W G	ULRICH FIREMAN	\$11,705.65	W
051	R D	YACKEL FIREMAN	\$10,778.91	W
051	L A	BENSON FIREMAN	\$10,778.91	W
051	P A	BORWEGAN, JR. FIREMAN	\$10,778.91	W
051	R	HORVATH FIREMAN	\$10,778.91	W
051	P F	NOVIA FIREMAN	\$10,778.91	W
051	W K	STRYKER FIREMAN	\$10,778.91	W
051	C R	WOOD FIREMAN	\$10,778.91	W
051	K	MC GORVIN FIREMAN	\$10,778.91	W
051	M W	COSTELLO FIREMAN	\$ 8,779.68	W

DEPT		NAME AND JOB TITLE		SALARY	RACE
051	D K	DAVIS	FIREMAN	\$ 8,779.68	W
051	A J	LAMKIE	FIREMAN	\$ 8,779.68	W
051	J P	MARIND JR.	FIREMAN	\$ 8,779.68	W
051			REVENUE SHARING	\$99,000.00	
051			REVENUE SHARING	\$ 1,000.00	

\$071,292.28*

052	TRAFFIC				
052	A	SHEPPARD	SUPERVISOR	\$12,005.40	W
052	D	ESPOSITO	ASST. FOREMAN	\$ 9,794.97	W
052	J	DILK	DRIVER	\$ 9,453.18	W
052			LABORER	\$ 7,000.00	
052			OVERTIME	\$ 2,000.00	

\$ 40,253.55*

053	SCHOOL GUARDS - <i>See Attached Addendum</i>				
053			48 SCHOOL GUARDS	\$82,992.00	
053			25 SCHOOL GUARDS	\$47,775.00	
053	S	DOERR	SCHOOL GUARD	\$ 10.50	
053	M	KOHUTICH	SCHOOL GUARD	\$ 10.50	
053	R	KOLLER	SCHOOL GUARD	\$ 10.50	
053	L	LEVY	SCHOOL GUARD	\$ 10.50	
053	A	MARTIN	SCHOOL GUARD	\$ 10.50	
053	C	SQUIRES	SCHOOL GUARD	\$ 10.50	
053	M	SELINGU	SCHOOL GUARD	\$ 10.50	
053	D	TOFF	SCHOOL GUARD	\$ 10.50	
053	J	WOLENSKI	SCHOOL GUARD	\$ 10.50	
053	M	FRENCHU	SCHOOL GUARD	\$ 9.50	
053	M	KURTZ	SCHOOL GUARD	\$ 9.50	
053	K	LISOWSKI	SCHOOL GUARD	\$ 9.50	
053	J A	ZUNDEL	SCHOOL GUARD	\$ 9.50	
053	D	DIPPLE	SCHOOL GUARD	\$ 9.50	

\$130,909.00*

054	MUNICIPAL COURT				
054	P E	ANDERSON	JUDGE	\$10,266.65	W
054	C A	JOHNSON	COURT CLERK & VIOL BUR. CLK.	\$10,272.54	W
054	M M	CURRAN	ASST. CRT CLK & VIOL BUR CLK	\$ 8,437.02	W
054	M A	ZOGG	DEP CRT CLK & VIOL BUR CLK	\$ 5,612.80	W
054	E B	JONES	DEP CRT CLK & VIOL BUR CLK	\$ 5,375.07	W
054	M A	CALISE	DEP. VIOL. BUR. CLK.	\$ 5,189.50	W
054	K R	CRISS	DEP. VIOL. BUR. CLK.	\$ 5,189.50	W

DEPT		NAME AND JOB TITLE	SALARY	RACE
054	L C	SEXTON DEP. VIOL. BUR. CLK.	\$ 5,189.50	W
054	J	GUNSTONE DEP. V.B. CLK.	\$ 5,189.50	W
054		DEP. VIOL. BUR. CLK.	\$ 5,000.00	
054		VACATION REPLACEMENT	\$ 500.00	
054		THURSDAY NIGHT COURT	\$ 850.00	
054		THURSDAY NIGHT COURT	\$ 850.00	
054		THURSDAY NIGHT COURT	\$ 850.00	
054		THURSDAY NIGHT COURT	\$ 550.00	

\$ 71,322.08*

057 CIVIL DEFENSE

057	H	SAFFER DIRECTOR	\$ 1,000.00	W
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\$ 1,000.00*

058 JUVENILE CONF

\$ *

049	A	KWITTER P.T. SECY	\$ 1,200.00	W
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\$ 1,200.00*

059 PUBLIC LIBRARY

059	A	BACON DIRECTOR	\$15,000.00	W
059	F	LOGAN ASST. DIRECTOR	\$13,390.00	W
059	S R	SULLIVAN BKM LIBRARIAN	\$10,550.00	W
059	S H	FIRESTEIN BRANCH LIBRARIAN	\$10,000.00	W
059		CHILDREN'S LIBRARIAN	\$ 7,728.82	
059		ACQUISITIONS LIBRARIAN	\$ 7,727.82	
059		CATALOGUER	\$ 8,695.82	
059	K	MC DOWELL CATALOGUER	\$10,300.00	W
059	B	AMBROSIO PERIODICAL & AV TECH.	\$ 7,725.00	W
059	K	BOYLE ASST. TO PROF. LIB.	\$ 7,500.00	W
059	C	SPITZMILLER ASST. TO PROF. LIB.	\$ 7,385.00	W
059	J	HAYDU ADMIN. SECY.	\$ 7,070.00	W
059	K	NOGNAN SR. ORDER TECH.	\$ 7,070.00	W
059	H	STEIN ASST. TO PRO. LIBRN.	\$ 7,385.00	W
059	H	JOBBINS SR. LIB. ASST.	\$ 6,565.00	W
059	L	VAN DOREN BK. PROCESSING TECH.	\$ 5,650.00	W
059	J	EISENHUT BOOK PROCESSING SUPR.	\$ 9,500.00	W
059	D J	OZELL BK. PROCESSING TECH.	\$ 5,650.00	W

DEPT		NAME AND JOB TITLE	SALARY	RACE
059	A	RUTKIEWICZ AUDIO VISUAL AID TECH.	\$ 6,000.00	W
059	J L	MORLOCK LIBRARY ASST.	\$ 5,275.00	W
059	E	STOKLEY LIBRARY ASST.	\$ 5,275.00	W
059	N	ANTHONY LIBRARY ASST.	\$ 5,275.00	W
059	S	BROWN LIBRARY ASST.	\$ 5,275.00	W
059	S	KANITRA LIBRARY ASST.	\$ 5,275.00	W
059	J M	CRANSTON LIBRARY ASST.	\$ 5,275.00	W
059	B A	ELLISON CLERK-TYPIST	\$ 5,000.00	W
059		CLERK-TYPIST	\$ 4,347.91	
059		CLERK-TYPIST	\$ 4,347.91	
059	S	NAGY SUPV. CUSTODIAN	\$ 9,999.00	W
059		PART TIME EMPLOYEES	\$78,510.00	
059	D	GARLAND CLERK	\$ 2.60	W
059	H	GRAFF CLERK	\$ 2.60	W
059	C	COMER CHILDREN'S LIBRN.	\$ 9,500.00	W
059	G	WILSON CLERK	\$ 2.85	W
059	B	MEEHAN CLERK	\$ 2.60	W
059	S	ZAHORA CLERK PERM.	\$ 2.75	W
059	G	MILLER PAGE	\$ 1.90	W
059	A	MELILLI PAGE	\$ 1.90	W
059	R	CLECKLER BK. PROC. TECH.	\$ 5,550.00	W
059	M	BELL CHILDREN'S LIBRARIAN	\$ 9,500.00	W
059	J	QUINET PAGE	\$ 1.90	W
059	D	GRESH PAGE	\$ 1.80	W
059	E	SEPANSKI PROGRAM LIBRARIAN	\$ 3.00	W
059	K	HALL YOUNG ADULT LIBRARIAN	\$ 9,000.00	W
059	C	RAY ACQ.-LIBRARIAN	\$ 9,900.00	W
059	F	KIEFER BOOKMOBILE LIBRARIAN	\$ 6.00	W
059	C	HARPER REF. LIBRARIAN	\$ 3.40	W
059	K	VAN DOREN CUSTODIAN	\$ 2.75	W
059	S	SZALAY COLLECTION OFF.	\$ 5.00	W
059	L	CUSHMAN PAGE	\$ 1.90	W
059	H	ROSEN PAGE	\$ 1.90	W
059	D	VAJO ASST. CUSTODIAN	\$ 2.75	W
059	S	RATINER PAGE	\$ 1.90	W
059	S	CHARLIP PAGE	\$ 1.90	W
059	E	BAILEY REF. LIBRARIAN	\$ 3.75	W

\$338,352.43*

DEPT		NAME AND JOB TITLE	SALARY	RACE
080		WATER ACCOUNTING		
080	A	CRISS SR. METER READER	\$ 9,340.85	W
080	R	BEACH SR. METER READER	\$ 8,805.79	W
080	H	BLAUVELT SR. PROGRAMMER	\$12,313.44	W
080	J	STEFANI EXEC. SECY.	\$ 7,500.00	W
080	L	BURKE PR. ACCT. CLK.	\$ 6,954.30	W
080	B J	FIGLIOLINO KEYPUNCH OPERATOR	\$ 6,750.52	W
080	L	SCOTT COMPUTER OPERATOR	\$ 8,902.40	W
080	R	LOTZKY COMPUTER OPERATOR	\$10,015.20	W

DEPT		NAME AND JOB TITLE	SALARY	RACE
080	M	UMAN	CLERK TYPIST	\$ 5,000.00 W
080			SUMMER HELP	\$ 1,000.00
080			OVERTIME	\$ 5,000.00
				\$ 81,583.50*

081 WATER OPERATING				
081	R	TAYLOR	SUPERVISOR	\$13,781.59 W
081	W	HIGHT	MAINT. FOREMAN	\$11,338.78 W
081	J	WILLIAMS	WATER MAINT. FOREMAN	\$11,338.78 W
081	G	MAISON	SR. WATER UTIL. MAINT. MAN	\$ 9,634.98 W
081	J	PINTER	EQUIP. OPER.	\$ 9,812.19 W
081	A	PERDUK	WATER UTIL. MAINT. MAN	\$ 8,977.28 W
081	E	DECKERT	DRIVER	\$ 9,453.18 W
081	S	RESKO	SR. MECHANIC	\$11,354.72 W
081	T	HANBY	SR. WATER UTIL. MAINT. MAN	\$ 8,995.58 W
081	S	COMBENAKIS	SR. METER SETTER-READER	\$ 8,804.64 W
081	J	HUGHES	DIRECTOR-FINANCE	\$ 1,070.00 W
081	S M	BAGAN	SR. MECHANIC	\$11,244.48 W
081	R	PINTER	WATER UTIL. MAINT. MAN	\$ 8,295.46 W
081	J	DELESANDRO	BUSINESS ADMINISTRATOR	\$ 1,193.05 W
081	L	VALENTINO	DRIVER	\$ 8,819.20 W
081	H F	MORGAN	PUMP HOUSE OPER.	\$ 9,526.40 W
081	W G	MILLER	DRIVER	\$ 8,819.20 W
081	M	BOLGER JR.	WATER UTIL, MAINT.	\$ 7,737.60 W
081	W	LUND	ENGINEER	\$ 1,070.00 W
081			OVERTIME	\$12,000.00
081			SUMMER TIME HELP	\$10,074.66
081			SR. CHIEF STOREKEEPER	\$ 8,132.80
081	J	DREW	SR. CHIEF STOREKEEPER	\$ 8,132.80 W
				\$199,607.37*

091 SANITATION				
091	J	HORVATH	SUPERVISOR	\$13,231.00 W
091	M	SLAVICK	FOREMAN	\$10,468.37 W
091	G	BANDIC'S	FOREMAN	\$10,260.16 W
091	J	MADDEN	EQUIP OPER.	\$10,957.86 W
091	J	YUHASZ	EQUIP OPER.	\$ 9,716.93 W
091	D	POLICASTRO	EQUIP OPER.	\$ 9,716.93 W
091	R	CAMPBELL	DRIVER	\$10,031.84 W
091	E	CROWDER	EQUIP. OPER.	\$ 9,812.19 W
091	H	HANSON	LABORER	\$ 9,524.74 W
091	A	HERMAN	DRIVER	\$ 9,842.56 W
091	J	DELESANDRO	ADMINISTRATOR	\$ 1,000.00 W
091	W R	GOODWIN	DIRECTOR	\$ 1,580.00 W
091	G	PETRUNYAK	DRIVER	\$ 8,995.58 W

DEPT		NAME AND JOB TITLE	SALARY	RACE
091	C	WILSON DRIVER	\$ 8,995.58	W
091	J	ENGLISH DRIVER	\$ 8,995.58	W
091	B	KVETKOSKY DRIVER	\$ 8,995.58	W
091	S	ZACCARO DRIVER	\$ 8,819.20	W
091	R	GORCSOS DRIVER	\$ 8,819.20	W
091	C	HASARA DRIVER	\$ 8,995.58	W
091	G	REISTER EQUIP. OP.	\$ 4.58	W
091	M	TORREZ DRIVER	\$ 8,995.58	SP
091	G	PEREZ DRIVER	\$ 8,819.20	SP
091	R	BRUGUIER LABORER	\$ 3.91	W
091	J	PRYBYLowski MECHANIC-SAN.	\$11,227.01	W
091	R	GODDARD MECHANIC-SAN.	\$ 9,812.19	W
091	E	KINIRY SR. MECHANIC	\$11,024.00	W
091	D	KLEMICK LABORER	\$ 3.91	W
091	J	FREEMAN LABORER	\$ 9,345.02	B
091	R	SYNPIESKI LABORER	\$ 8,977.28	W
091	J	LABBANCZ LABORER	\$ 8,295.46	W
091	E	MACK LABORER	\$ 9,524.74	W
091	M	ALSTON DRIVER	\$ 4.24	B
091	S	GOOD LABORER	\$ 8,132.80	W
091	R	BREZICKI DRIVER	\$ 4.24	W
091	A	TORTORELLO LABORER	\$ 8,132.80	W
091	J	KOWALSKI LABORER	\$ 8,132.80	W
091	B	RIVERA JR LABORER	\$ 8,132.80	SP
091	J	FOLEY LABORER	\$ 8,132.80	W
091	R	CANNELLA LABORER	\$ 8,295.46	W
091	D	FARAONE LABORER	\$ 8,132.80	W
091	T S	LENNON LABORER	\$ 8,132.80	W
091	A	VALENTIN LABORER	\$ 8,132.80	SP
091	N E	JENSEN LABORER	\$ 8,132.80	W
091	M J	PROMUTICO LABORER	\$ 8,132.80	W
091	G	BERRUE JR LABORER	\$ 8,132.80	W
091	D A	SPENCE LABORER	\$ 8,132.80	W
091	R	QUINONES LABORER	\$ 8,132.80	SP
091	E	AROCHO LABORER	\$ 8,132.80	SP
091	D J	CATALANO LABORER	\$ 8,132.80	W
091	B	THORNE LABORER	\$ 8,132.80	W
091	G	KATULA LABORER	\$ 8,132.80	W
091	H F	SCHNEIDER LABORER	\$ 8,132.80	W
091		SUMMER TIME REPLACEMENT	\$18,000.00	
091		OVERTIME	\$17,167.66	
091	C	HADDOCK FOREMAN	\$10,395.00	W
091		EQUIP. OPER. (2)	\$19,052.80	
091		DRIVERS (2)	\$ 9,505.60	
091	A	PLAZA LABORER	\$ 3.91	SP
091	E	THOMPSON LABORER	\$ 3.91	W
091	G	FILDES LABORER	\$ 3.91	W
091	R	CAMPBELL JR. LABORER	\$ 3.91	W
091	L F	HAMILTON LABORER	\$ 3.91	W
091	R	CARDLL LABORER	\$ 3.20	W
091	J	HAGDON LABORER	\$ 3.91	W

DEPT NAME AND JOB TITLE SALARY RACE

091	F	MANTUANO	LABORER	\$	3.91	M
091	M	PALKO	LABORER	\$	3.91	M

\$483,581.64*

ADDENDUM

SCHOOL GUARDS

The following school guards are caucasian:

Mrs. Irene Adamec
Mrs. Barbara Acton
Mrs. Doris Balog
Mr. Frank Baranowski
Mrs. Marie Barone
Mrs. Diane Betti
Mrs. Barbara Bernhagen
Mrs. Carmelo Casentino
Mrs. Josephine Cavanaugh
Mrs. Elaine Connor
Mrs. Katherine Dailey
Mrs. Florence R. Darabos
Mrs. Carol Deak
Mrs. Doris DeNicola
Mrs. Delia Dipple
Mrs. Sarah M. Doerr
Mr. Manuel Escutt
Mrs. Florence A. Glen
Mr. William Greer
Mrs. Domenica Girardi
Mrs. Alice Hall
Mrs. Marion B. Hill
Mrs. Rosalie Hrycenko
Mrs. Margaret E. Huegel
Mrs. Anna E. Huzar

Mrs. Mary Salingo
Mrs. Helen Schaeffer
Mrs. Catherine Shedlock
Mrs. Florence Sheridan
Mr. Daniel Shirley
Mr. Abe Shapiro
Mrs. Evelyn V. Sierzega
Mrs. Catherine Squires
Mrs. Lillie Thomas

Mrs. Carol Inteso
Mrs. Emilie Jockwer
Mrs. Martin Karasinski
Mr. William J. Kehoe
Mrs. Frances Kean
Mr. Harry Koberlein
Mrs. Arlene Kocsis
Mrs. Mary Kohutich
Mrs. Rhoda L. Koller
Mrs. Margaret Kurtz
Mr. Stanley J. Letinski
Mrs. Lila M. Levy
Mrs. Krystyna Lisowski
Mrs. Ann Martin
Mrs. Ida Massineo
Mrs. Jane Morgan
Mrs. Francine S. Nathan
Mr. Sven Olsson
Mrs. Prudence Pascarella
Mrs. Veda Perkowski
Mrs. Emile Perrotte
Mrs. Florence Petz
Mrs. Pamela Phillips
Mrs. Edith Rainford
Mrs. Diane Roach

Mrs. Grace F. Thums
Mrs. Dini Toff
Mrs. Arelen Turanicza
Mrs. Charles A. Utracchi
Mrs. Rose Volpi
Mrs. Jean M. Walker
Mrs. Barbara Jean Ward
Mrs. Josephine Wolenski
Mrs. Barbara Yunker
Mrs. Joan Zundel

The following school guards are black:

Mrs. Rebecca Bass
Mrs. Lillie Thomas

SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION - MIDDLESEX COUNTY
DOCKET NO. C-4122-73 ✓

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URBAN LEAGUE OF GREATER
NEW BRUNSWICK, et al.,

Plaintiffs,

-vs-

BOROUGH OF CARTERET, et al.,

Defendants.

TRANSCRIPT OF

PROCEEDINGS

314

New Brunswick, New Jersey
March 1, 1976.

RECEIVED
CLERK
MAY 1 1976
MAY 1 1976

B E F O R E:

HONORABLE DAVID D. FURMAN, JSC

A P P E A R A N C E S:

(Same as February 23, 1976.)

-Daye F. Fenton,
Certified Shorthand Reporter.

1 MR. SEARING: Your Honor, I have a series of
2 documents from the municipality of South Brunswick
3 to be marked for identification.

4 THE COURT: P-157 so forth.

5 (Documents received and marked P-157, 158,
6 159, for identification.)

7
8 A L L A N M A L L A C H continued.

9 DIRECT EXAMINATION BY MR. SEARING:

10 Q Mr. Mallach, I show you P-157. Could you
11 identify it for us please?

12 A This is the zoning ordinance of the Township of South
13 Brunswick.

14 Q P-159, please? A P-159 is
15 a series of amendments to the zoning ordinance of South
16 Brunswick Township.

17 Q And P-158, please? A P-158 is a
18 summary of zoning ordinance provisions for the Township of
19 South Brunswick prepared by me.

20 MR. SEARING: Your Honor I have shown these
21 to Mr. Gruber, I move their entry into evidence at
22 this time.

23 MR. GRUBER: I have no objection, your Honor.

24 THE COURT: Let them be admitted into
25 evidence.

(Documents heretofore marked for identification
now marked in evidence.)

1
2
3 Q Mr. Mallach, could you describe the principal
4 features of this ordinance for us please?

5 A Yes, sir.

6 The zoning ordinance divides the Township of
7 South Brunswick into 15 zones of which 6 are single family
8 residential zones, 2 commercial, 5 industrial, office or
9 research and two plain residential development zones.

10 In the single family residential zones divided as
11 follows, the first is a 5 residential or recultural zone,
12 requiring minimum lots of 5 acres, frontage of 150 feet and
13 minimum floor area of 1000 square feet.

14 The second is an A-3 residential or agricultural zone
15 requiring 3 acre lots, 150 foot frontage and 1000 square foot
16 floor area.

17 The third is the R-1 residential minimum lots of one
18 acre, frontage of 150 feet and minimum floor area of 1000
19 square feet in this zone a cluster option is permitted under
20 which the lot size may be reduced to a minimum of 30,000 square
21 feet and frontage to a minimum of 120 feet, contingent on
22 the dedication of 30 percent of the tract for open space and
23 other less significant features.

24 In all of the remaining residential zones there is a
25 distinction between whether or not water and sewer are

1 available. If water and sewer are not available the minimum
2 zoning in any residential zone is one acre lot at 150 square
3 foot, rather 150 foot frontage. In the R-2 residential zone,
4 if water and sewer is available, lot sizes are 30,000 square
5 feet and frontage 130 feet, under the cluster option, lot
6 sizes can be reduced to 20,000 square feet frontage to 110
7 feet with a dedication of 25 percent open space.

8 The R-3 residential zone with water and sewer are the
9 sizes are 20,000 square feet and frontage 110 feet and under
10 the cluster option lot size can be reduced to 15,000 square
11 feet and frontage to 100 feet with 20 percent open space
12 dedication.

13 The R-4 zone with water and sewer, the lots are 10,000
14 square feet, frontage 75 feet. There's no cluster option in
15 that zone. The minimum floor area required in all of these
16 zones is 1000 square feet plus an additional 100 feet enclosed
17 storage area.

18 Corner lots are required to be 20 percent larger than
19 interior lots. A garage is required in all, for all single
20 family houses.

21 Residential uses are not permitted in the industrial,
22 commercial zones, with the exception that mobile home parks
23 are permitted use in the light industry office research zone,
24 subject however, that there may be no more than three mobile
25 park homes in the township. To the best of my knowledge,

1 there are three mobile home parks at present in the township.

2 With regard to the planned residential development
3 zones, there are two such. In both cases a minimum acreage
4 of 100 acres is required for a developer to qualify for these
5 provisions. In the PRD 5 zone the overall density may not
6 exceed for 5 dwelling units an acre. A single family unit
7 can be built up to a density of 4 an acre, town houses 8 an
8 acre, apartments 15 an acre.

9 The minimum floor space sizes are 1000 square feet for
10 single family houses and 600 square feet for multi family
11 units, apartments with the exception of efficiency apartments
12 which can be as little as 400 square feet. Single family
13 houses must be built to 10,000 foot or larger lots. 40
14 percent of the area of the planned development must be
15 dedicated for open space and additional 100 square feet of
16 storage space must be provided for each dwelling unit.

17 The same provisions apply to the PRD 7 zone except the
18 overall density is permissible is 7 units an acre instead of
19 5.

20 There are a number of other provisions in PRD zone, town
21 houses, must make up between 25 and 40 percent of the total
22 number of dwelling units and apartments between 25 and 40
23 percent of the total. The remainder are to be detached single
24 family homes. Two parking spaces arerequired for each
25 dwelling unit.

1 There is a zig-zag provision as mentioned presently in
2 terms of staggered facades and finally there is a provision
3 that although variable at the discretion of the planning
4 board, 10 percent of the dwelling units in each planned
5 residential development must be provided for low and moderate
6 income families with, I believe, the assumption unless changed
7 by the planning board that 5 percent be for low and 5 percent
8 for moderate income families.

9 With regard to vacant land, the information provided
10 by the township specifies that there are 23,470 acres of
11 vacant land in the boundaries of the Township of South
12 Brunswick. Of these approximately 15,000 are in the
13 residential zones and 8,500 in commercial and industrial
14 zones. Of the 15,000 residential acres 9,500 or somewhat
15 over 60 percent are in the two so-called agricultural zones,
16 the A-3 and A-5. Remaining 2800 or just under 30, excuse me,
17 just under 20 percent of the zone is in the R-1 and R-2
18 residential areas and just less than 600 acres or approxi-
19 mately 4 percent of the residential acreage is in the R-3 and
20 the R-4 zones.

21 Of the nonresidential acreage it is virtually entirely
22 in industrial office and research uses. Finally 686 vacant
23 acres or approximately $2\frac{1}{2}$, $2\frac{1}{2}$ to 3 percent of the vacant
24 acreage is in the two PRD planned residential development
25 zones.

1 Q Now, Mr. Mallach, what if any of the features
2 you have described have an adverse effect on the provision for
3 housing lower and moderate income persons?

4 A There are a number of features in this ordinance.
5 First the lot size and frontage requirements generally
6 excessive in ~~the~~ regard. The lot size provisions in the
7 agricultural zones are of course extremely high, 5 acres and
8 3 acres, respectively as are the 150 foot frontages. The lot
9 sizes in R-1 and R-2 zones, even with the cluster option
10 vary depending on cluster, water and sewer and so on between
11 half an acre and one acre. This is all considerably above
12 reasonable and modest requirement.

13 The lot size in the R-3 zone again, one acre to a
14 minimum of 15,000 square feet under the cluster option is
15 also excessive in terms of reasonable and modest requirements.
16 The frontage requirement in all these zones with or without
17 the cluster option are excessive.

18 The only zone in which the lot size approaches modest
19 standards is the R-2 zone in which the lot size is 10,000
20 square feet.

21 As I've mentioned earlier, this, to the degree that
22 this is consistent with modest standards certainly at the
23 ceiling thereof. So that there are no zones in the township
24 which provide for lot sizes below 10,000 square feet.

25 The minimum floor area of 1000 square feet plus 100 foot

1 square feet of enclosed storage is also on the high side.
2 It is not blatantly excessive in and of itself but is
3 so in the absence of any provision of the township for
4 single family houses of a more modest nature. Should note
5 from the standpoint of provision of low and moderate income
6 housing the substantial, the open space dedication requirements
7 and the cluster option reduction in minimum lot size tend
8 to cancel each other out so that there is no substantial
9 impact in this regard from the cluster option. With regard to
10 the planned residential development area the overall density,
11 particularly in the PRD 5 area are lower than levels at which
12 it is feasible to develop multi family housing and mixed
13 planned communities for low and moderate income housing and
14 thus can result in the increasing the costs of such housing as
15 well as reducing the number of dwelling units it can
16 feasibly be constructed.

17 The density for apartments, net density for the apart-
18 ment sections in the PRD zones is not unreasonable as
19 is the square foot requirements by and large.

20 The requirement of two parking spaces per dwelling
21 unit as well as the provision for staggered facades both
22 tend to have a, the impact of increasing costs beyond what
23 is necessary.

24 With regard to the mobile parks, then since the number
25 of existing mobile home parks is the same as the number of

1 permitted mobile home parks within the township, this tends
2 to have a restrictive effect on the provision of mobile
3 homes within the township, although it should be cited that,
4 I believe under the provisions there is some provision for
5 expansion of the existing mobile home park, although not
6 for creation of any additional ones.

7 Also, going back to the planned residential development,
8 there is a question as to whether the provision of the
9 requirement that percentages be set aside for low and moderate
10 income housing units, without any form of quid pro quo
11 in the form of density adjustments or bonuses or relaxation
12 of other provisions is an effective means of providing low and
13 moderate income housing or whether by acting as a disincentive
14 to develop.

15 Generally it can be seen as a potentially restrictive
16 provision. Furthermore, the absence of any provision for
17 multi family housing in the ordinance outside the PRD zone
18 can be restrictive in that it's discouraging of more modest
19 development of the multi family housing which can be done
20 with less expense, less planning, less front end cost and
21 less complexity than development in the planned residential
22 development zones requires.

23 With regard to the distribution of vacant land, there
24 is substantial unevenness in the manner in which the vacant
25 land is available. A comparison of the distribution of

1 vacant land to the projections made by the county planning
2 board regarding the need for residential industrial lands,
3 shows that at present there is , although there is slightly
4 twice as much residential lands or land zoned residentially
5 as projected to be needed, there is more than 7 times as much
6 land zoned for industrial uses and vacant as if projected
7 to be needed.

8 In addition, since as I mentioned earlier 60 percent
9 of the residential land is zoned in the A-5 and the A-3
10 zones, where the lot sizes are such that development is
11 substantial of any kind is substantially limited. The
12 remaining residential land in the R-1 through R-4 zones
13 is barely equal to the amount cited as to be required by the
14 county planning board.

15 Furthermore, leaving aside the, excuse me, the
16 agricultural zones, the distribution of land in the
17 residential zones is extremely uneven, of approximately 5,300
18 acres in the residential zones, excluding agricultural, only
19 12 of those acres are in the R-4 zone, which is the only zone
20 in the township which provides lot size and frontage require-
21 ments approaching the modest standards.

22 Finally in the PRD, excuse me, in the PRD zones
23 containing 682 acres which although not negligible is still a
24 very small part of the vacant land in the township and
25 thereby substantially restricts the feasibility of developing

1 under the PRD provisions.

2 I note also that minimum tract 4 PRD is 100 acres
3 and in the PRD 5 zone it specifies that only 182 acres are
4 available, unless there's a single tract that's approximately
5 equal to this side that would mean that a substantial part
6 of the PRD 5 zone is not developable under those provisions
7 at all. So these are the features that I believe restrict
8 low and moderate income housing in this ordinance.

9 Q Does this municipality have a public housing
10 authority?

11 A No, sir.

12 Q Is there any other state of federally subsidized
13 housing within its confines?

14 A I believe there is a development being sponsored by
15 the Raritan Valley Community Development Foundation under
16 the farmers home administration subsidiary program for 76,
17 I believe, dwelling units.

18 Q I'd like to draw your attention to P-53,
19 specifically page 68 which is the summary for urban
20 municipalities.

21 Is there an entry on that?

22 MR. GRUBER: I'm sorry, what?

23 MR. SEARING: I'm sorry, this is the CD
24 application, P-53, page 68.

25 Q Is there an entry for this municipality?

1 A Yes, sir.

2 Q Would you read it for us please?

3 A Yes.

4 The column number of substandard units for South
5 Brunswick, the figure is 149 in the column, lower income
6 households in need of housing assistance for South Brunswick,
7 the figure is 284, the total is 433.

8 Q I would draw your attention to question 4 in the
9 initial set of interrogatories answered by the defendant in
10 question being, "Provide the number of multi family units
11 in each of the following rental categories and ranges."

12 Would you read the answer that they supplied, please?

13 A Yes, the answer was, "Under \$100 a month, none.

14 "\$100 to \$149 a month, none.

15 "\$150 to \$199 a month, two efficiency units, 32
16 one bedroom units.

17 "\$200 to \$249 a month, 150 one bedroom units, two
18 two bedroom units.

19 "\$250 and over a month, 76 one bedroom units, 50 two
20 bedroom units."

21 Q Thank you, Mr. Mallach.

22 MR. SEARING: Your Honor, we have no
23 further questions.

24 THE COURT: Mr. Gruber, cross-examine.

25 MR. GRUBER: Yes, thank you, your Honor.

1 CROSS-EXAMINATION BY MR. GRUBER:

2 Q Mr. Mallach, you referred to figures submitted
3 to you by South Brunswick Township; is that correct?

4 A That's correct.

5 Q Have you reviewed all the materials that South
6 Brunswick has submitted to the plaintiffs in this matter?

7 A I wouldn't vouch for all of them I've reviewed a great
8 deal of them.

9 Q Are you in this trial trying to present an
10 objective view of the zoning and planning of the Township of
11 South Brunswick?

12 A To the best of my ability, yes.

13 Q What is a master plan? A A master
14 plan is a document based on extensive study of the community
15 and its, the region which it's located which provides an
16 overall direction for the growth, development and land use
17 control of that municipality.

18 Q What's its relationship to the zoning ordinance?

19 A Well, that varies considerably from one town to the
20 next.

21 Q In general. A Well, the range
22 would run from a, zoning ordinances in some cases are designed
23 to be very, to be an implimentation of the master plan in the
24 sense of taking the principles of the master plan and
25 translating them into formal ordinance status.

1 On the other hand, many zoning ordinances deviate to
2 varying degrees, sometimes considerably from the master plan
3 for various reasons.

4 Q Have you reviewed the South Brunswick Master
5 Plan?

6 A I haven't reviewed it, I've looked at some of the
7 materials in it but I haven't reviewed it systematically.

8 Q Do you know whether or not the zoning ordinances
9 in South Brunswick is related to the master plan?

10 A I haven't done a specific study of that.

11 Q How do you evaluate a zoning ordinance?

12 A Well, one can evaluate a zoning ordinance in many
13 different ways, depending on what aspect of it one is
14 particularly interested in.

15 Q Well, if you are evaluating a zoning ordinance
16 for discriminatory effects on the zoning of the township,
17 don't you evaluate the entire zoning ordinance and related
18 documents?

19 A It depends on the degree to which one, the amount
20 of detail, the amount of depth one wants to go and the
21 amount of conclusiveness, if you will, that one wants the
22 final product to have. In other words--

23 Q How conclusive did you want your final
24 product to be?

25 A Well, in effect, not, not so much conclusive as I

1 believe I mentioned earlier as essentially to determine
2 whether or not a facial case existed in terms of the
3 existence of certain features.

4 Q So you took, made a facial study of the zoning
5 ordinance and its related documents?

6 A I think that would be fair.

7 Q You didn't make a substantial study of it?

8 A Substantial is hard to define, I wouldn't, not
9 comprehensive, not total.

10 Q Would you agree with Dr. Mann who testified earlier
11 in this case when he said the only way the, a zoning
12 ordinance with 5 things, one, to determine how it worked
13 two determine how it's enforced, three, to determine how
14 it's tied into the general plan, four, to determine how
15 it's tied into other local authorities and five, the
16 known land uses of the community.

17 (Whereupon the court heard legal argument.)

18 A Again, certainly all of those, all of those things are
19 worthy areas for study. I think I would agree with Mr. Mann
20 in the sense that, to do the comprehensive, the causative,
21 if you will, analysis of a zoning ordinance in a municipality
22 land use practices, those would all be, should be done but
23 in terms of a preliminary or a facial analysis that goes well
24 beyond what is necessary.

25 Q It goes well beyond what you did, isn't it?

1 A Oh, yes.

2 Q So what you are saying and you're telling the
3 court, Mr. Mallach that if a community has acreage zoned for
4 industry beyond what someone thinks is necessary for the
5 future, that that is a restriction on the zoning ordinance
6 and perhaps exclusionary?

7 A Well, as a general--

8 THE COURT: Do you understand the question?

9 THE WITNESS: Yes, it's, there are 3 or 4
10 levels. I believe that the most important determinant
11 of the amount of vacant land that should be zoned for
12 industrial purposes is an assessment of the demand
13 for land of that nature and that the county planning
14 board's assessment in that regard is probably as
15 reliable as any that's available and that to the
16 degree that industrially zoned land does go substantially
17 beyond the available assessment of demand that it is
18 restrictive and may be exclusionary in its
19 restrictions, yes.

20 Q All right, then, the fact that there is an
21 excessive amount of industrial land on its face is not
22 necessarily an exclusionary feature, is it, in and of it-
23 self?

24 A In and of itself, not necessarily.

25 Q Is the fact that there is an A-5 zone which it

1 has a minimum lot of 5 acres with the minimum width of 150
2 feet in and of itself exclusionary?

3 A Only in the context of the remainder of the provisions
4 of the ordinance.

5 Q So, taking each individual provision of this
6 ordinance, it is not in and of itself an exclusionary
7 provision other than in the context that you say the general
8 overall impact of all of them together; is that correct?

9 A Well, let me qualify that to a degree. The provisions
10 of the A-5 zone or the A-3 zone, the R-1 zone are the
11 exclusionary, in the sense that how modest housing, low and
12 moderate income housing so on cannot be built under the
13 provisions of those zones. However, their overall impact of
14 those features will vary, depending on what features for
15 other zones and other land uses and so on may exist in the
16 ordinance, so it's not quite an either or.

17 Q Now, Mr. Mallach, do you know the number of
18 mobile homes that are permitted under the ordinance of
19 South Brunswick, in the township?

20 A Well, I believe the provision is that within each of
21 the three trailer parks may have up to 280.

22 Q 280 each?

23 A I believe it's each.

24 Q So that would mean that we're talking about 800

25 and--

1 A 840.

2 Q You're saying in your opinion, Doctor, that
3 the fact that it's, that the number of mobile homes in South
4 Brunswick is limited to 840 is exclusionary?

5 A Well, there are a given number of mobile homes in
6 South Brunswick at present, I think approximately 500 so that
7 we're talking about in addition, in the area of 340 or so
8 mobile homes. Now, I think, I think a reasonable argument
9 could be made that that is a substantially smaller number
10 than could be reasonably provided within the Township of
11 South Brunswick.

12 Q I'm not asking you to give a substantially
13 reasonable argument, I'm asking you for your opinion as to
14 whether or not the fact that South Brunswick allows 840
15 mobile homes in its community?

16 A Exclusionary.

17 I think it may be, yes.

18 Q How many other communities in Middlesex County
19 allow 3 mobile homes and 840 mobile homes in their
20 community?

21 A 3 mobile home parks.

22 Q 3 mobile home parks.

23 A Well, I don't know of any municipalities which allow
24 necessarily both of those features, there are at least some
25 municipalities which have three or more mobile home parks.

1 (Whereupon the court heard legal argument.)

2 Q Mr. Mallach, are you familiar with the
3 two other mobile home parks in the, in the township, one
4 being Monmouth Mobile Home Park located on Route 1,
5 you know how many mobile homes there are in that park?

6 A No, sir.

7 Q If I told you that there were 280, would you,
8 you would not know whether or not that was true?

9 A No, I would not.

10 Q If I told you that there were approximately
11 75 in the othermobile home park, Brookside Mobile Home Park,
12 you wouldn't know whether or not that was true either?

13 A No, I would not.

14 Q But you would concede that the Brookside Mobile
15 Home Park could expand from its 75 existing mobile homes, if
16 that figure be true to a maximum of 180?

17 A That would provide for, instead of the number, instead
18 of my, I guess, guesstimate that I mentioned earlier that
19 would provide for then an additional 205 mobile homes in the
20 township under the present ordinance. If both the others
21 already have 280.

22 Q Didn't say the one was constructed, Oakdale,
23 Oakdale has 135 at the present time.

24 A That's how it--

25 Q Mr. Mallach, are you familiar with the

1 Bocca Code?

2 A Generally speaking, I don't consider myself an expert
3 on building codes.

4 Q If I told you that South Brunswick had the Bocca
5 Code in existence now at the present time as a building code
6 in South Brunswick, you would accept that, would you not?

7 A Certainly.

8 Q What are the Bocca Code provisions for allowing
9 modular building units and mobile homes to be placed in any
10 area of the township?

11 (Whereupon the court heard legal argument.)

12 MR. GRUBER: Could the reporter read back my
13 last question.

14 THE COURT: Ask another question, Mr. Gruber.
15 Is he aware, if you want to ask him that under the Bocca
16 Code--

17 MR. GRUBER: Yes, your Honor, I thought that
18 was my last question.

19 THE COURT: Modular homes and mobile homes may be
20 located anywhere in the township.

21 Is that your question?

22 MR. GRUBER: Yes, it is.

23 A I was not aware of that specific feature.

24 Q Would that change your opinion?

25 A Not substantially because the minimum floor area

1 requirement of 1000 square feet tends to eliminate on that
2 basis, the conventional mobile home unit.

3 Q What is the conventional mobile home unit?

4 A Well, referring to--

5 THE COURT: In floor area?

6 THE WITNESS: In floor area?

7 MR. GRUBER: Yes.

8 A At this time it's usually in the area of 700 square
9 feet.

10 Q Don't they have double rides.

11 A Well, the double rides could be up to twice that.

12 Q That would be 1400?

13 A Up to 1400, yes.

14 Q And for example, do you know how many double
15 rides there are in the mobile home parks at the present
16 time?

17 A No, I do not.

18 Q Do you know the cost of the single mobile home?

19 A In approximate terms, not in exact figures.

20 Q Give us approximate.

21 A Say 10 to 15,000.

22 Q Do you know what a cost of the double ride would
23 be?

24 A Well, in the, approximately with somewhat slightly less
25 than double that.

1 Q Because of the fact there are no, one quarter
2 of the wall space is eliminated?

3 A Right.

4 Q Do you consider a mobile home is low or moderate
5 income housing?

6 A I think they are a, under appropriate circumstances
7 they are a type of low and moderate income housing.

8 Q Are you familiar with the amount of actual swamp
9 land that's located in South Brunswick?

10 A No, sir.

11 Q Have you taken the master plan and related the
12 areas of swampland to the zoning in the township?

13 A No.

14 Q Have you looked at this master plan?

15 A Yes, I have.

16 MR. GRUBER: May I have this marked for
17 identification please.

18 (Document received and marked DSB-1 for
19 identification.)

20 Q Have you made a comparison between the South
21 Brunswick Master Plan and the County Master Plan?

22 A No.

23 Q If the South Brunswick Master Plan fits into the
24 goals and criteria published by the Middlesex County Master
25 Plan, would that change your opinion of the effort that

1 South Brunswick has made to eliminate exclusionary zoning
2 within its township?

3 A Not substantially.

4 Q Why? A Because the scale of the
5 Middlesex County Master Plan is such that it leaves a great
6 deal of scope to the individual municipalities to provide
7 for nonexclusionary features, in substantial part of the
8 community without being violative of the broad directions or
9 goals of the County Master Plan.

10 Q If it, you used the county master plan before
11 to evaluate the amount of industrial acreage in the
12 community and its projected use, did you not?

13 A I used projections that were prepared as part of their
14 master plan process, they're not the land use plan as such.

15 Q Are those projections as vague as you indicated
16 before in answer to my other question with regard to the
17 Middlesex County Master Plan?

18 A Well, the projections are not so much vague as they are
19 generalized as the master plan.

20 Q Did you review South Brunswick's answers to
21 interrogatories, a demand for admissions with regard to
22 vacant land prior to testifying today?

23 A A good deal of it, yes.

24 Q Did you present a fair and accurate picture of
25 the disposal of that vacant land to the court?

1 A I presented the figures as far as the numbers are
2 of the acres were concerned.

3 Q You qualified that answer in which you indicated
4 that you presented accurate figures, what are the
5 qualifications?

6 A Well, if the reference you're using was to describe with
7 regard to descriptions of characterization of the zones, it
8 might have been included in answers to interrogatories,
9 I did not include that material.

10 Q In supplemental interrogatories which the
11 township provided your client dated January 9th, 196 in the
12 rider to No. 1 of the supplemental interrogatories which was
13 "Please list each of the zoning ordinance provisions and
14 land use practices admitted in the request for admissions
15 answered by you on June 3rd, 1975 which you contend are
16 justified by peculiar circumstances."

17 Now with specific regard to No. 14, would you please
18 read that rider?

19 A There are 686 undeveloped acres in PRD 5 and 7.

20 In addition there are an additional 1656 acres designated
21 as PDR on the master plan under the scheduling.

22 Q Now did you verify that in the master plan?

23 A No, I don't question it.

24 Q So you don't question the fact that South
25 Brunswick had 1600 acres designated in general in their

1 master plan for future PRD's; is that correct?

2 A No, I do not.

3 Q Do you know the history of the industrial growth of
4 South Brunswick Township?

5 A No.

6 Q If I told you that South Brunswick developed 400
7 industrial acres in the year 1974, would you deny that?

8 A I have no basis on which to deny it.

9 Q What percentage of the available vacant
10 industrial land would that be in South Brunswick?

11 A Between four and five percent.

12 Q And if South Brunswick developed at that rate
13 until, until the year 2000, what would be the projected amount
14 of industrial land used in South Brunswick?

15 (Whereupon the court heard legal argument.)

16 A If South Brunswick's industrial land use would be , were
17 to grow at the rate of 400 acres per year as in the
18 hypothetical from now through the year 2000, then all, or the
19 greater part of the land zoned industrial would be used for
20 that purpose.

21 Q Are you familiar with the existing land uses in
22 South Brunswick in general?

23 A Generally speaking.

24 Q Do you know the areas that are zoned mostly for
25 industrial and those mostly for residential?

1 A Again, generally speaking.

2 Q Generally speaking. Are you familiar with the
3 sewerage treatment facilities in South Brunswick?

4 A I know there are some, but I'm not specifically familiar
5 with them or their extent.

6 Q If I told you that the southwesterly portion,
7 half of the township, was basically residential and served
8 by the Kingston Sewerage plant, would you agree or disagree?
9 You can refer to the master plan, if you don't know.

10 A Well, when you say southwestern, how are you defining
11 that?

12 (Whereupon the court heard legal argument.)

13 Q Are you familiar with the concept of transfer
14 of development rights?

15 A Yes, I am.

16 Q Do you know who is working on that?

17 A Which individuals?

18 Q Yes. A Yes.

19 Q Who is it? A Well, the principal
20 person is Mr. Shavusion of Cooke College.

21 Q And do you know how they select a, communities
22 to act as model communities for the preparation of transferred
23 development rights?

24 A Generally speaking.

25 MR. GRUBER: I'd like to have this marked in

1 evidence, your Honor, it's the research and extension
2 program under Title 5, the rural development act of
3 1962 by the cooperative system, Cooke College, Rutgers.

4 THE COURT: DSB-2.

5 (Document received and marked DSB-2 for
6 identification.)

7 Q I refer you to page 10 of that report or that
8 program and ask you to read the first paragraph, please.

9 A Page 10, 5.3 organization and operational procedures.
10 A tabology of communities will be designed to indicate the
11 variety of community context within which the TDR device can
12 be appropriately employed. The factors to be considered in
13 this exercise will include the following. Size and
14 population of the community, municipal stage of development,
15 land use pattern, rate of growth, existence of prime
16 agricultural land, existence of one or more other critical
17 natural features or areas, degrees of development pressures
18 and controversy, date of the last master planning, zoning
19 revision and latest property revaluation, existence of an
20 environmental commission or the status of a natural resource
21 inventory, existence of a full time planner or a planning
22 consultant, potential for official cooperation and willingness
23 to simulate conditions.

24 Q Are you aware of the fact that South Brunswick
25 was selected to be the model community for the transfer

1 development rights program?

2 A Yes, I am.

3 Q Are you aware of the number of parks in South
4 Brunswick Township?

5 A Not specifically, no.

6 Q Could you refer to the public facilities section
7 of the master plan to determine that?

8 A The facilities plan?

9 Q Yes.

10 It's on page 23.

11 A That's correct, it's hard to tell precisely from this,
12 appear to be 8 or 9.

13 Q Could you look at page 22, table 2, would that
14 help you any? A Well, let's see. There are

15 9 cites as having existing acreage, it's impossible to
16 determine whether the other ones are existing or merely
17 proposed.

18 Q And what are they?

19 A Pidgeon Swamp State Park, Delaware and Raritan.

20 Q How many acres are in the, at least proposed
21 in the Pidgeon Swamp State Park?

22 A Proposed, 2000.

23 (Whereupon the court heard legal argument.)

24 Q Mr. Mallach, has this ordinance that is before
25 you in South Brunswick prevented various categories of people

1 from residing in South Brunswick?

2 A I'm not sure I follow the--

3 Q Has the ordinance as before you now, in your
4 opinion, prevented various categories of people from residing
5 in South Brunswick?

6 A Well, it's hard totell that precisely on the ordinance.

7 Q How do you determine, you indicated that there is
8 an access of industrial zoning in South Brunswick, how do you
9 determine whether or not that is excessive other than the
10 fact that you said the county planning board may or may not
11 have viewed it as to be excessive?

12 A Well I believe I mentioned that the principal basis for
13 determining whether or not it's excessive is its relationship
14 to reasonable projections of demands.

15 Now the county planning board has made some projections
16 of demand and these serve as a basis for the evaluation.

17 Q Do you know what the county based their
18 projections on?

19 A Well in fact I don't know in detail, I do believe
20 there was earlier testimony to the effect that they were
21 based on substantially higher industrial growth rates than
22 are present than they presently expect to take place, based
23 on their assessment in the late 60's and early 70's of the
24 growth rates.

25 MR. GRUBER: May, I have the minutes here

1 of a meeting of Middlesex County Planning Board,
2 Tuesday, November 12th, 1974 at 4 p.m., I'd like to
3 have marked for identification.

4 (Document received and marked DSB-3 for
5 identification.)

6 Q Mr. Mallach, could you find for me in the
7 county master plan how the county determines the amount of
8 industrial land and its projections for the future?

9 A I don't really know where in all of the documents that
10 specific information is provided.

11 Q Well, you indicate to me that you found it for
12 South Brunswick in the county master plan.

13 A The numbers I have, the discussion of the methodology
14 by which those numbers were reached is what--

15 Q Where are the numbers?

16 A The numbers are, it's in the appendix to the volume
17 entitled Interim Master Plan, I forget the number or
18 the exhibit number.

19 Q May I have that exhibit, the Interim Master Plan.

20 MR. SEARING: P-40, your Honor.

21 A The figures are in appendix CF, P-40.

22 Q Now I direct your attention to C-1, what does
23 that table show as far as South Brunswick is concerned?

24 A It shows 1965 acres in residential use, 363.2 in
25 manufacturing, 9.9 in wholesale, 344 in transportation,

1 communications, utilities in construction, 22 in mining, 81.5
2 retail, 280.5 in miscellaneous service, 113.8 in governing,
3 906.3 in roads and interchanges, 98 on public open space and
4 4903 in agriculture for total 9088.1 acres.

5 Q Now I direct your attention to table C3, the
6 projections for South Brunswick in the year 2000, the
7 average levels. Would you please read that, in particular
8 for manufacturing and wholesale and total construction.

9 A Manufacturing is 1055.4, wholesale 148.5 and
10 transportation communications, utilities and construction
11 668.

12 Q So there's a total of approximately 1200
13 acres at the Middlesex County Planning Board projection for
14 the South Brunswick in the year 2000 for industry; is that
15 correct?

16 A Well, 1055 for manufacturing.

17 Q Yes and--

18 A And I would consider both the wholesale and the TCU
19 and construction categories to be considered for, as related
20 uses rather than just the wholesale.

21 Q And that is, well, just for the purpose, for my
22 purposes of my question, would you add the two wholesale and
23 manufacturing together, please.

24 A 1204.

25 Q Now, you said that you took the South Brunswick

1 figures for industrial land and accepted them. Could you
2 tell us the total area of land zoned for industry now pre-
3 sently in South Brunswick?

4 A Take a moment. In the I and LI zones there's a total
5 of, I believe 9400 odd acres and 9427 acres.

6 Q Where do you get those figures from?

7 A Go up it was from the original response to
8 interrogatories. There are two columns provided, one for
9 total acreage in the zone, one for vacant acreage.

10 Q One for total acreage, one for--

11 A For vacant acreage.

12 Q Could you refer me to the section that--are you
13 adding up the figures on your chart?

14 A No, these, no, the figures are just the vacant
15 acreage figures, it's, should be in the folder, if I could--

16 Q I think you're referring to No. 9, perhaps.

17 A Sounds right. Yes, that's correct.

18 Q Would you, have you added up the acreage there
19 in that, got the total number of amount of acreage zoned
20 for industry?

21 A That's correct.

22 Q OK. A I believe I wouldn't, figures
23 are, I copied them down in a hurry--

24 Q Take your time.

25 A Yes, that seems to be accurate, yes.

1 Q And what was the figure again?

2 A 9427 acres.

3 Q How many acres are developed?

4 A 1095.

5 Q 1095. In your opinion as an expert planner do
6 you think that it's reasonable given a history of South
7 Brunswick from 1967 to 1975 in developing approximately 8 or
8 900 acres of industrial land that the, the projections for
9 Middlesex County that is, well, only develop another
10 additional 100 some odd acres of land between 1976 and 19,
11 and the year 2000, reasonable?

12 A Your question is based on false premise. Within the
13 land, the 1095 acres cited here, that's comparable to over
14 700 acres in the 1967 land use inventory plus the acreage
15 taken up by the mobile home parks.

16 Q How do you know that?

17 A Because the categories, well, the mobile home parks
18 are located in the LI zones and they are certainly represent
19 developed land so that any land inventory performed--

20 Q Are you sure of that?

21 A Well,
22 I'm sure that a mobile home park is developed land and although
23 I cannot vouch specifically because I did not conduct the land
24 inventory, any kind of inventory of developed land would
25 include developed land, thus would include the mobile home
parks.

1 Q Under your analysis, how many acres of
2 industrial land were there in South Brunswick in the year
3 1967?

4 A There were approximately 720 acres.

5 Q In 1967?

6 A In use for industrial and related purposes, commonly
7 found in industrial zones.

8 Q In 1967?

9 A In 1967, according to the Middlesex County Planning
10 Board.

11 Q That is C-1?

12 A That is C-1.

13 Q Would that include the TCU, whatever that is?

14 A That's correct, that includes--

15 Q And construction?

16 A That's correct.

17 Q I asked you before to limit yourself because
18 that, that does not, is not included in South Brunswick
19 figures that were supplied to you for industrial land and
20 industrially zoned land, I asked you to limit your question
21 to the manufactured and the wholesale columns. How many
22 acres are in the manufacturing and the wholesale columns?

23 A There are 373 acres in the manufacturing and the whole-
24 sale columns.

25 Q Now, how many acres in those two columns are

1 Projected for South Brunswick in the year 2000?

2 A 1204.

3 Q So, under the projections for Middlesex County
4 from the year 1967 to the year 2000, they project the
5 manufacturing and the wholesale in South Brunswick going up
6 approximately 800 acres; is that correct?

7 A Those two categories, that's correct.

8 Q Now, given the same two categories in South
9 Brunswick answers to interrogatories which you cited, tell us
10 how many acres are now developed in industrial acreage?

11 A I believe those are not compatible categories, sir.

12 Q I didn't ask you whether they were compatible
13 categories.

14 THE COURT: I think he's answered, Mr. Gruber,
15 he's not able to give it.

16 Q I direct you to answer No. 9 to the answers
17 to interrogatories.

18 How many acres are in the, in the industrial LI, I2,
19 I3, LI2 and I3, LI3 zones in South Brunswick Township.

20 Q How many acres altogether? There are 9427.

21 Q How many of those are developed?

22 A 1095.

23 Q Now, I ask you as a planner whether or not it is
24 reasonable in light of the history of South Brunswick in the
25 last 8 years in developing industrial land, whether or not the

1 Middlesex County projection for the year 2000 is a reasonable
2 one?

3 A Yes.

4 Q It is?

5 A Yes.

6 Q Even though the South Brunswick, even though
7 South Brunswick indicates that there are something like 1100
8 acres now zoned for industry or now occupied by industry?

9 A South Brunswick indicated that there are 1100 acres
10 that have been developed within their industrial and light
11 industrial zones. That is not the same as saying if there are
12 800, 1100 acres in industrial use.

13 Q You're saying to me that the mobile home parks
14 should not be considered?

15 A Well they're not an industrial use also. There's,
16 there may be uses in those 1100 acres which are not considered
17 either manufacturing as such or wholesale.

18 Q Were you able to find in the P-40 how the county
19 computes their projections for a, for and determines whether
20 or not industrial land is excessive?

21 (Whereupon the court heard legal
22 argument.)

23 Q In your opinion would you feel that the one way
24 of determining the amount of industrial land a community
25 needs or projects for the future would be the amount of jobs

1 per acre that that industrial land will develop?

2 A Well, certainly the amount of industrial land should be
3 related to the job growth in the area.

4 Q So that when the community decides how much land
5 it's going to zone industrially they would say we're going to
6 have first of all we, we have X amount of acreage that's
7 suitable for industrial land; is that correct?

8 A Well, actually that's, that can be a factor though
9 rarely is.

10 Q Why is it rarely a factor?

11 A Because generally the amount of land, well, for a
12 couple of reasons, first as a general rule the amount of land
13 zoned industrially or amount of land that needs to be zoned
14 industrially in terms of demand factors is substantially less
15 than the amount of land that can sustain industrial develop-
16 ment.

17 Secondly, the term suitable for industrial use in its
18 broadest definition, which is what's supplied by many
19 municipalities, includes almost all land in the municipality,
20 especially in a large land development.

21 Q How much land in fact Brunswick is zoned in-
22 dustrially on the vacant land?

23 A About 80, 8400 acres.

24 Q What percentage of total vacant land?

25 A Slightly more than a third.

1 Q If I said it was 35 percent you--now you pre-
2 supposed that a community is trying to do something, I get
3 the impression that a community is trying to do something
4 helpful and that's the presumption that you made prior to
5 analyzing a zoning ordinance; is that correct?

6 (Whereupon the court heard legal argument.)

7 Q You presuppose that a community is going to
8 zone for an excessive amount of industrial acreage to limit
9 the housing that's permitted in that community in a general
10 way, is that based upon historical facts, is that correct?

11 A No. If a community had, let's take South Brunswick as
12 an example, had 8500 acres, approximately, of industrially
13 zoned land, do you know how many jobs that would produce,
14 in your opinion?

15 A Well--

16 Q Would it depend upon the zone?

17 A Well, it would certainly depend on the zoning and the
18 type of industry.

19 Q Would the past history of the township have some
20 bearing as to the number of jobs generated by existing
21 industries per acre, have some bearing on the future projections
22 assuming the zoning was similar or the same?

23 A Well, it might, depending on the degree to which the
24 type of industry, the type of land, industrial land use was
25 likely to determine the future industrial land use because the,

1 the type of industry, the character of the industry, the
2 nature of the manufacturing process and so on, is the most
3 important factor in determining the number of jobs.

4 MR. GRUBER: Your Honor, I'd like to introduce
5 for identification a report by Opinion Research
6 Corporation, North Harrison Street, Princeton, dated
7 October 20th, 1975 which is a survey of existing
8 industry in South Brunswick.

9 (Document received and marked DSB-4 for
10 identification.)

11 Q Now I direct you, Mr. Mallach to page 1, I'm
12 sorry, page 2, down at the bottom of the page and it indicates
13 and it's number of employees per acre, would you read that
14 figure please?

15 A Number of employees per acre, 3.15.

16 Q Thank you. Now would you go to page 1 and review
17 page 1. You don't have to read it, review it and tell the
18 court what that report is, that survey is.

19 A This was a mail survey to identify industries in South
20 Brunswick Township to determine its number of employees and
21 where possible by job classification and/or salaried range
22 and the site on which it was located.

23 Q How many industries were forwarded that survey?

24 A 79.

25 Q How many responded?

1 A 49 provided complete responses and three provided
2 partial responses.

3 Q All right, fine, thank you.

4 MR. GRUBER: Like to mark this other thing
5 for identification, if I may your Honor.

6 One is a memorandum to the Middlesex County
7 Planning Board from the comprehensive planning section
8 dated November 6th, 1974 with regard to the South
9 Brunswick Master Plan and--

10 THE COURT: DSB-5 for identification.

11 MR. GRUBER: Then a memorandum from the
12 planning board staff to the comprehensive planning
13 committee, Middlesex County Planning Board, dated
14 April 18th, 1974, review of the South Brunswick
15 Zoning Ordinance.

16 (Documents received and marked DSB-5 and 6 for
17 identification.)

18 MR. SEARING: Could I see that?

19 MR. GRUBER: Sure.

20 Q I show you DSB-3 for identification, Mr. Mallach,
21 which is the minutes of a meeting of the Middlesex County
22 Planning Board, November 12th, 1974 which they discuss the
23 South Brunswick Master Plan.

24 Beginning, it's not a numbered page but here where
25 it says Mr. Sulley, would you please read that.

1 A Mr. Sulley, "The final one to review with the board
2 is the South Brunswick Master Plan, I have already told you
3 about their approaching this from an environmental mapping
4 review, we see that a strong point and it's the same techniques
5 that we have used. You have found from reviews in the past
6 year some of the key things we look for, how much acreage
7 do they allocate for open space versus how much they keep for
8 park, acreage for houses and does there appear to be any
9 accommodation for low and moderate income families. How do
10 they test out against the rest of the counties.

11 "The open space plan of the Township of South
12 Brunswick identifies 8200 acres versus 3800 in other plans.
13 The reason that they are not terribly different is because
14 they also include areas that would be in planned unit
15 developments, they have made very interesting provisions
16 in this plan for bike ways and bike paths."

17 Q Continue.

18 A Should I continue the page--

19 Q Yes.

20 (Whereupon the court heard legal argument.)

21 Q Mr. Mallach, are you familiar with the book
22 written by Robert W. Bucknell and James Hughes, planned
23 unit development, new community, American style?

24 A In a general way, yes.

25 Q Are you, and is that a standard text for the

1 industry?

2 A Absolutely not.

3 Q Are you familiar with the book written by
4 Robert Katz, the Design of the Housing Site, Urbana, Illinois,
5 University of Illinois?

6 A I'm not, I'm familiar with it by name but I'm not
7 specifically familiar with its contents.

8 Q Is that a standard work?

9 A I really don't know.

10 Q Are you familiar with the book written by
11 Robert Bucknell, Frontiers of Planned Unit Development,
12 a synthesis of expert opinion, New Brunswick Center for
13 Urban Policy Research, Rutgers, the State University
14 of New Jersey of 1973?

15 A Yes, I am, it was edited by Mr. Bucknell rather
16 written by him.

17 Q OK. Is that a standard?

18 A No, that's a collection of papers and transcripts from a
19 symposium, it's not a text as such.

20 Q Town houses and condominiums, residences, likes
21 and dislikes by Carl Norcross, Washington, D.C., Urban Land
22 Institute, 1973.

23 Are you familiar with that?

24 A Only on a very limited degree.

25 Q How about the book by Richard Babcock,

1 Fred P. Bosselman, exclusionary zoning, land use regulation
2 and housing in the cities?

3 A I'm only familiar with that book by name, I haven't
4 read it.

5 MR. GRUBER: I'd like to introduce into evidence
6 an agreement made on April 15th, 1974 between the
7 Planning Board of South Brunswick and Abeles-Schwartz
8 Associates.

9 (Document received and marked DSB-7 for
10 identification.)

11 Q Are you familiar with the fact that South
12 Brunswick Township was awarded a demonstration grant from the
13 Department of Community Affairs in 1974?

14 A Yes, I am.

15 Q What was the purpose of that grant?

16 A The purpose of that grant was to hire a consulting firm
17 to do a study project on techniques of housing, low and
18 moderate income families within suburban communities and
19 determine the township's fair share of the reasonable supply?

20 Q I'd like to show you this agreement, the scope
21 of services, refer you to No. 1.

22 A Yes.

23 Q Does that refresh your--

24 A Yes, there was a fair share element in the analysis.

25 Q Do you know whether or not that analysis was

1 completed?

2 A It was.

3 Q Do you know whether or not the township zoning
4 ordinance and master plan is consistent with that study?

5 A I really don't know.

6 Q Was that study supplied to plaintiffs in answers
7 to interrogatories?

8 A I don't know if it was, I don't recall reviewing it.

9 Q You indicated that in South Brunswick there was
10 in existence or proposed a 76 community low and moderate income
11 housing developed by the Raritan Valley community?

12 A Community Development Foundation.

13 Q And you didn't list any others. Do you know of
14 any others?

15 A Not in, no actual developments, no.

16 Q Do you know of any proposed?

17 A Well, I believe there's been some discussion regarding
18 the incorporation of the housing into the PRD but I don't
19 believe it's at the stage where one can say definitely this
20 is a, an actual project.

21 MR. GRUBER: I'd like to mark this resolution of
22 the South Brunswick Planning Board of their meeting of
23 December 29, 1975 into evidence please.

24 THE COURT: These aren't being marked into
25 evidence.

1 MR. GRUBER: I'm sorry, I misspoke.

2 THE COURT: DSB-8 for identification.

3 (Document received and marked DSB-8 for
4 identification.)

5 Q Now this is a resolution for Alexander Molnar
6 and Solomon Reader for a planned residential development known
7 as Dayton Center, located on Block 35, Lots 1, 1B, 1D, 1F,
8 1N, 10, 11, 12A, 13, 19, 19A, 21A and 22 and it is amended
9 to include parts of Lot 1G and 1K.

10 It's been designated as PRD-1. Are you familiar with
11 that?

12 A Not specifically, no.

13 Q Not specifically. Would you know where in the
14 South Brunswick Zoning Ordinance that would apply?

15 A I assume it would be either the PRD-5 or PRD-7
16 provisions since the planned residential term is used.

17 Q And is that assuming that it was the PRD-5,
18 it would be within the 182 acres that you indicated before,
19 would be rather difficult to build a PRD in?

20 A I did not say it would be difficult to build a PRD in.

21 Q What did you say about that?

22 A I said with specific point was that since the minimum
23 lot requirement is 100 acres, clearly somebody could build in
24 that zone, however if the initial development was in the area
25 of 100 acres or was substantially less than 182 acres, what it

1 would result is that the remaining between 1 and 82 acres
2 would be undevelopable under the provisions.

3 Q And I refer you to findings of fact number two
4 on the resolution and down at the bottom of the page, would
5 you please read that.

6 A Yes, PRD-1 is proposed as a mixed residential develop-
7 ment of a total of 605 residential units consisting of 121
8 single family units, 200 town houses, 223 apartments and 61
9 low and moderate units plus an office building in the northwest
10 corner of the tract.

11 Q Now you indicated there might be some difficulty
12 in developing low and moderate income housing under the
13 proposed PRD ordinance; is that correct?

14 A I indicated there might be.

15 Q Would you please review pages 3 and 4, without
16 relaying them to the court and give the gist of what they
17 entail, starting with low and moderate income housing.

18 (Whereupon the court heard legal argument.)

19 Q Do you know how many town houses have been
20 approved in South Brunswick to date?

21 (Whereupon the court heard legal argument.)

22 Q What does a municipality, what should a
23 municipality do in preparing a zoning ordinance in your
24 opinion, Mr. Mallach? What considerations, what steps should
25 it take, what considerations should it--

1 (Whereupon the court heard legal argument.)

2 Q Has South Brunswick made a variety of housing
3 available under its zoning ordinance?

4 (Whereupon the court heard legal argument.)

5 Q Do they provide a choice of housing?

6 A Well, there is some choice provided, yes.

7 Q Now on your direct examination you indicated
8 that there are a number of affirmative things that a
9 community could do. I think one was a public housing
10 authority, then you listed a few other things. What were
11 they?

12 A Let's see, this is in addition to changes in the
13 zoning ordinance, there was the adoption of a public housing
14 authority, there's a passage of a resolution of need under the
15 New Jersey Housing Finance Agency Program, there was a, the
16 solicitation of Section of 8 funds for existing housing
17 to the housing authority or other municipal body, there was
18 the use of the state and/or federal funds for improvement
19 of the existing housing stock, repair, rehabilitation and
20 there were a series of steps which were generally in the
21 context of the municipality affirmatively encouraging and
22 facilitating the actions of nonprofit sponsors of low and
23 moderate income housing.

24 Q In your opinion, do you think that the
25 municipality did those things, would be limiting the, any

1 exclusiveness of its ordinance?

2 A Well, again it's not an either or proposition, certainly
3 if a municipality did all of that they might mitigate some of
4 the effects of the exclusionary provisions but they would
5 not balance them or eliminate them in any sense of that
6 term.

7 THE COURT: We'll take a recess at this time.

8 (After a brief recess the trial continued.)

9 MR. GRUBER: Your Honor, may the reporter read
10 back my last question.

11 (Question and answer read back.)

12 Q Mr. Mallach, can you, did you review the South
13 Brunswick Master Plan sufficiently to make a determination
14 as to what factors South Brunswick considered in determining,
15 in developing its master plan and zoning ordinance?

16 A I couldn't say exhaustively, I certainly noted certain
17 factors.

18 Q What are those factors?

19 A I believe the principal factors were, what are known as
20 environmental or ecological factors.

21 Q And based upon your knowledge that South Brunswick
22 had a regional housing study done, would you say that that was
23 also--

24 (Whereupon the court heard legal argument.)

25 THE COURT: All right, go ahead.

1 MR. SEARING: Your Honor I have two documents
2 to introduce regarding the Borough or the municipality
3 of South Plainfield.

4 (Whereupon the court heard legal argument.)

5 (Documents received and marked P-160 and 161 for
6 identification.)

7
8 A L L A N M A L L A C H continued.

9 DIRECT EXAMINATION BY MR. SEARING:

10 Q Could you identify P-160, Mr. Mallach?

11 A This is a document entitled Zoning Ordinance of the
12 Borough of South Plainfield.

13 Q And P-161? A This is a summary
14 of zoning ordinance provisions of the Borough of South
15 Plainfield prepared by me.

16 MR. SEARING: Your Honor in view of Mr. Chernin's--

17 THE COURT: Those will be marked in evidence.

18 (Documents received and marked P-160 and 161
19 in evidence.)

20 Q Mr. Mallach would you describe the principal
21 features of this zoning ordinance for us please?

22 A Yes, sir. The South Plainfield Zoning Ordinance contains
23 5 residential zones, 4 business zones and 3 industrial zones
24 or office and research.

25 With regard to the residential zones the first is an

1 R-40 zone requiring lots of 40,000 square feet or approxi-
2 mately one acre, frontage of 150 feet and a minimum floor
3 area of 1500 square feet of which 900 must be on the first
4 story of a multiple story dwelling.

5 MR. CHERNIN: Your Honor to save some time in the
6 matter, the summary is already in evidence, I gather
7 he's going to read it all, I accept it as being what
8 it says on its face, it's a matter which I think now
9 speaks for itself.

10 THE COURT: All right, thank you. I suppose
11 you might ask him about any features of it that are not
12 clear from the table, Mr. Searing.

13 Q Mr. Mallach, are there features of this zoning
14 ordinance that are not clear from the summary sheet you have
15 prepared? A There are a couple of such that I
16 would like to cite. First I'd like to note that the ordinance
17 is unclear with regard to the first floor area in the R-7.5
18 zone. I believe the table read 768 square feet which is from
19 the schedule and elsewhere in the ordinance the figure is given
20 as 900 square feet.

21 MR. CHERNIN: Just hold it a second, please.

22 Thank you.

23 A In addition there are a number of additional features
24 regarding the residential zones. First there is a provision
25 whereby units of over 2000 square feet floor space may be

1 converted into two family homes. Secondly there's a provision--

2 MR. CHERNIN: Can you go a little slower please.

3 THE WITNESS: Sorry.

4 MR. CHERNIN: Thank you.

5 A Secondly there is a provision similar to that so
6 described in the East Brunswick ordinance which requires that
7 between 60 and 100 percent depending on the type of unit of the
8 floor space counted as interior floor space must contain a
9 basement underneath it.

10 Thirdly there is what is referred as a no look alike
11 provision in the ordinance.

12 Fourthly, two parking spaces off street per dwelling unit
13 are required.

14 The other feature that is not provided on the chart that
15 I would like to cite was that from the, with regard to
16 vacant land as noted the figures are from the Department of
17 Community Affairs report, should note that the master plan of
18 the Borough of South Plainfield did provide a figure for
19 total vacant land in the Borough of 2075 acres. However this
20 source did not provide for, provide otherwise a breakdown of
21 vacant land by zone.

22 Q Could you summarize those features on the summary
23 and what you have just testified to which have an adverse
24 effect on the provision of housing for low and moderate income
25 family? A Yes, sir. There are a number of

1 such features. First the ordinance provides for no multi
2 family housing whatsoever with the exception of certain
3 limited amounts of two family houses.

4 There is no provision for garden apartments or other
5 3 or more family units. There is no provision in the ordinance
6 at all for mobile homes or mobile home parks. These are
7 both major sources of potential housing for low and moderate
8 income families which are entirely excluded here.

9 In the single family residential zones the provisions
10 of the R-40, 40,000 square feet, 150 foot frontage and 1500
11 square foot floor space are all substantially in excess of
12 reasonable and modest requirements. the Provisions of the
13 R-20 zone--

14 (Whereupon the court heard legal argument.)

15 A The provisions of the R-20 zone approximately has acre
16 lots, 120 foot frontage and also 1500 square foot floor space
17 900 on the first floor, although somewhat more modest than the
18 R-20 are still substantially in excess.

19 The provisions of the R-15 zone are also excessive with
20 regard to the lot size, frontage and floor area. The
21 provisions of the R-10 zone are on what I believe I referred
22 to earlier as the borderline in this regard with regard to
23 lot size and frontage and are excessive with regard to floor
24 area and the provisions of R-7.5 zone are excessive with
25 regard to minimum floor area of the dwelling.

1 Q The requirement that a basement be, a full base-
2 ment be provided for the entire or the greater part of the
3 floor space of the unit is a substantially cost increasing
4 factor. The provisions of no look alike ordinances and the
5 two parking spaces per dwelling unit are also unnecessary
6 features potentially increasing costs.

7 With regard to the distribution of any vacant land based
8 on the Department of Community Affairs figures, there's a
9 total of 1542 acres of land, developable by their definition in
10 the Borough of South Plainfield. Of this 1146 acres are
11 zoned for industrial use. This is almost as twice as much
12 as the amount specified in the projections by the Middlesex
13 County Planning Board for demand for industrial land. At the
14 same time only 333 acres or perhaps 369, if one includes
15 the business zones in which no, 396, excuse me, if one in-
16 cludes the business zones in which residential uses are
17 permitted, are zoned in a manner that permits residential
18 developments.

19 This is half or slightly less than half of the
20 anticipated demand for residential development in the
21 Borough of South Plainfield from the same source so that the
22 disproportion of land for industrial and residential uses in
23 this case has a potentially significant adverse effect on the
24 provision for housing for low and moderate income families and
25 indeed the provision of housing generally.

1 Q Does this municipality have a public housing
2 authority?

3 A No, sir.

4 (Whereupon the court heard legal argument.)

5 Q Is there any state or federally subsidized
6 housing within the confines of South Plainfield?

7 (Whereupon the court heard legal argument.)

8 A Not to my knowledge, sir.

9 Q I would draw your attention to P-53, page 68,
10 summary for urban county municipalities. Is there an entry
11 for South Plainfield on that table?

12 A Yes there is.

13 Q Would you read it for us, please?

14 A Yes, in the, in column one regarding the number of sub-
15 standard dwelling units the figure for South Plainfield
16 is 173, in column two, number of lower income households in
17 need of housing assistance, the number is 303, the total
18 is 476.

19 MR. SEARING: Thank you.

20 Your Honor, we have no further questions.

21 THE COURT: Do you want to go over that
22 conversion provision, two family.

23 THE WITNESS: Yes. Basically units which
24 contain single family units which contain over 2000
25 square feet of floor space--

1 THE COURT: In any zone?

2 THE WITNESS: In the residential zone.

3 THE COURT: In any residential zone?

4 THE WITNESS: I believe that. I can't find the
5 specific provision.

6 THE COURT: All right.

7 Cross-examine Mr. Chernin.

8 MR. CHERNIN: Thank you, your Honor.

9

10 CROSS-EXAMINATION BY MR. CHERNIN:

11 Q Mr. Mallach, in coming up with the testimony
12 you've just given particularly the summary which has been
13 submitted, what record did you peruse, examine and rely
14 upon?

15 A Well, the record that I studied most intensively was the
16 zoning ordinance of the Borough of South Plainfield, I reviewed,
17 but not exhaustively, the information submitted by the
18 Borough of South Plainfield to plaintiffs in terms of
19 answers and gave some scrutiny to the master plan document
20 which is also provided by the borough.

21 Q Did you place any reliance or did you examine what
22 I think is Exhibit P-104 which is the chart provided by the
23 Department of Community Affairs?

24 A Yes, I did, I utilized that data as well.

25 Q Did you rely upon the accuracy of the documentation

1 in the record on that chart? A Well, since I
2 relied upon the data I guess by extension I relied upon
3 its accuracy at least for these general purposes here.

4 Q Is there a way to tell--

5 MR. CHERNIN: Before I ask may I have that
6 exhibit that I think is P-104.

7 Q Mr. Mallach, with a reference to that particular
8 chart is there any way to determine what the total acreage is
9 for South Plainfield?

10 A Well, it's, it would be an approximation.

11 Q Tell me how you would do it, what numbers or
12 figures you'd rely on?

13 A To the best of my understanding of the manner in which
14 this chart was prepared I believe sum total of the various
15 developable land categories and the figure on the bottom for
16 land unsuitable for development should yield a value approxi-
17 mately to the total acreage of the municipality.

18 Q Would you say that the developable land number
19 and the unsuitable for development number would constitute
20 the total acreage of the town?

21 A Approximately, that's my understanding.

22 Q In the term unsuitable for development, is it
23 your understanding that they include land which has already
24 been built upon?

25 A That's my understanding.

1 Q Have you made any examination of the land which
2 comes in that category of unsuitable for development to
3 determine the houses which are constructed on it, the type of
4 houses, the size of house and the lots that are involved?

5 A Referring to the existing house stock of the borough?

6 Q Yes. A I have not made a study of
7 the existing housing stock of the borough.

8 Q Is it fair then to assume that of the existing
9 housing stock in the borough you wouldn't how many are on lots
10 which are 50 feet or less in width across the front?

11 A No, I do not have that information.

12 Q Is it fair to assume you would not know the
13 contents of the floor square measurement of those houses?

14 A No.

15 Q Is it fair also to assume you would not know the
16 values that the houses of the existing stock?

17 A No, that's, well, that's correct.

18 Q And in a sense you would not know how many of the
19 existing, how much of the existing stock was capable of being
20 utilized by people of moderate or low income housing, moderate
21 or low income means?

22 A I have not made such an assessment.

23 Q I gather that the thrust of your analysis of the
24 housing accommodations in the Borough of South Plainfield is
25 to exhibit that of land which is capable of being zoned for

1 low and moderate income housing?

2 A Well, I haven't made a specific assessment of the
3 amount that is capable of being zoned for low and moderate
4 income housing in that sense.

5 Q What were you making the analysis for, for what
6 purpose? A I was making the analysis to

7 determine, as I believe I've stated on a number of occasions
8 previously, whether there was, what has been termed a
9 facial case, that there is, that this Borough of South
10 Plainfield is engaging in exclusionary zoning practices.

11 Q And you rely for your conclusion that they are,
12 I assume are the fact that basically there are multi family
13 housing permitted under its zoning ordinances on its face?

14 A That's one feature.

15 Q And you've got some objections as to the lot
16 size requirement and the floor space requirement?

17 A That's another feature.

18 Q That's what you understand then to be the purpose
19 and the thrust of your testimony?

20 A That's correct.

21 MR. CHERNIN: Your Honor, I have made a photo
22 duplicate of the revised statute 40:55-32,
23 I'd like it marked, if you would, for identification.

24 (Document received and marked DSP-1 for
25 identification.)

1 Q Mr. Mallach, you can, if you will take my
2 representation that's an exact duplicate of New Jersey Revised
3 Statute 40:55-32.

4 Are you familiar with it or have you seen it or read
5 it prior to today?

6 A Yes, I have.

7 Q As part of your studies and becoming a planner,
8 do you take the purposes of the zoning as outlined in that
9 statute into account?

10 A Generally speaking, yes.

11 Q You did say you have examined that statute prior
12 to today? A That's correct.

13 Q Is there any facet or is there any item contained
14 in that statute which you disagree?

15 A Well that's in the sense of outright total disagreement,
16 no.

17 Q Well maybe-- A You're referring
18 to the statement of purposes I take it?

19 Q That's what the statute caption is, isn't it?

20 A Yes.

21 Q Now if I rephrase my question for you, Mr. Mallach,
22 instead of saying with which you disagree if I say this are
23 there any portions of that statute to which you have an
24 objection? A Well, I think the

25 reference to the use of zoning to promote the morals for the

1 population, I think is.

2 Q You object to that inclusion?

3 A I think that's somewhat inconsistent with what I
4 understand is the, is the basis of zoning and what zoning
5 is capable of achieving.

6 Q So you disagree or object to that inclusion.
7 Are there any others in the statute?

8 A Well I think the, the phrase to avoid undue concentration
9 of population is based on a series of assumptions,
10 behavior or assumptions which are not valid and the, which
11 tend to be a distortion of again, of what appropriate land
12 use practices are.

13 Q So you object to that in the inclusion of that
14 phrase?

15 A Yes.

16 Q Anything else, Mr. Mallach?

17 A I think there are some serious sins of omission in this
18 as well.

19 Q Like what? A I think for example--

20 (Whereupon the court heard legal argument.)

21 Q You think zoning and the purpose of zoning
22 Mr. Mallach ought to take into account health and safety
23 factors?

24 A Yes.

25 Q And as part of the health and safety factor

1 do you not think that people should live in accommodations
2 which are reasonably in size, reasonably suitable for its
3 purposes? A Yes.

4 Q I gather that along those lines it is your
5 consideration that a first floor requirement of 768
6 feet is excessive? A When coupled with a total
7 requirement of 1250 feet, yes.

8 Q Do I gather Mr. Mallach that what you are saying
9 is that when you have a gross requirement of 1250 feet that
10 it's too much to ask to have 768 feet of it on the first
11 level? A No.

12 Q What then are you saying?

13 A I'm saying that the gross requirement of 1250 feet is
14 excessive.

15 Q In your conclusion that's 1250 square feet of
16 total floor space requirement that is minimum total floor space
17 requirement? A That's correct.

18 Q Is excessive. What size family do you take into
19 account that would use that, those accommodations?

20 A Well obviously the size of the family would vary very
21 widely.

22 Q Which ones did you take into account when you came
23 up to the conclusion that the gross requirement of 1250 square
24 feet was excessive? A I took into account the
25 existence of a wide variety of family sizes, certainly families

1 of moderate sizes would require accommodations that would vary
2 somewhat in size. My point however is that the requirement
3 of 1250 is imposed without regard to that and is arbitrary
4 in that regard.

5 Q You're not a builder, are you?

6 A I'm not a builder, no.

7 Q In your conclusion that, with opinion, that the
8 gross minimum requirement of 1250 feet was excessive, did you
9 come to a conclusion or did you formulate an idea as to how
10 many rooms you could construct in that square footage?

11 A Which 1250?

12 Q 1250.

13 A Construct a very large number of rooms at 1250 square
14 feet.

15 Q Like how many? A Well, in 1250
16 square feet would be enough certainly to provide for a living
17 room, a kitchen, a dining area or possibly even a separate
18 dining room.

19 Q Hold it a minute. What did you say now, living
20 room--

21 A Living room.

22 Q Yes. A Kitchen, dining area, con-
23 ceivably separate dining room and I would say at least four
24 bedrooms and one and a half baths.

25 Q Four bedrooms and what else?

1 A One and a half baths.

2 Q One and one half baths.

3 Do you have any idea what size living room you took
4 into account when you came up to that conclusion?

5 A Well, you asked me a question, I have not done a
6 specific analysis of or developed specific floor plans for
7 1250 square foot houses.

8 Q Mr. Mallach you said a large number of rooms
9 could be put together for 1250 square feet and you gave me a
10 breakdown of the rooms. I would assume and if I'm wrong you
11 tell me, that when you arrived at those, at the number or
12 description of the rooms you took into account the size and
13 dimensions of the various rooms in order to limit yourself
14 to 1250 square feet.

15 (Whereupon the court heard legal argument.)

16 Q Mr. Mallach, have you examined the master plan of
17 the Borough of South Plainfield at all?

18 A I believe I mentioned I did although cursorily.

19 Q Pardon? A Cursorily.

20 Q Did you perchance examine that portion of the
21 master plan which gives a study of the average per capita
22 income and family income for the borough?

23 A I've not examined that, I've seen statistics on family
24 income from other sources with regard to the Borough of
25 South Plainfield.

1 Q I don't recall Mr. Mallach whether on your direct
2 testimony or somewhere along the line of all of the muni-
3 cipalities you've been testifying to, whether you established
4 what the range, the income range for moderate income family
5 was. Did you do that in your opinion?

6 THE COURT: You mean as of now or as of the
7 1970 census?

8 MR. CHERNIN: As of the 1970 census, your
9 Honor.

10 A I believe it was established prior to my testimony.

11 Q Do you adopt whatever that figure was?

12 A For the purposes of this discussion I've adopted a
13 figure which roughly speaking uses the figure up to 6000 as
14 low income and between that and 10,000 as moderate income.

15 Q Per family? A Per families.

16 Q Do you agree with those figures?

17 A Actually I would argue, if it came to that, that I
18 consider them slightly high because the figure of \$10,000 is
19 above the figure of 80 percent of the median, which is used
20 by the federal government as their moderate income
21 definition for house, for purposes of housing programs but
22 they are close enough.

23 Q You accept them, essentially, along the lines of
24 your testimony? A That's correct.

25 THE COURT: I think the previous testimony was

1 approximately 6500 as the cutoff point for low income.

2 THE WITNESS: I think that's correct.

3 THE COURT: Do you accept that rather than
4 six?

5 THE WITNESS: Yes, I do.

6 Q Are you in a position Mr. Mallach to explain, if
7 you would, some of the items which appear on Exhibit P-104
8 to me?

9 A To the best of my ability, yes.

10 Q Running from the top down where it says multi
11 family and the legend says, excluded, right?

12 A That's correct.

13 Q Means none, they're none provided for?

14 A That's correct.

15 Q Likewise for mobile homes; is that right?

16 A That's my belief, yes.

17 Q Then there's a blank for under 10,000 square
18 feet.

19 What do you interpret that line to mean?

20 A Well, in the case of South Plainfield, since there is a
21 zoning category which provides for lots under 10,000 square feet
22 that would be interpreted that their study did not identify
23 any land meeting the criteria of the study that fit into that
24 zone.

25 Q I gather then that the reason it is blank is

1 because it's incorporated in the next figure down?

2 A No.

3 Q No? A The reason it is blank is
4 because and this would have reference to R-7.5 zone,
5 is that in their analysis they were unable to find or they
6 concluded that there was no land in the R-7.5 zone, that
7 was vacant and met their developability criteria.

8 THE COURT: For example, all built up, except
9 for swamp land?

10 THE WITNESS: Right or all built up except for
11 single building lots.

12 Q All right. In order to hasten this along then,
13 the next item I see is a portion that refers to 10,000 to
14 19,999.

15 A Yes.

16 Q Then there's a figure of 179. Is that in your
17 view 179 acres within those dimensions?

18 A That would mean 179 acres within the lot or within the
19 zone or zones containing those lots of those dimensions,
20 in this case it would be the sum total of land in the R-10 and
21 R-15 zones.

22 Q So you've got two zones encompassed in there?

23 A Right, the legend here makes it impossible to distinguish.

24 Q That's one of the points we were going at.

25 OK and likewise the same analogy would go for the next

1 figure which is a 20,000 to just shy of 40,000 square foot
2 where the figure of 154 acres appears?

3 A That would apply in this case to the R-20 zone.

4 Q OK. And where along that scale of 20,000 to
5 40,000 these 154 acres appear, you have no way of knowing?

6 A Well, that would be checked by reference to the
7 ordinance.

8 Q What I'm getting at, the number of acreage of
9 availability, the lot sizes which are available in that
10 particular R-20 zone could vary in dimension and they would
11 be, they could very readily be less than the maximum in the
12 zone here, 40,000 square feet?

13 A Well, in this case, in this case because the only zone
14 in the borough that is within the range provided is the R-20
15 zone, then it clearly refers to the R-20 zone.

16 Q Do you feel that there should be no large lot
17 zoning in any municipality, Mr. Mallach?

18 A Not necessarily.

19 Q Do you feel that there should be a reasonable
20 allowance for large lot zoning?

21 A Well, I don't have strong positive feelings about it but
22 I think that there are situations in which a case can be
23 made for the existence of some part of the municipality zoned
24 for large lots.

25 ?Q Do you feel that there should be any segregation

1 of zoning or in lot sizes in any town?

2 A Well that depends, there are a lot of, I think you
3 could make an argument that it's unnecessary.

4 Q Mr. Mallach, your argument, I want, I want your
5 opinion--

6 A OK, my feeling is that I believe there are some
7 circumstances in which it may be acceptable.

8 Q So we understand each other, there are some
9 circumstances where zoning as to various lot sizes would be
10 acceptable to you. Is that what you've just said?

11 A Yes.

12 Q What are those circumstances?

13 A OK, I'd like to start out by saying that I don't, they're
14 not a positive planning feature, I think--

15 Q What do you mean not a positive planning
16 feature?

17 A I mean there are certain things that can be, that can
18 be done in an ordinance, for example there would be, not
19 harmful or not destructive but would nevertheless not further
20 good planning in any active sense and this is what I'm
21 referring to. For example, I believe I have stated that
22 in those areas wherefor example, if a municipality is
23 partly sewerred and partly not sewerred that it may be
24 appropriate to have differential lot sizes for those parts
25 of the municipality that are sewerred and for those that are not

1 sewerer because of the need to provide greater area for
2 on-site septic tank, septic tanks, depending again on the
3 soil conditions. That would be one such circumstance.

4 Q To justify a large lot size zone that what you
5 said?

6 A Yes, that's correct.

7 Q What other circumstances in your view would
8 justify zoning for large lots?

9 A Well, this is an area where I find myself being some-
10 what ambivalent about it but I think where you have an area
11 or a neighborhood within an established and very definite
12 residential or character of a certain type that there would be
13 some justification in zoning immediately adjacent land or
14 land that's clearly within and identified with that area of a
15 similar character.

16 Q Let me see if I understand just what you said.
17 That if the, an area has already developed character as
18 to lot size, that it would then just be, justifiable on the
19 part of a municipality to have similar lot sizes adjoining
20 or abutting or sort of extensive of that existing area?

21 A As an immediate extension or preferably the four
22 areas sort of tracts that are located within the area and
23 are not large enough, for example, you may have largely
24 developed areas but which contains building lots of various
25 sizes located within that area surrounded by the area and which

1 are not large enough to be amenable say to planned develop-
2 ment.

3 Q Mr. Mallach, let's be a little concrete about
4 it.

5 Let us assume in a given municipality you have a develop-
6 ment of houses where the lot sizes are 150 feet across the
7 front, that is the requirements are all right, and there are
8 some 500 houses in that development. Would you consider
9 and already built up, would you consider kind of a situation
10 within the description you've given of a community or an area
11 that has established its character?

12 A It's possible.

13 Q Then in that same area or not within it rather
14 but bordering it, there are a number of vacant and developable
15 land abut it, would you accept the extension of the same lot
16 size requirements into the adjoining area?

17 A Not necessarily. I think there are certain, I think it
18 would depend very much on the specific planning judgment as
19 to the character of the land, the character of the lots and
20 so on.

21 For example, one distinction where you have a lot,
22 a building lot or a building tract rather, that's large enough
23 to do so it is possible for example to put up cluster
24 developments, multi family clusters and what have you which
25 are compatible with almost any conceivable preexisting

1 residential use, assuming they're properly planned and de-
2 signed.

3 Now you do need a certain amount of land in the tract
4 to be able to set the buildings properly on the site, set
5 them back properly and so on. So that that's one consideration
6 where you are talking about a much smaller area, you know, have
7 an acre, an acre perhaps than the argument for maintaining the
8 lot size is stronger.

9 Q Haven't we gone just a little far afield,
10 Mr. Mallach?

11 A I haven't.

12 Q When we are talking about--

13 THE COURT: He is trying to respond to your
14 questions, I think.

15 MR. CHERNIN: Pardon?

16 THE COURT: He is attempting to respond to your
17 questions, Mr. Chernin.

18 MR. CHERNIN: I agree with the court that he
19 may be attempting.

20 Q Mr. Mallach, I have given you a hypothetical,
21 if you can accept it, that you have this developed area and
22 in line with what you have previously testified to that you
23 would accept an extension of similar lot size, I simply ask you
24 under those conditions whether or not you would accept such an
25 extension.

(Whereupon the court heard legal argument.)

1
2 Q Mr. Mallach in projecting futue planning for
3 future housing growth, do you not feelthat such planning ought
4 to have a direct tie with the growth or lack of growth of
5 present day economy?

6 A Well, yes the future housing development is going to be
7 effected by the overall economy, yes.

8 Q Note the question I'm asking is whether or not
9 you feel that proper planning for future growth should include
10 a direct tie with the existing or possible end, the projected
11 economy?

12 A Well, unfortunately it's becoming increasingly difficult
13 to project the economy so that I believe that at this point
14 planning for growth has got to take in a very wide range of
15 possible outcomes because it's so difficult to determine which
16 is more likely to happen.

17 Q Did you not, either make this statement or agree
18 with it or adopt it as yours, if housing opportunity is to be
19 provided the overall level of housing production must be in-
20 creased and beyond a limited degree it is not likely to take
21 place in the absence of economic growth?

22 MR. SEARING: Like to have an identification of
23 where that statement is being read from.

24 THE COURT:On cross-examination he may ask him
25 whether he wrote that or adopted it.

1 A Yes.

2 Q Can you explain--withdraw that--

3 MR. CHERNIN: For the record I was reading
4 from a draft which apparently you offered bearing the
5 date of January 1976 pertaining to county and municipal
6 government commission.

7 Q Do you recall that being part of what you said?

8 Do you wish me to show it to you?

9 A Yes.

10 Q You recall it now, Mr. Mallach?

11 A Yes, I do.

12 Q Would you be good enough to explain that tie-in
13 that you seem to make in that statement between housing
14 opportunity and economic growth?

15 A Certainly. At this point--

16 Q You mean today? A Yes, today,
17 this moment. Now the State of New Jersey is in a very
18 depressed economic situation, unemployment is high, growth is
19 slight, one of the areas that has been subject very much to
20 that has been the housing market and I believe in that report
21 there is some statements to the effect that the current level
22 of housing production, 1974, '75 and '76 is extremely low and
23 because it's extremely low it tends to reduce housing
24 opportunity and certainly one of the major things that will be
25 necessary to generate the kind of housing production that we

1 need given that we live in a capitalist and market economy
2 will be a broad level of economic improvement in this
3 statement generally.

4 Q And in that, is that the only consideration which
5 would, which you say is needed to support the kind of
6 projected planning and growth or is that just one part of it?

7 A I think that's what's meant by that sentence you read.

8 Q Would you not agree that in order to take
9 into account the proper developmental growth, planning and
10 things of that order, that you need certain new planning
11 techniques?

12 A Well, I argue that
13 there in fact I think it is the substance of that book that
14 there are a variety of planning techniques that would be, you
15 know, more effective ways than many of the conventional ones
16 by which municipalities and counties and state can deal with
17 growth and development, yes.

18 Q Do you agree that new planning techniques would be
19 another factor?

20 A Well, in terms of economic growth?

21 Q In terms of a new system to reorganize the
22 planning practice of the State of New Jersey to accommodate
23 the future growth?

24 A I think new
25 planning techniques are very important way of trying to do
that, yes.

Q And how about new statutory basis for planning

1 and growth control? A Certainly, well, that
2 logically follows.

3 Q Well, I'm distinguishing between planning and
4 the statutory action.

5 All right, you agree that new statutory matters such as
6 new legislation ought to be made or enacted?

7 A Yes, sir.

8 Q All right. And that there should be a new
9 relationship between levels of the failure of governmental
10 agencies? A Yes.

11 Q What kind of a relationship are you referring
12 to? A Well, the reference in that
13 was to principally with regard to the role of the county
14 planning, in the planning process.

15 Q And do you not feel that there ought to be a
16 new attitude between the citizenry and local government in
17 order to accommodate the same purpose?

18 (Whereupon the court heard legal argument.)

19 Q Do you feel Mr. Mallach that local planning, that
20 is the decision as to local planning should still remain at
21 the local level? A Wherever possible,
22 yes.

23 THE COURT: We will recess until 1:30 p.m.

24 (After the luncheon recess the trial
25 continued.)

1 THE COURT: All right, Mr. Chernin.

2 MR. CHERNIN: Thank you, your Honor.

3 Q Mr. Mallach, you agree that it requires a
4 vastly larger lot or parcel of land to accommodate one
5 industrial use as against a residential use?

6 A I couldn't agree with that, as a broad generalization.

7 Q Did I not hear your testimony pertaining to lot
8 size that you would accept for residential use to be something
9 in the area of under 50 foot across the front?

10 A Well, I don't think, I think there are circumstances
11 where under 50 foot would be acceptable, I was certainly not
12 arguing that anything over that was excessive, however--

13 Q Over what figure would you construe as excessive?

14 A Regard to frontage?

15 Q Yes. A Well again I'm hesitant to
16 give an exact up to this point it's beyond this point it
17 shouldn't but I think certainly somewhere between 75,
18 somewhere between a 60 or 70 and which is clearly reasonable
19 and over 100 which I think is pretty clearly as a general rule
20 excessive would find that.

21 Q We accept-- A Middle point.

22 Q We accept for the moment your statement, now that
23 any lot size with a frontage over 100 feet in your view is
24 excessive. A Any lot size with that

25 frontage, any frontage requirement of that sort is a high

1 requirement than is needed to provide reasonable and modest
2 accommodations.

3 Q Is it excessive in your view?

4 A How excessive it is would depend on the overall break-
5 down of zoning in the municipality, how the, how much land
6 is available and more modest size, I believe I've said, it is
7 larger than is necessary in and of itself in all cases. How-
8 ever, whether its, its impact is exclusionary, which I think
9 is what you're driving at would vary depending on how the
10 overall mix land uses, zoning provisions in the municipality
11 is set up.

12 Q Mr. Mallach, I don't want to belabor it but on
13 your direct testimony you utilized the word excessive, words
14 excessive lot size in relevance to this municipality. Now,
15 I want to know whether in your view a lot size requirement of
16 more than 100 feet is excessive in line with the terms which
17 you used? A In the context

18 that I used it, yes.

19 Q Now if we accept a maximum reasonable lot size
20 requirement that is front requirement of 100 feet, can you in
21 anyway equate that requirement with a similar requirement
22 for industrial usage of land?

23 A I don't follow the question.

24 Q All right, let's try it another way. It is your
25 view, effectively, that a minimum requirement of 100 foot

1 frontage for residential purposes is the outer limit of
2 reasonable limitations. Is that acceptable?

3 THE COURT: I don't think he said that,
4 Mr. Chernin.

5 Q Did you say Mr. Mallach that the maximum
6 limitation for residential lot size frontage should be 100
7 feet alternative that which is beyond 100 feet is excessive
8 in the contents, the contents of what your original statement
9 was?

10 A I--

11 THE COURT: You're just confusing the court when
12 you ask a question like that, Mr. Chernin.

13 MR. CHERNIN: Well, I join in the court's
14 confusion, your Honor, I'm sorry.

15 THE COURT: You asked him a number of
16 theoretical questions about relative large lot sizes
17 and he said that in some municipalities, in some areas
18 of some municipalities that might be reasonable. Now
19 that would be more than one hundred feet, he seems to
20 have testified 100 feet is excessive, under the conditions
21 of the total South Plainfield Ordinance as I've heard
22 his testimony.

23 He would be looking as to whether there was
24 some kind of a mix of housing and that if, if there's
25 an allowance for what he calls modest houses, sufficient

1 areas, sufficient acreages, available land in those
2 areas within a municipality then he can see under some
3 circumstances going higher. Is that right?

4 THE WITNESS: Yes, sir.

5 MR. CHERNIN: Your Honor, I didn't hear that
6 testimony as it pertained to this municipality.

7 THE COURT: Well then--

8 MR. CHERNIN: I agree.

9 THE COURT: Let's zero in on South Plainfield.

10 Q Do you have a view Mr. Mallach as to what lot size
11 or rather above what lot size would be excessive as it
12 pertains to the Borough of South Plainfield?

13 A Well, I think looking at, I think one of the key factors
14 is the question of the availability of land. For example I
15 have testified that the lot size and frontage requirement, if
16 not square footage for floor space in the R-7.5 zone are not
17 in my judgment excessive. However, according to the available
18 land figures there appears to be no significant amount of
19 vacant and developable land in that zone. Therefore--

20 Q Excuse me, that's the R-7.5 you're talking
21 about?

A That's correct.

22 Q Yes, go ahead. A So that in this
23 context certainly the 1520 and 40 provisions are excessive
24 and I would argue that the R-10 provisions are say at very least
25 on the border of what is excessive because houses reasonable

1 and modest accommodations can be built of, with smaller lot
2 sizes, smaller frontages, first, secondly that houses of a
3 more modest nature are required if the housing needs are to
4 be met and thirdly the, no effective provision is made in the
5 Borough of South Plainfield for such housing.

6 Q You've completed your answer?

7 A Yes, sir.

8 Q That I think I asked is--withdraw--let me rephrase
9 the question.

10 Do you feel as it pertains to the Borough of South
11 Plainfield that a lot size requirement with a minimal of
12 100 foot frontage and above would be excessive?

13 A In the context of the overall South Plainfield ordinance
14 and land availability, yes.

15 Q As to R-40 zone, how much of South Plainfield
16 is zoned for that?

17 A I have no idea how much is zoned altogether in the R-40
18 zone.

19 Q I see on your summary chart a zero with a
20 question mark.

21 A That's with regard to vacant land.

22 Q How much of vacant land is zoned for R-40 in the
23 Borough of South Plainfield?

A Apparently
24 there's no significant amount of vacant land zoned for R-40
25 in the Borough of South Plainfield.

1 Q How much of vacant land in the borough is zoned
2 in the R-15 zone?

3 A As I believe I stated earlier there's a total of 179
4 acres which on the DCA chart, P-104, which is either in the
5 R-15 or R-10 zones.

6 Q I see. You can't make it out, you can't make the
7 breakdown, is that it?

8 A The data provided does not make that possible.

9 Q Is that why that 179 figure appears sort of in the
10 gap on your sheet?

11 A That's correct.

12 Q That was my problem.

13 THE COURT: The breakdown on P-104 is from 10
14 to 20, you see Mr. Chernin, the breakdown of categories
15 in P-104, the DCA chart is between 10 and 20,000.

16 MR. CHERNIN: Yes.

17 Q Bearing in mind your statement as to what would,
18 what you would construe as excessive frontage requirement in a
19 residential zone, can we not accept the hypothesis that it
20 takes a great deal more land to accommodate one industrial
21 use than one residential use with the limitations you have
22 put on it?

23 A Depends on the
24 industrial use.

25 Q Can you put an industrial use on a land that has
a minimum width frontage, a maximum width frontage of

1 100 feet? A There are many types of
2 industrial use provided in typical industrial zone ordinance
3 which can be--

4 Q On a lot with no more than 100 footfrontage?

5 A Certainly, small ones.

6 MR. CHERNIN: Your Honor, I have no other
7 questions of this witness.

8 THE COURT: Anything is possible, I suppose
9 Mr. Chernin by the answer I think would probably be
10 that industrial uses tend to be larger lots than
11 residential.

12 THE WITNESS: As a general rule, sir.

13 MR. CHERNIN: I couldn't agree with the court
14 more, sir.

15 THE COURT: All right, do you wish to offer
16 proof to South River?

17 MR. SEARING: Yes, I do, your Honor.

18 (Whereupon the court heard legal argument.)

19 MR. SEARING: I would like to have three exhibits
20 marked for identification your Honor.

21 THE COURT: All right.

22 (Documents received and marked P-162, 163 and
23 164 for identification.)

24 A L L A N M A L L A C H continued.

25 DIRECT EXAMINATION BY MR. SEARING:

1 Q Mr. Mallach, I show you P-162 and ask you to
2 identify it please?

3 A This is a document entitled the zoning ordinance of
4 the Borough of South River.

5 Q I show you P-163 and ask you to identify it?

6 A This is a document entitled zoning map of the Borough of
7 South River.

8 Q And I show you P-164 and ask you to identify
9 it?

A This is a summary of zoning
10 ordinance provisions of the Borough of South River prepared
11 by me.

12 MR. SEARING: Your Honor, having, Mr. Rafano
13 having view these and voiced his concern, I now
14 move them into evidence.

15 THE COURT: All right, those will be marked
16 in evidence at this time.

17 (Documents received and marked P-162, 163
18 and 164 in evidence.)

19 Q Mr. Mallach, would you describe the principal
20 features of this ordinance, please?

21 A Yes, sir.

22 The zoning ordinance of South River provides for 5
23 zones, a residential zone, two business zones and 2 industrial
24 or research zones.

25 The residential zone requires lots of 10,000 square

1 feet and 100 foot frontage, 1250 square foot floor area of
2 which 700 square feet must be on the first floor.

3 These lot sizes and frontages were amended in 1966
4 and increased from 7500 square feet and 75 foot frontage.

5 There is a requirement in this zone similar to that mentioned
6 in South Plainfield and East Brunswick that requires between
7 60 and 100 percent of the floor space for each single family
8 residence to have a full basement.

9 Mutli family development is permitted by special
10 exception variance in this zone. Multi family housing is
11 permitted by special exception variance, also in the business
12 and commercial zones and residential uses are also permitted
13 in that zone as per the residential zones for the apartments.

14 Residential single family or multi family uses are not
15 permitted in the industry or research or manufacturing
16 zone.

17 The provisions governing multi family housing are as
18 follows. Multiple dwellings that is garden apartments can be
19 built up to a density of 15 units per acre. The minimum lot
20 to qualify for the specially section variance is four acres,
21 the maximum height of structures is 2 stories and the coverage,
22 25 percent.

23 No dwelling may contain more than four rooms and no more
24 than 20 percent of the units may contain more than three
25 rooms.

1 In addition there are two features, first the total
2 number of multiple dwelling units and the Borough may not
3 exceed 16 percent of the total number of single family
4 dwellings.

5 Secondly, in order to, as a basis for granting a special
6 exception variance the board of adjustment must make a finding
7 that the apartments will be quote economically stable and
8 advantageous to the community.

9 In addition with regard to mobile homes the ordinance
10 specifies that these are not residential structures, however
11 there is provision for mobile homes that do meet all zoning
12 requirements in the residential zone. The vacant land is
13 distributed as follows, according to the information provided
14 by the borough--

15 (Whereupon the court heard legal argument.)

16 A According to information provided by the borough there
17 were 371.4 vacant acres in the borough, of these further
18 specified that 103 are in the flood plain area though that
19 breakdown was not provided by zone. So that of the total
20 371 approximately 274.6 or roughly 74 percent are in the two
21 industrial zones and approximately 97 in the residential and
22 business zones, which residential uses are permitted, that's
23 approximately 26 percent.

24 Q Mr. Mallach, what if any of the features you have
25 described have an adverse effect on the provision of housing

1 for low and moderate income persons?

2 A Yes. First, there are no single family zones
3 in the municipality which provides for more modest lot sizes
4 or frontage requirements or floor areas than 10,000 square
5 feet, 100 foot frontage and 1250 square feet of floor area.
6 The latter I would consider larger than necessary for
7 reasonable and modest accommodation in any case, the former
8 is excessive in this regard, in the absence of any more modest
9 provisions in the ordinance. The provisions governing the
10 multi family housing are substantial first the requirement
11 that they be approved only by special exception rather than by
12 right, provides for broad discretion and the opportunity
13 to restrict this use, generally speaking.

14 The two provisions that I cited, first, the requirement
15 that there be a finding that the units be economically stable
16 and advantageous to the municipality is extremely restrictive
17 of low and moderate income housing and housing for families
18 because it puts a premium on the acceptability of more expensive
19 housing and on housing for families without children.

20 Secondly, the number of multiple dwelling units in the
21 borough may not exceed 15 percent of the total number of single
22 family dwellings, provides an arbitrary ceiling on the number
23 of multi family dwellings that can be provided in the borough
24 and a certainly restrictive in that regard.

25 The requirement that no more than four rooms may be in

1 any dwelling unit in multi family and no more than 20 percent
2 of the units may exceed three rooms, is the equivalent and
3 substance of the 80-20 one bedroom, two bedroom requirement.
4 It is substantially restrictive of apartments for families
5 with children.

6 Minimum lot requirement of four acres is excessive,
7 particularly in view of the character of South River in which
8 there may be a number of zones where a substantial amount of
9 the vacant land is in smaller parcels with site, for example,
10 the land availability in the two business zones B-1 and B-2
11 is such, according to the information that no multiple dwellings
12 can be constructed in these zones, despite the provisions of
13 the ordinance.

14 The height ceiling of two stories is also limiting on
15 the number of units that can be built on any site. So, these
16 provisions are substantially restrictive with regard to the
17 multiple family housing in the Borough of South River.

18 (Whereupon the court heard legal argument.)

19 Q Mr. Mallach, does this municipality have a public
20 housing authority?

21 A No, sir.

22 Q Is there any state or federally subsidized within
23 its confines?

24 A Not to my knowledge.

25 Q If I could draw your attention to page 68 of

1 P-53.

2 Is there an entry on that chart for this municipality?

3 A Yes, sir.

4 MR. RAFANO: May I see it before he testifies,
5 please.

6 MR. SEARING: Yes, I'm sorry.

7 (Whereupon the court heard legal argument.)

8 THE COURT: All right, you may testify to
9 that.

10 A Yes.

11 In column 1, first the number of substandard dwelling
12 units, the figure for South River is 376, in column 2,
13 the number of lower income households in need of housing
14 assistance, the figure for South River is 585, total is 961.

15 MR. SEARING: Thank you, Mr. Mallach.

16 Your Honor, if I may have just a minute.

17 We have no further questions.

18 THE COURT: Could I see Mr. Searing and
19 Mr. Rafano at side bar, please.

20 (Discussion held off the record.)

21

22 CROSS-EXAMINATION BY MR. RAFANO:

23 Q Mr. Mallach, in doing this analysis you did not
24 have the benefit of a land use analysis plan dated May, 1975
25 pertaining to the Borough of South River, isn't that correct?

1 A That's correct.

2 Q As well as the master plan of the Borough of
3 South River?

4 A That's right.

5 Q As well as the delineation of flood hazard
6 areas for the Raritan Riverbasin, including specifically the
7 South River?

8 A Except for the information I
9 assumed derived from that which was provided in answers to
10 plaintiff's interrogatories.

11 Q I'm talking about the specific plan itself.

12 A No, I didn't refer to the plan itself.

13 Q Basically you have the zoning ordinance to deal
14 with, the zoning map and P-104, the exhibit from the state;
15 is that correct?

16 A And the material provided
17 by the borough in answers to plaintiffs, that's correct.

18 Q In answers to interrogatories that was the extent
19 of it?

20 A Yes, that's correct.

21 Q You would acknowledge, sir, that all land in the
22 municipality must be zoned in some manner, you would not leave
23 some land unzoned, the whole town must be zoned some type of
24 zone.

25 A I believe the interpretation of zoning law is that's
so, yes.

Q But you would believe that and accept that?

1 A As a general rule, I think so.

2 Q You would also accept the fact that the
3 mere fact that it is zoned one particular way does not
4 necessarily it can in fact be used that way?

5 A Well, although it does not necessarily, I believe that
6 to the degree that it's possible a zoning ordinance should be
7 clearly linked from the zoning provisions to reasonably
8 anticipated use.

9 Q But you would anticipate that there are times
10 the mere fact that land is zoned a certain way could not be
11 used that way because of the flood plains, because of
12 flood, because of topography, subsoil conditions, even though
13 it's zoned that way you would accept the fact that at times
14 it cannot be used thatway, you would agree with that?

15 A With the qualification for example those conditions that
16 you cite do limit the uses of the land in certain ways but
17 that to the, that there are uses that may be possible, for
18 example on steep slope land or land with different soil
19 conditions and so on, so to the degree that it's at all
20 possible the zoning should be to reflect a use that is
21 possible for that land rather than a use that is not because
22 of those limitations.

23 Q As a planner sir, in the determining the zone or
24 a plan for a municipality, you take all these different things
25 into consideration that you've started to enumerate the

1 topography of the land, isn't that correct?

2 A That would be part of framing an ordinance, yes.

3 Q The slope? A Yes.

4 Q Soil conditions? A Yes.

5 Q Or the subsoil conditions?

6 A Yes.

7 Q The general type of the neighborhood?

8 A That would be a factor, yes.

9 Q As well as zoning, of joining zoning either
10 within the same municipality or in adjoining municipality?

11 A That's correct.

12 Q With the thought that you would want to have
13 one zone fit in properly from a planning point of view with
14 an existing zone?

15 A Well, to avoid obvious incompatibilities and safety
16 problems.

17 Q So you would not want a heavy industrial zone
18 up against a school zone, for example?

19 A That's correct.

20 Q That would not be good planning?

21 A Most likely not, it would depend also on the types of
22 buffers that you provided in the ordinance.

23 Q Now are you familiar with the density of the
24 Borough of South River? A Not off the top
25 of my head, I--

1 Q If I were to show you I believe what's been
2 marked P-50 and refer you to page 15, does that chart, would
3 tell us that the Borough of South River in 1970, the
4 population of 15,428 people; isn't that correct?

5 A That's correct.

6 Q And if you were to refer to page 16 you would
7 find there that it was the 7th most populous municipality
8 in the County per square mile; isn't that correct?

9 A Let me correct that.

10 Q If I may help you, Dunellen, Metuchen, New
11 Brunswick, Perth Amboy, South Amboy being ahead of it?

12 A And Highland Park.

13 Q And Highland Park. A That seems
14 to be correct.

15 Q So South River is the 7th most populous
16 municipality in the Borough, in the County of Middlesex per
17 square mile?

18 A That's correct.

19 Q And if you were to look to page 36 the same
20 exhibit you would find that it is the 7th most densely
21 populated by housing units, is that not correct, the
22 6th ahead of it being basically the same other six town
23 by population? A That's correct.

24 Q Now if you were to look at page 17 of the same
25 exhibit you would find am I correct, sir, that there are

1 4,888 housing units in the Borough of South River?

2 A That's correct.

3 Q Approximately 1300 of those housing units are
4 2 or more structures?

5 A That's correct.

6 Q And if I were to refer to you the land use
7 analysis of the Borough of South River dated May 5th, 196 at

8 Page 13-- A 75.

9 Q 75, at page 13, table 6 there are additional
10 statistics there about housing construction for the Borough
11 of South River. Is that not correct?

12 A That's correct.

13 Q And that shows since 1970 there have been 407
14 units, housing units constructed; is that correct?

15 A That's correct.

16 Q 360 of them being 5 or more family?

17 A Correct.

18 Q Garden apartments? A Apartments,
19 one kind or another.

20 Q So if you were to add that figure of 360 to the
21 statistics for 1970 of approximately 1300 you would find
22 that South River has about a third or probably closer to
23 40 percent of its housing units are in multi family?

24 A Not quite a third.

25 Q Not quite a third or not quite 40 percent?

1 A Not quite a third, 1735, multi family and 3560
2 singlefamily for, so it's just under a third.

3 Q Multi family in this context being used two or
4 more units, correct?

5 A That's correct.

6 Q And I think you've already told us that all
7 residential uses are permitted in the neighborhood business and
8 in the general commercial, including the multi family?

9 A Multi family by special exception.

10 Q But it is permitted in those zones?

11 A Yes.

12 Q Residential, the B-1 and B-2?

13 A That's correct.

14 Q And residential uses for single family houses
15 are used there also?

16 A That's correct.

17 Q And I think Mr. Mallach I don't know if you've
18 testified to it previously but you were satisfied that 15
19 unit per acre is of sufficient density on multi dwelling units,
20 am I correct, sir?

21 A I think so, yes.

22 Q Referring to the same exhibit we've determined
23 there are approximately 15,000 people in the Borough of
24 South River; am I correct?

25 A Yes.

1 Q Now referring to P-28 you have that before you?

2 A No, I don't think that I do sir.

3 Q This sets forth the total families in the
4 various income brackets for the county; is that correct?

5 A That's correct.

6 Q If you were to add the number of families that
7 fall within the low and moderate income provision you come up
8 with about 1500 families, am I correct?

9 A Combined and low and moderate income up to 10,000, that's
10 correct.

11 Q About 1500 families?

12 A Right.

13 Q And those are the same figures that appear in
14 CDRS, marked P-53 inevidence at page 63, am I correct,
15 South River being C, the insert?

16 A That would appear to be the population of South
17 River.

18 Q In that bracket? A No, that
19 table you referred to is total population percentage of
20 minority households.

21 Q Isn't it captioned low and moderate income house-
22 holds by the census track at the top of the page?

23 A You showed me this.

24 Q I'm sorry, I mean page 61.

25 A All right, yes, that seems to be the same number.

1 Q So would you say approximately a third of the
2 residents of the Municipality of South River are a fourth
3 in the category of low and moderate income?

4 A Slightly more than that, yes, sir.

5 Q And if I were to tell you that 60 more units for garden
6 apartments have been approved, added to the figures that have
7 already been supplied to you, the actual number of multi
8 family units exceed the amount of low and moderate income
9 families, isn't that correct?

10 A That's correct.

11 Q And is it also correct, sir, based on P-75 that
12 the relative standing of the Borough of South River in terms
13 of medium income has been declining since 1950, 60 and 70 in
14 relationship to the other municipalities?

15 A Well, it's somewhat hard to do because there are so
16 many municipalities missing in some of the earlier tables.

17 Q In relative position.

18 A Well, relative position, among those municipalities cited,
19 let's see--

20 Q 1970 there are 25 and in 1960 there are 21 in
21 1950 there are 12.

22 A In relative position from among the municipalities that
23 are cited here, yes.

24 Q I think Mr. Mallach you said before that a
25 frontage of 60 to 100 falls within reasonable front footage

1 for a single family residence, provided there is a reasonable
2 mix of all different types; is that correct?

3 A Generally speaking, yes.

4 Q And would you also assume sir, that if a
5 municipality had a substantial number of lots under 60 foot
6 frontage as compared to those at 100 foot frontage, that
7 it had a high density and had met many of the requirements
8 you're seeking in your testimony? A Well,
9 without making judgment about how wide a high density it is,
10 I would say that if a municipality had a substantial amount of
11 its land zoned for lots with 60 foot or smaller frontage then
12 the effect of having other lands zoned for 100 foot or more
13 frontage would most probably not be exclusionary in effect.

14 Q From the statistics that you have seen before
15 you about multi family dwelling, would it be fair for you
16 to say sir, that the 15 percent limitation on multi family
17 dwellings has been exceeded by municipality?

18 A That seems to be the case, yes.

19 Q You've talked about 92 acres of vacant land, if
20 I were to tell you that some of that were in flood plains and
21 some of that was made up of very small lots that certainly
22 would affect your opinion, wouldn't it, as to what the Borough
23 of South River could do to correct any exclusionary
24 practices that you say exist?

25 A Well, the 92.5 acres was with regard to--

1 Q I'm asking if it would affect your opinion,
2 sir?

3 A But I did not cite the 92.5 acres as a basis for my
4 opinion, the basis for my opinion is the total of 371.4
5 acres of which the borough has indicated that 103 acres are
6 in a flood plain and I assume that a fair amount of that is
7 in small lots.

8 So that's the basis for whatever opinions I expressed.

9 Q And you would recognize the fact that if land is
10 broken up in small lots that less could be done in terms of
11 meeting any need that you said required then if you had all
12 the land in big open tracts, isn't that a fair statement?

13 A Somewhat less but it's certainly still something.

14 Q Are you talking relatively, it could be relatively
15 less with small individual lots broken up than you could in
16 the 92 acres within a large one or two large tracts, isn't
17 that a fair statement to say or to make?

18 A It would depend, I think the key difference, the number
19 of units might not vary substantially, I would state one
20 difference would be that it would be, it would take probably
21 more time and effort and less efficient to develop a given
22 number of dwelling units that way than on single lot tracts.

23 Q So you would agree with me?

24 A In that regard, not necessarily in terms of the number
25 of units feasible.

1 Q It would be more feasible if it were all in one
2 piece than broken up in a lot of little pieces?

3 A More efficient.

4 Q More efficient.

5 MR. RAFANO: I have nothing further, your
6 Honor.

7 THE COURT: All right.

8 (Whereupon the court heard legal argument.)

9 THE COURT: All right, we seemed to have reached
10 the Borough of Spotswood.

11 MR. SEARING: I have two items I would like
12 marked for identification, your Honor.

13 MR. BRIGIANI: I have no objection to them
14 being introduced in evidence except of course the
15 summary, I question its correctness.

16 THE COURT: P-165 and 166 in evidence.

17 (Documents received and marked P-165 and P-166
18 marked in evidence.)

19
20 A L L A N M A L L A C H continued.

21 DIRECT EXAMINATION BY MR. SEARING:

22 Q Mr. Mallach, would you describe the principal
23 features of this ordinance for us, please?

24 A Yes, sir, the Borough of Spotswood contains two residential
25 zones, single family and multi family zones, three commercial

1 zones, and one industrial zone.

2 In addition there are special mobile park provisions.
3 With regard to the single family zone there are four
4 different sets of requirements depending on the
5 characteristics of the land.

6 For land already subdivided with 200 feet between the
7 roads or streets the lot size requirement is 10,000 square
8 feet, the frontage requirement is 100 feet. For lots
9 not presently subdivided but for which water and sewer is
10 available the minimum lot size is 12,500 square feet and
11 frontage 100 feet, where either water or sewer but not both
12 are available lot size is 20,000 square feet, approximately
13 half an acre and the frontage is 150 feet. Where neither water
14 nor sewer are available the lot size is 40,000 square feet
15 approximately one acre and the frontage requirement is 200
16 feet.

17 The minimum floor area for dwellings in all cases is
18 1300 square feet. Two parking places are required for each
19 dwelling unit.

20 The R-2 zone is the multi family zone, provides for
21 garden apartments and a density of 16 dwelling units per
22 acre at a height of 2½ stories, 20 percent coverage. No more
23 than 10 percent of the units may contain two bedrooms and no
24 more than, excuse me, and no unit may contain more than two
25 bedrooms.

1 The floor space requirements are 400 square feet for
2 efficiency units, 600 for one bedroom and 700 for two bedroom
3 units. 1.5 parking places per unit are required and there is
4 a zig-zag provision requiring varying facade frontages.

5 R-1, single family uses are also permitted by right in
6 the R-2, multi family zone. There are three commercial zones
7 in one of them, the C-3 zone, R-1 single family uses are
8 permitted.

9 Residential uses are not permitted in the industrial
10 zone. With regard to the mobile home provisions, the ordinance
11 provides for one mobile home park, per 10,000 population,
12 since Spotswood at the moment contains 7,891 people according
13 to 1970 so this provides for one mobile home park.

14 The head of any household occupying a mobile home in the
15 park must be over 52 years of age. The household may contain
16 one child but he or she must be over 18 years of age.

17 The park may not exceed more than 50 acres and can be
18 developed up to a maximum of 7 units an acre.

19 The mobile home park in addition requires two and one
20 quarter parking spaces for each mobile home and requires that
21 the recreational facilities, recreation be at least 10 percent
22 of the total area and there be at least one recreation area
23 that it is at least 30,000 square feet.

24 In addition the fees for the mobile home are \$2500 per
25 year for the mobile home park plus \$250, no, \$2.50 per week per

1 mobile home in the park. So that for example a mobile home park
2 containing one hundred mobile homes in place during the course
3 of the year would pay a total of \$15,500 in fees to the
4 borough.

5 With regard to vacant land, the information provided
6 by the Borough of Spotswood specifies that there are 286.4
7 acres of vacant land, of these 202 or approximately three-
8 quarters are in the R-1 single family zone, 18 or approximately
9 6 percent in the R-2 multi family zone, 15 in the business
10 commercial zones and 50 or slightly under 20 percent in the
11 industrial zones.

12 Q Now what if any of the features you have
13 described have an adverse effect on the provision of housing
14 for low and moderate income persons?

15 A There are a number of features, the lot size, frontage
16 and floor area requirements in a single family residential
17 zone are generally excessive and greater than is necessary for
18 reasonable modest accommodations.

19 The floor requirement of 1300 square feet for all
20 single family units is clearly well in excess of what is
21 necessary.

22 The only lot size which is within the borderline of what
23 I've referred to as reasonable and modest accommodations is
24 that, that applies only to land already subdivided as the time
25 of the ordinance.

1 The other lot sizes are all excessive. The lot sizes
2 where the lands are not subdivided are considerably greater.
3 With regard to the R-2 multi family zone, although the density
4 and height requirements are not unreasonable the most
5 substantial feature I would cite is the 10 percent two bed-
6 room maximum and the prohibition of any units that larger than
7 two bedrooms this is clearly substantially restrictive.

8 With regard to the mobile home provisions the provision
9 that in a sense it limits the communities to one mobile home,
10 may be restrictive, except because of the nature of the mobile
11 home parks. I wouldn't make it a definitive judgment on that.

12 The requirements that occupants of the, head of the
13 household living in a mobile home must be over 52 years of age
14 is clearly restrictive on heads of households below that age
15 and two families in the young adult families child rearing
16 families all of which may be in need of modest accommodations.
17 The same goes for the prohibition on the residents of children
18 in the mobile homes under the age of 18.

19 The fees for the mobile home, home park are high and
20 are clearly going to be passed onto the occupant of the mobile
21 home which can have a very substantial increase in the cost
22 of the residents in the mobile home for those families.

23 With regard to vacant land, the amount of land that's
24 provided for multi family housing is extremely small and
25 restricts the supply of this housing type, the inability of or

1 the prohibition of mobile homes outside the mobile home park
2 is also restrictive of this housing type.

3 The amount of land designated for industry is
4 substantially in excess, approximately twice as much as that
5 specified by the County Planning Board in its analysis of
6 demand for industrial land in the Borough of Spotswood.

7 The amount of land zoned residentially is slightly
8 below the anticipated residential land demand in the Borough of
9 Spotswood, according to the Middlesex County Planning Board.

10 Q Does this municipality have a public housing
11 authority?

12 A No, sir.

13 Q Is there any state or federally subsidized
14 housing within its confines?

15 A Not to my knowledge.

16 Q Could I draw your attention to P-53, page 68 and
17 the table printed thereon?

18 A Yes, sir.

19 Q Is there an entry for this municipality on that
20 table?

21 A Yes, sir.

22 Q Would you read it for us, please?

23 A Yes. Number of substandard dwelling units in Spotswood,
24 109, number of lower income households in need of housing
25 assistance, 182, total 291.

1 MR. SEARING: Your Honor we have no further
2 questions.

3 THE COURT: We might take a recess at this
4 time.

5 (After a brief recess the trial continued.)
6

7 CROSS-EXAMINATION BY MR. BRIGIANI:

8 Q Mr. Mallach you have not made an on site survey
9 of the Town of Spotswood, have you?

10 A Not a survey, no.

11 Q Now with reference to the , I guess this would
12 be P-166 you refer to R-1D, there's no water or sewer available,
13 forty thousand square foot lots and then the ones that have
14 one or the other amenity, that's 20,000.

15 Now are you familiar with the fact that for all
16 practical purposes they mean that particular delineation means
17 nothing because the whole town is sewerred and watered?

18 A I sort of suspected that, but I wasn't certain.

19 Q Now there's also a, under R-1, which calls for
20 12,500 square feet, 100 foot front, 50 foot deep, are you aware
21 of the reason for that particular delineation and what
22 particular area on the Borough of Spotswood it controls?

23 A No, sir.

24 Q I believe from your previous testimony that
25 some restrictive provisions may be acceptable if, depending

1 on the circumstances; is that correct?

2 A Yes, sir.

3 Q I mean it's not there just by itself?

4 A There may be circumstances which, yes.

5 Q Now in the R2 multi family you didn't mention it,
6 only one acre is required to build a multi family house; is
7 that correct?

8 A That's correct.

9 Q And referring to mobile homes, do you know what
10 the, how many mobile homes are there now and in the process
11 of being built? A Well, I don't know how many

12 are actually being built but from the provision that the
13 park may not exceed 50 acres and seven units an acre, the
14 ceiling is clearly 350 units. So, it would be somewhere
15 approaching that ceiling.

16 Q Now you used you say that it cannot exceed 50
17 acres, are you sure that the ordinance doesn't say must be a
18 50 acre minimum? A Let me look. You're
19 right, I stand corrected.

20 Q Now in addition you stated, would you, for
21 example this particular case, would you accept that this
22 particular mobile park is approximately 80 acres or better?

23 A I really don't know.

24 Q Now you also refer to the age of the occupants.
25 Now you stated 52. Now if you look at your P-166 it's 48,

1 isn't it? A I'm sorry. I originally
2 wrote in 48 and I believe that was a typographical error,
3 the actual one is 52.

4 Q All right, let's assume it's 52.

5 A Because that's section 2.7.

6 Q Do you feel that that is an effective regulation?

7 A Effective in what sense, sir?

8 Q In any way. In other words, do you think that
9 park could stop anyone if they were less than 52?

10 A Well, that's a difficult question, I think the, if the
11 municipality adopted such a provision in its ordinance there
12 could be a supposition on the part of the operator of the park
13 that he could be in trouble with the municipality if he allowed
14 anybody in under 52. So that he might restrict ownership in
15 order to prevent difficulty. I think certainly a municipality
16 if the municipality cared strongly about the provision they
17 could exert influence to state lease on the owner in the
18 mobile home park in that regard.

19 Q From your observations this park apparently seems
20 to be for the benefit of senior citizens; is that correct?

21 A That seems to be the idea, yes.

22 Q Now you stated costs, you stated that there was a
23 \$2500 annual charge on the park. Now that annual charge would
24 be a portion of over 300, 350 or more units; is that
25 correct?

1 A That's correct.

2 Q And that the only other charge is \$2.50 per
3 span? A Per week.

4 Q Per week, correct? A That's correct.

5 Q OK.

6 MR. BRIGIANI: May I have this zoning map
7 marked for identification, please.

8 (Document received and marked D-SPOT-1
9 for identification.)

10 Q Now Mr. Mallach, the 200 odd, 200 and 2 acre
11 figure that you were given as a vacant land in the R-zone,
12 that's 202 and 18, that's 220?

13 A That's correct.

14 Q Do you know whether or not that is a specific
15 figure or a gross figure? Do you know what it includes?

16 A I have no idea what it includes, specifically.

17 Q You don't know how much of that is swamp land?

18 A That information is not provided, no.

19 Q You don't know if any part of that is in the
20 Jamesburg Park? A Again that was not

21 provided, that information was not provided.

22 Q You don't know how, what are farms?

23 A No.

24 Q So that every figure that was given to you for
25 each particular category, each zoning district is a general figure,

1 am I correct?

2 A That's correct.

3 Q And that you have no specific knowledge as to
4 whether any of that land can be developed or not?

5 A No, sir.

6 Q Now, with reference to the Borough of Spotswood,
7 can you give us the income of the various residents of the
8 Borough of Spotswood, please?

9 A The medium income of the population of the, medium
10 family income in Spotswood in 1970 was \$12,048, which is
11 similar to the county average, the total number of families,
12 there were 186 in the category under 6000, four hundred thirty-
13 two in the, between six and 10,000 and approximately 13 or
14 1400, I can add it up, 1338 families above 10,000.

15 Q And below what, if you have the figure?

16 A Below 50,000.

17 Q How many are above 12,000?

18 A Well, I would assume about half of the families are
19 above 12,000 because that's the medium.

20 Q Basically Spotswood is also a community as, it's
21 not a wealthy community, am I correct?

22 A It's a very typical community, it's very close to the
23 Middlesex County average in terms of its income distribution.

24 Q With reference to that available land or un-
25 available, much of that is in small lots, do you know that?

1 A I had assumed that.

2 Q And those lots, if you made an investigation,
3 run anywhere from 20 foot front to 40, 60 and 100 but most
4 of them in the smaller categories, ones that have been
5 developed already especially?

6 A I haven't done a specific study of that.

7 Q You haven't got the information?

8 A No.

9 Q Now with reference to the type of housing
10 where, would the, your figures fit the type of housing in the
11 Borough of Spotswood?

12 A One second. The Borough of Spots wood contains
13 slightly over 2000 dwelling units of which approximately 90
14 percent are single family homes and approximately 10 percent
15 to or more family homes. The overwhelming majority were
16 built since World War II, approximately 85 percent and again
17 approximately 85 percent are owner occupied, the average
18 value is, the owner occupied units is approximately 23,500
19 and the average rent for the renteroccupied unit in 1970 is
20 both 19, all 1970 census data was \$131 a month. So the
21 average rent level was slightly above the county average and
22 the average house value was slightly below the county average
23 for owner occupied units.

24 Q Below us?

25 A The owner occupied units was below, the rental above.

1 Q What is the population of Spotswood?

2 A I think it's 7,800.

3 Q That's in 70, you don't know what the population
4 is?

A No, sir.

5 Q Do you know the size of the Borough of Spotwood?

6 A It's a very small municipality in size, slightly over
7 2 square miles.

8 Q Slightly over what?

9 A 2 square miles.

10 Q Do you know how many apartment units there are
11 in the borough at this time?

12 A I don't have information on change since 1970, there
13 are approximately, slightly under 200 in 1970.

14 Q Do you know what the average rent is at this
15 time?

16 A At this time, no, sir.

17 Q Many of the older homes that are in the borough
18 are either two, are two family and three family or more; is
19 that correct?

20 A No, very few of them are, according to the, as of 1970
21 there were a total of 63 units, dwelling units in two, three,
22 four family homes.

23 So that figure there are probably 20 or 30 structures
24 of that type in the borough only.

25 Q Are you familiar with the apartments in

1 Spotswood at all? A Not specifically, no.

2 Q Do you know where they're located in Spotswood?

3 A Well, again I know that on this map there are three
4 areas in the borough, I guess four areas zoned for multi
5 family, three of them are front on or in one case immediately
6 adjacent to Main Street and the other is on Crescent Avenue.

7 Q On that statement you made with reference to the
8 CDA, that's what it was--

9 A CD application.

10 Q CD application, you do not know whether or not
11 an application was made by the Borough of Spotswood for low
12 or medium income housing?

13 A It's--

14 Q Specifically? A It's my
15 impression that they did not.

16 Q Mr. Mallach, with reference to zoning, is it a
17 fact that zoning is more or less of a progressive type of
18 activity and in terms of either updating or bringing or in
19 terms of updating ordinances, depending on the particular
20 situation existing at the time?

21 A Yes, certainly an ordinance has to be regularly
22 reviewed.

23 Q Now isn't it a fact, I assume you have studied a
24 number of ordinances in the State of New Jersey?

25 A That's correct.

1 Q That when they started out that most of them were
2 more or less a very, very regulatory in a very minor way?

3 A Well, they're very simple and straightforward as a general
4 rule.

5 Q That's right, they had three zones, residence and
6 commercial and industrial, correct? So, but as a town and
7 specially the older towns, progressed, got bigger and more
8 people started living and then your zoning ordinances were
9 updated.

10 Am I correct? A Typically they were
11 changed, yes.

12 Q Yes and the change was also you might use the
13 word regressive but let's say, too, they would be changed
14 to accommodate the situation to what this, the enabling
15 statute purposes were and are.

16 A I'm not sure I would buy that entirely.

17 They were certainly changed but I think often the
18 justification for the changes were somewhat different from what
19 the enabling statute called for. There are a lot of
20 different reasons that led to the changes.

21 Q Well, I'm sure that in your studies you must have
22 seen all types of reports, surveys, listened to symposiums
23 about density, about space required for health, safety,
24 congestion and all the other indicia of zoning, all those
25 things came into play and they were and you had many people

1 who are, as expert or probably more, some more recommending
2 certain particular regulations which they felt were required.
3 Am I correct?

4 A That's correct.

5 Q So that if you take a community, let's say like
6 the Borough of Jamesburg or Borough of Spotswood or any of
7 these boroughs who have been in existence for a long time, for
8 all practical purposes, wouldn't they at this point just be
9 justified in amending or changing their regulations so that
10 they would be a little more restrictive, not to restrict a
11 particular group of people but just to make it, just to prevent
12 the town from becoming overcrowded?

13 A No, because I don't think, I don't think there's any
14 relationship in the zoning ordinances of these towns and any
15 objective assessment of the problem of overcrowding. I think
16 it's very difficult in general to define or to put values on
17 what a good density or a bad density and except for over-
18 crowding of dwelling units when you have say too many people
19 in a given bedroom, which is ususally dealt with by the
20 building code, I don't see any clear connection between what
21 zoning can do and dealing meaningful with overcrowding.

22 Q Well, do you mean to say then that if the zoning
23 ordinance said there's no restriction at all as to number of
24 bedrooms but however, your building code says you must have
25 X number of square feet per person, then you would be all

1 right? A Well depends, if we're talking
2 specifically about the question of the number of people who
3 can go into a given bedroom or so on, the government has
4 generally set a standard in this country, at least, that
5 overcrowding is, when you have more than one person per room.
6 So if you have a four room apartment with two bedrooms that
7 should only be occupied by four people, a one bedroom, three
8 room apartment should only be occupied by three people and
9 so on and this is generally accepted in this country. It
10 doesn't bear on square feet, however, I think there are
11 reasonable square foot standards for occupancy or
12 for the size of the units, number of bedrooms in the units that
13 can be applied, certainly but again and these could go into
14 a zoning ordinance, I guess.

15 Q This, those are based on health and safety
16 primarily, am I correct?

17 A To the degree that it could be pinned down.

18 Q Size? A Yes.

19 Q But still if the zoning ordinance itself does
20 not have any regulations but it is contained in your building
21 codes and they are, then isn't your objection also to building
22 codes?

23 A Well, I think they are, any municipality that's engaging
24 in restrictive or exclusionary provisions does so through very
25 wide variety of means, zoning ordinances, building codes,

1 subdivision regulations, site plan regulations, administrative
2 practices, you know, the list depending upon the municipality's
3 desire to accomplish certain goals, the list is almost
4 endless.

5 Q In terms of housing for families, irrespective
6 let's say within the low and moderate income, take a town like
7 Spotswood, now is it better to have a house, a house that
8 is within the means of that type of individual than to have a
9 high rise apartment for example with limited rooms?

10 A Well, in, for the typical family if those were the only
11 two alternatives, I would probably go with the house.

12 Q Because there, am I correct, in a house you have
13 no limitations, in your size from a practical standpoint
14 so that you buy a house and you can grow with it, which you
15 cannot do with an apartment, you have to move out.

16 A That's true.

17 Q So that initially if you buy a house on a little
18 larger lot you are taking care of the future of that particular
19 family, aren't you, and buying at a time when it's cheaper?

20 A Well, at the same time you may also be precluding that
21 family from buying that house at all.

22 Q I'm assuming now that he's buying a house within
23 his means, initially.

24 A If, if one assumed say hypothetically that a lot of
25 6000 square feet costs the same as a lot of 20,000 square feet,

1 certainly it might be preferable to buy the lot of 20,000 feet,
2 if not only the cost of the land but also the cost of being
3 a house was--

4 Q I wasn't going into the extremes, I'm sorry,
5 I mean 20,000, I'm talking about.

6 A 10,000.

7 Q 60 to 100 foot, let's say that you accept--
8 (Whereupon the court heard legal argument.)

9 MR. BRIGIANI: I have no further questions.

10 THE COURT: All right, we might put in exhibits
11 then in relation to Woodbridge Township.

12 (Whereupon the court heard legal argument.)

13 MR. SEARING: Your Honor I have a series of
14 exhibits to be marked.

15 THE COURT: All right.

16 (Documents received and marked P-167, 168, 169,
17 170 for identification.)

18 (Whereupon the court heard legal argument.)

19

20 A L L A N M A L L A C H continued.

21 DIRECT EXAMINATION BY MR. SEARING:

22 Q Mr. Mallach, would you identify P-168 please.

23 A This is the Woodbridge Township Zoning Ordinance of
24 1960 including revisions through June 1, 1971.

25 Q Would you identify P-167 please.

1 A This is the zoning ordinance of Woodbridge Township
2 a mended through February 1, 1975 with supplementary amendments
3 including an environmental control ordinance of the Township
4 of Woodbridge inserted.

5 Q Would you identify P-169 please.

6 A This is a, two tables representing I quote an updated
7 response to the information sought at interrogatory question
8 No. 9, submitted by the Township of Woodbrdige on February 25th,
9 1976, to plaintiff's dealing with vacant land.

10 Q And would you identify P-170 please.

11 A This is the summary of zoning ordinance provisions of
12 the Township of Woodbridge prepared by me.

13 MR. SEARING: Your Honor I would move these
14 into evidence at this time.

15 THE COURT: All right, they'll be admitted
16 into evidence. The objections are overruled.

17 (Documents received and marked in evidence.)

18 Q Mr. Mallach, could you describe the principal
19 features of this ordinance please?

20 THE COURT: I think we'll, in view of the time,
21 recess for the day, nine o'clock tomorrow morning.

22 (Whereupon court adjourned for the day.)

23

24

25

SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION - MIDDLESEX COUNTY
DOCKET NO. C 4122-73

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URBAN LEAGUE OF GREATER
NEW BRUNSWICK, :

Plaintiffs, :

-vs- :

BOROUGH OF CARTERET, et al., :

Defendants. :

CERTIFICATE

I, DAYE F. FENTON, a Notary Public and Official
Court Reporter of the State of New Jersey, certify that
the foregoing is a true and accurate transcript.

Daye F. Fenton

DAYE F. FENTON, C.S.R.
OFFICIAL COURT REPORTER

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