

ML

Boonton

18-Mar-1980

Morris Ct. Fair Housing v. Boonton

Deposition of John Chadwick - re:
Questioning whether ordinances were
~~preparatory~~ created in preparation
for litigation

pgs = 48

ML CCB422G

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: MORRIS COUNTY
DOCKET NO. L-6001-78

CIVIL ACTION

MORRIS COUNTY FAIR :
HOUSING COUNCIL,
ET AL., :
PLAINTIFFS :

DEPOSITION OF:
JOHN CHADWICK

vs.

BOONTON TOWNSHIP,
ET AL., :
DEFENDANTS
-----:

Stenographic Transcript taken before Nancy Rich*
Notary Public and Certified Shorthand Reporter at the
offices of E. Eugene Cross Associates, 235 Livingston
Avenue, New Brunswick, New Jersey, on February 13, 1980,
beginning at 10:00 a.m.

APPEARANCES:

KENNETH E. MEISER, ESQ.,
PUBLIC ADVOCATE

PENDLETON & LATZER, ESQS.,
BY: BERTRAM J. LATZER, ESQ.
Attorney for Township of Parsippany-
Troy Hills

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WITNESS

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JOHN CHADWICK

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1 JOHN CHADWICK, SWORN.

2 MR. MEISER: We will be paying you
3 for the record, \$60, your hourly rate,
4 for the time which the depositions take.

5 DIRECT EXAMINATION BY MR. MEISER:

6 Q I'm going to be asking you some questions.
7 If at any time there's a question you don't under-
8 stand, please let me know and I'll try to clarify
9 the question.

10 How long have you been working for Par-
11 Troy?

12 A .. Since July of 1967. " .

13 Q You personally have been involved for
14 the last 12 years, 13 years, or your firm?

15 A The firm was retained in December of 1966.

16 I became a Project Planner working with Parsippany
17 in July 1967, and as the Planner in charge as of
18 January of '80.

19 Q I see. What other townships are you
20 involved with at the present time?

21 A Well, I'm the Planning Director of Eugene
22 Cross Associates. In that capacity I have a
23 relationship with all the clients, which is some-
24 wheres between 35 and 40 municipalities.

25 Q I see.

1 A I represent on a day-to-day work basis approxi-
2 mately 12 municipalities.

3 Q What are those 12? Will you list them?

4 A Parsippany-Troy Hills, Warren Township, Watchung,
5 City of New Brunswick, Borough of Sayreville,
6 Township of Egg Harbor, Township of Bordentown,
7 City of Linden. Those are the municipalities.

8 Q Have you prepared the master plan for
9 any of these municipalities?

10 A Yes.

11 Q Which ones?

12 A All of them. .X -

13 Q What about litigation? Have you testified
14 recently with any cases involving attempts to
15 construct housing in any of these municipalities?

16 A I'm not sure I understand your question.

17 Q I want to find out whether you have been
18 involved as a witness in litigation concerning
19 attempts to construct housing or disputes over
20 residential construction in any of these towns,
21 **and** I start by asking in the last 5 years?

22 A *ⁿ the last 5 years, yes.

23 Q Where would that be?

24 A Any of the municipal clients in Middlesex
25 County, absent the City of New Brunswick. We're

1 involved in the Urban League of Greater New Brunswick
2 vs. Carteret, which included all municipalities
3 in **the** County except the City of New Brunswick and
4 **Perth** Amboy.

5 Q And you testified?

6 A In behalf of—I or other representatives of the
7 firm testified in behalf of 8 municipalities.

8 C Any other litigation beyond that?

9 A Franklin Township, which was 1975, which would
10 be in the 5-year frame. Manalapan Township, which
11 would be 1979, 1978. Township of Edison, which
12 would be—I think I neglected to list Edison as
13 one of the municipalities I serve on a personal
14 basis or continuing basis, which would be 1979 and
15 1978.

16 Not to belabor the point, your question related
17 anything that involved litigation, and this would
18 be an application that seeks relief from some
19 standard. Forget the question of variance
20 **question**, a simple standard because if we get into
21 **that**, there's probably all of the municipalities
22 at some point or another had litigation on some
23 issue, but I don't think that it has any--

24 Q I'm primarily interested in zoning
25 litigation cases.

1 A I think that covers it generally.

2 Q In Franklin, what was the issue in dispute?

3 A The standards for planned unit development
4 within the community, and it's those standards as
5 they relate to the reasonableness of providing for
6 lower and moderate income housing.

7 Q What do you recall, did the plaintiff-
8 what was he seeking in this litigation?

9 A My opinion, the issues of that case were
10 parallel to this .

11 Q He was seeking what? Who was the plaintiff?

12 A Mindel, Dr. Mindel. > >

13 Q And what was he seeking to do?

14 A Overturn the zoning ordinance.

15 Q Was there a decision by the Court in
16 that case?

17 A Yes.

18 Q What was the decision?

19 A Upheld the reasonableness of the zoning
20 ordinance.

21 Q And that was 19--what year did you say
22 that was?

23 A '75.

24 Q '75?

25 A The Superior Court case was 1975, and I don't

1 know when the appellate ruled on it.

2 Q What about the Manalapan, what was the
3 **issue** there?

4 A Manalapan issue was complying with court
5 judgments set down in 1975.

6 Q And you testified in '75 or in the subse-
7 quent hearing?

8 A In subsequent hearings.

9 Q And who's the applicant, the plaintiff in
10 **that litigation?**

11 A The original litigation, I do not know. **The**
12 subsequent-or the litigation I testified waNI .. ^* .->
13 Pozyki, et al.

14 Q Do you know how to spell that for the
15 court reporter?

16 A P-o-z-y-k-i, I believe.

17 Q What was the outcome of that litigation?

18 A The judge ruled that the-ordinance adopted in
19 February of 1979, did comply with the mandates.

20 Q When you referred to Edison, was that
21 the Middlesex County litigation or was this separate?

22 A This was other litigation.

23 Q And what was the issue in that other
24 litigation?

25 A It was a change of zoning from apartments of

1 18 to the acre to townhouses of 10 to the acre.

2 Q I see.

3 A That case was a case when the trial began and
4 then was adjourned, and a consent agreement—actually
5 I think the case was withdrawn.

6 Q I see. Would you take a look at this and
7 tell me if this is your resume I believe that was
8 sent to us?

9 A Yes.

10 Q And this is your educational background,
11 Bachelor's, '65, from Hutgers and Master's from
12 Pratt?

13 A Yes.

14 Q Would you take a look and see if the rest
15 of it is correct? I won't ask you questions if it's
16 correct. I just want to have that on the record.

17 A It's a rough capsule of professional work.

18 Q How long did you say you've been with
19 Oross Associates?

20 A Since June of 1967.

21 Q And you're with the City of New Brunswick
22 for what time?

23 A Approximately a year and a half.

24 Q How about Porter Armstrong, how long were
25 you with them?

1 A Something less than a year.

2 Q I see. What materials have you prepared
3 **for this** litigation with Parsippany-Troy Hills?

4 A I understand your question. You mean as a
5 result of the litigation?

6 Q Yes.

7 A I assisted the township attorney in response
8 to interrogatories, and prepared several specific
9 reports at the request of the township attorney.

10 Q Could I see those reports? I want to make
U sure I have all of them.

12 A . . . I think there¹s a report dated September, *79.
13 which had a cover letter of October 30 to **Mr. Latzer**.
14 Do you have that report?

15 Q What I have is marked-

16 A Which consisted of 11 pages, plus an appendix
17 of 4 pages. Do you have that report? w

18 MR. MEISER: Off the record for a
19 second.

20 t (Discussion off the record.)

21 (Report entitled Parsippany-Troy Hills
22 Housing Policy and Program was received
23 and marked PT-1 for identification.)

24 MR. MEISER: Back on the record.

25 Q Had you prepared any maps or charts

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1 beyond what's in exhibit A or appendix A or B for
2 this litigation?

3 a A No maps were prepared as a specific result of
4 a litigation. There are a great portfolio of
5 existing land use maps, maps showing the various
6 physical features, transportation, et cetera, all
7 in the municipality, all as a result of long term
8 comprehensive planning program.

9 Q Have you prepared a map at any time
10 showing the vacant acres that presently exist in
11 the township?

12 A Yes.

13 MR. MEISER: Off the record for a
14 second.

15 (Discussion off the record.)

16 (Report entitled Exhibit A, Profile,
17 Parsippany-Troy Hills Township, was
18 received and marked PT-2 for identification.)

19 Q What is today's population of Parsippany-
20 **Troy Hills?**

21 A It's estimated by the Department of Census
22 at 49,700 persons. It's estimated by our office
23 at 61,500 persons. Special census was conducted
24 by the municipality using CETA MANPOWER in 1978,
25 and that estimate was 53,500, and it has a preliminary

1 estimate for the Morris County Planning Board of
2 58,700.

3 If you take a direct average of those, it's
4 in **the** neighborhood of 55,000.

5 (Discussion off the record.)

6 Q Do you have any projection of the town-
7 ship's population at ultimate development?

8 A Yes.

9 Q **That** is?

10 A It ranges between 83 and 89,000 persons.

11 Q Is there any time period as to when **this**
12 full development will occur?

13 A It's estimated between the years. 1990 and
14 2000.

15 Q So we're projecting approximately 28 to
16 30,000 additional population if we take your median
17 or your average population for today, is that correct?

18 A Those figures are based on the studies conducted
19 in 1975. **The** figures I just gave you, I think was
20 83 to 89,000, because of family size should be
21 **probably** reduced by a factor of 5 to 6 percent.

22 Q The 83 to 89,000 person, where was this?
23 When was this made and by whom?

24 A It was developed through the period 1972 through
25 1975, which was the period of the most intensive cotnpre-

1 hensive planning effort.

2 Q I see. Where would I find this number in
3 the master plan or-

4 A In the master plan studies there is a series
5 of studies in support of the master plan, and they're
6 all available in the township offices.

7 Q I have several of those. Do you know
8 which one of those background reports would contain
9 that ultimate projection?

10 A I'll just check them off for you. Report
11 entitled 1974-1975 Master Plan Program, **Housiag**
12 Analysis and Residential Land Development. Poliejb
13 a study entitled Master Plan Study Number **275 through**
14 76, Master Plan Program of Ultimate Land Development
15 Strategy. In either of those reports the projection
16 should be listed. I think it's also contained within
17 a statement within the master plan policy booklet
18 as well.

19 (Discussion off the record.)

20 Q Has anyone computed the total amount of
21 **vacant** land within the township today?

22 A Yes.

23 Q **What** is that figure?

24 A Excuse me. Total vacant land, no.

25 Q You don't know what that figure is?

1 A Total vacant land, no.

2 Q Has there been any calculation of that by
3 anyone?

4 A There's been calculation by zone districts,
5 and a summary made of the residential districts in
6 the township.

7 Q Now, the 1976 master plan report indicated
8 that there were 2,000 acres of residential and 2,000
9 acres of industrial vacant. Is that still close
10 to accurate for industrial?

11 A No.

12 . . . Q . . Your report dated October 1979 listed- **the**
13 vacant land for each tract, is that correct, for
14 each zoning district?

15 A Yes.

16 Q These are all the districts in the town
17 listed on here?

18 A Yes, they are.

19 Q Let's start with the first one.

20 Is the RR district, is 51 acres of un-
21 developed land correct?

22 A Yes.

23 C How was that computed?

24 A Utilizing the existing land use plan, existing
25 land use map, and the tax maps of the municipality.

1 C And did you do this work yourself or did a
2 township official do that?

3 A My office did it under my supervision.

4 Q And what is the R-R zone right now? What
5 does that permit?

6 A That permits single-family residential homes.

7 Q At what density?

8 A On a lot size of 80,000 square feet.

9 Q And do you know the total acreage that is
10 zoned for R-R in the township?

11 A No, I don't. The zone basically constitutes
12 the Graystone Institution in the Township, and a[^]f[^]w
13 remaining undeveloped tracts.

14 Q Now, I see there are three R-R sites on
15 this map, three separate, is that correct?

16 A The R-R zone is effectively the most westly
17 portion of the township, since it's between Hanover
18 Read and Mountain iWay in Troy Hills.

19 All the land with a minor exception of south
20 of Mountain Way and east of Dover Road is owned by
21 **the State** of New Jersey.

22 Considerable portions of the areas zoned R-R
23 between Dover Road, Mountain Way, and the Denville
24 Township border is also owned by the State of New
25 Jersey, and the remainder is in private cv.nership.

1 Q Do you know, when this says 51 undeveloped
2 acres, whether that 51 is owned by Graystone or the
3 State?

4 A No. That's vacant private land, utilizing the
5 tax map. Vacant publicly owned land is not included
6 in any of the categories.

7 C Now, do you know how many units presently
8 exist in the R-R district, housing units.

9 A No.

10 Q Do the present homes in the R-R zone have
11 septic systems?

12 A Yes..

13 Q Do they have access to public water?

14 A No.

15 Q Well water?

16 A Yes.

17 Q Have you done any calculations as to vacant
18 land throughout the town, which percentage of that
19 land is developable?

20 A On a township-wide basis, no. We have done
21 analysis of large tracts of undeveloped land in the
22 municipality, and they're addressed in the master
23 plan reports on specific acreage, and in terms of
24 manmade and environmental constraints and/or
25 opportunities.

1 Q Turning to the R-1 zone, you indicate at
2 page four that there's 100 acres of vacant land.

3 You also indicate that all areas are
4 **developed** or received final plan approvals.

5 Does the 100 acres consist of land which
6 has received final plan approval or which was not?

7 A Which was not.

8 Q When you're talking about an R-1 district
9 off Old Troy Meadow Road, is that the 100 acres that
10 you're referring to as vacant in R-1?

11 A Yes.

12 C Now, you mention in your report **that, this**
13 area is classified as a flood plain. Do you know
14 how much of the 100 acres is actually in the flood
15 plain?

16 A All of it.

17 Q Would you show me where that is on the map?

18 A This is Old Troy Meadow Road. This area in here
19 (indicating).

20 Q Now, what flood plain is that within?

21 A **The** Whippany and Rockaway River. The approximate
22 boundary line of the flood plain in this portion of
23 the township runs the Algonquian Pipeline, and then
24 follows that line to Old Troy Road, where the R-3
25 ionc boundary and RC/V zone boundary, and then swings

1 back towards South Beverwyck Road, and south in the
2 townfhip,

3 Q When you say flood plain, has H.U.D. done
4 an official flood plain map for Par-Troy?

5 A The flood plair that I'm referring to is the
6 Department of Environmental Protection. H.U.D.
7 has also mapped the municipality. That is more
8 extensive then NoJ.D.EoP*

9 Q Dc you have a copy of the map, the
10 NoJoDoE.P. flood plain map?

11 A No. The master plan report, one of them dealing
12 with, one of the environmental analysis.contains
13 a rough approximation of the flood plain areas as
14 delineated by D.E.P, relating only to the easterly
15 part of the township as shown on page 15 of
16 Environmental Assessment Study dated March, '74.

17 Q All right. In the R-1M zone, the report
18 states that preliminary approval has been granted
19 by the planning board for the entire zone. What
20 **was** preliminary approval granted for?

21 A Approximately 580 dwelling units of which 350
22 to 360, I don't recall the number precisely, are
23 to\vnhou-5cs, and the remainder are single-family
24 dwellings of 12,000 tc 15,000 square foot in size.

25 f And that is located where in the township?

1 A That is located between Route 10 and Mountain
2 Way, and again on the easterly area of the municipal-
3 ity", and I'm indicating on a zoning map entitled
4 revised March 1, 1977, which is a rough approximation
5 of the official map in the township today.

6 Q And is there any vacant land left in the
7 R-1M zone after preliminary approval has been granted?

8 A Yes, there would be.

9 Q And do you know how much?

10 A There's a 12-acre, 12-to-15-acre tract which
11 is located immediately south of the R-5 zone, and
12 adjacent to the Morris Plains municipal boundary.

13 That tract has an approximate elevation
14 difference of 70 feet between the land of the 280
15 acre parcel than the described. It also is land
16 locked.

17 Q Now, in the R-2M zone, you list 500 acres
18 of land as being vacant and undeveloped. Where is
19 that located?

20 A That is located in the Forge Pond-Mazda Brook
21 area* Mazda Brook is spelled, M-a-z-d-a B-r-o-o-k.

22 It is located south of Route 80 and east of
23 Route 287.

24 Q Now, are there any plans presently for
25 development of that, that you know of?

1 A Yes, there are. There are filed subdivision
2 plans portions of the tract having received
3 preliminary approval; and there is an informal
4 application. Informal meaning they have not paid
5 a fee or submitted a specific application for
6 substantial portions of the remainder.

7 Q When you say substantial, do you know
8 approximately how many acres are being talked about?

9 A Some place between 350 and 450.

10 C And that subdivision would be at what
U density?

12 A J would have to refer to the ordinance. The
13 densities are variable in terms of development, but
14 the ordinance has also an overall growth density
15 that I don't recall. I believe it's 2.25, but I'm
16 not certain.

17 C We can check it.

18 Is there access to public water and sewer
19 in this R-2M zone?

20 A Yes.

21 Q Now, you indicate on your report that
22 approximately 25 percent of the area is designated
23 as flood hazard. Is that shown as part of the flood
24 hazard land on this map in the environmental assess-
25 ment study?

1 A No.

2 Q Where would this flood plane, flood hazard-
3 **what** is the flood hazard in that district?

4 A It would follow both the Troy Brook and Eastman
5 Brook. Troy Brook runs approximately through the
6 center of R-2M zone, and Eastman Brook describes the
7 southerly boundary of the zone.

8 Q Is there any report or chart which delineates
9 the flood hazards in the township?

10 A The HoU.Do S.I.A. maps show the flood hazard
11 zone. The Department of Environmental Protection
12 map survey stopped at south Beverwyck Road... **Therefore**
13 the report I referred to previously. We didn't
14 project it across since 1974, but since 1974 there
15 have been several applications along Eastman Brook
16 and my capacity with the municipality, I review all
17 plans that become before the municipality.

18 The stream encroachment boundary, or the area
19 that doesn't necessarily describe flood planes but
20 **describes** where no building can take place, is
21 **250 feet** from the brook or a sward of 500 feet wide
22 along Eastman Brook. That stream is the minor stream
23 through the area.

24 Q Is that 100 year flood designation, is
25 that what this is in?

1 A No, stream encroachment is based on a capacity
2 of flooding. The flood hazard boundary in the DEP
3 **regulation** is a 100 year flood. The stream encroach-
4 ment and flood hazard are not one in the same,
5 although they may be.

6 Q is there one map in the township which
7 indicates all flood hazard areas?

8 A Yes. That's the Housing and Urban Development
9 Federal Insurance Administration Flood Hazard map.

10 Q The R-2, your report indicates there are
11 11.4 acres of land on tracts of one acre or less.

12 /Where are those located, in one section?

13 A Are there one acre or more?

14 Q It says one acre or less?

15 A Yes. In the R-2 zone is in the--an area in the
16 southerly, southeasterly portion of the township
17 which roughly coincides with South Beverwyck Road,
18 and an area that is in the same general area west of
19 Smith Road.

20 Q Now, the R-3 indicates that there is 201
21 **acres of** vacant land. Can you indicate on the map
22 where that's located, those sites?

23 A The areas are in the westerly portion of the
24 township, adjoining the Township of Denville, and
25 in the most easterly portion of the township, adjoin-

1 ing the Rockaway River, and roughly bounded on the
2 south by 1-80, and on the west, Edwards Road.

a Q Now, are there access to public water and
4 sewer to both of these R-3 districts?

5 A No. On the easterly portion public water and
6 sewer is available. On the westerly portion public
7 sewer and water is under construction. Public sewer
8 is under construction. Public water would have to
9 be extended to the area.

10 Q Is there a date for completion of this
11 construction of the public sewer?

12 A The dates I'm not aware of..

13 Q Are there any environmental problems with
14 the eastern R-3 district?

15 A The easterly area is below the minimum building
16 elevation as set forth under the H.U.D. Flood
17 Insurance.

18 I can say with certainty that the fill required
19 in those areas is in the area of 5 to 6 feet based
20 on a public hearing for an application that was held
21 by the township for 15 months off of Edwards Road
22 to the easterly side.

23 Q And do you know of the 200 acres what
24 percentage is in the east and what percentage in the
25 west?

1 A Approximately even.

2 C And are there any environmental problems
3 **with** the western part of the R-3 lands?

4 A Westerly portion has surface drainage problems
5 because of almost zero percolation. It's a rock
6 out crop and topographically in the area range from
7 10 percent grade on the flat area to 25 percent grade
8 in the more steep areas.

9 Q Did you take that information from the
10 Morris County Soil Survey or did you-

11 A The County has area topographic map for **the**
12 **entirety**, which is the data source for **topographic**
13 **conclusions** and soil information would come from
14 the U.S.DoAo, for Morris County Soil Conservation
15 Service.

16 Q Your record indicates that there is zero
17 land in R-4 and R-5, is that correct?

18 A I think it's a fair statement. In the R-4 and
19 R-5 there would be isolated lots that may permit
20 **future** subdivision and development, probably not
21 **without** variance however.

22 C Do you have any idea how much of these
23 lots we're talking about?

24 A In the R-4 zone I couldn't estimate it. In the
25 R-5 zone there is no land available.

1 Q All right. Turning to the business, did
2 you indicate that the B-3, B-4, and B-5 are fully
3 **developed**, is that correct?

4 A **Yes.**

5 Q Now, you referred to 55 acres of vacant
6 land in the B-1 and B-2. Is that a present estimate
7 of vacant land in those districts?

8 A I say no, but with qualifications. The munici-
9 pality has had 12 site plans which would—which are
10 currently before the board, which are declared
11 complete, which are scheduled for public hearing,
12 but were not scheduled for public hearing. **They**
13 would reduce that area by 20 acres.

14 Q What are those applications for?

15 A Combination of uses, restaurants, hotels, and
16 office buildings.

17 Q Where is the B-1 and B-2 zone located?

18 A The B-1 and B-2 zones are along Route 46 and
19 from the Montville Border. Excuse me, west to and
20 **basically** ending at the Dodge Tract on Cherry Hill
21 **Road.**

22 Q Is there any residential usage along
23 Route 46 in that area?

24 A None. There's a multi-family apartment unit
25 west of Intervail Road which is shown as an R-5 zone,

1 which does have frontage on Route 46. It has access
2 from a side road.

3 Q You indicate lands are used for marginal
4 uses, golf driving range and riding stable. Those
5 are the lands you consider vacant?

6 A Yes, and a portion of that same tract is now
7 before the board for action.

8 Q OS and SED-3 are fully developed?

9 A OS is fully developed, and SED-3 is fully
10 developed. Excuse me. As a result of other matters
U in the municipality, there is, I'll make a qualifi-
12 cation on the SED-3 zone. There is approximately
13 two acres that is vacant within the SED-3 zone, but
14 its in a tract of land that had a specific use on it,
15 a common ownership. So to make a very detailed
16 analysis of the zone, you can say, well, there are
17 2 1/2 acres that could be used, to be developed further.

18 Q And the SED-5 indicates there are 65 acres
19 of land available for development?

20 A CLorrect.

21 Q And where is that located?

22 A There is approximately 20 acres in the west of
23 the Fox Hill Industrial Park, 5 acres within the
24 Fox Hill Industrial Park, and the remainder in the
25 SED-5 district along Jefferson Road.

1 Q On the northern SED-5, is that all indus-
2 trial us~ presently?

3 A Yes. It's warehouses. It's manufacturers.
4 **Tracts** of approximately 20 acres—I'm referring again
5 to the same zoning map referenced before. It's
6 approximately—well, it dees adjoin Route 80, and it
7 is at the end of Walsh Drive, approximate end of
8 Walsh Drive.

9 Q Has there been any proposals for that land?

10 A There is the probability of land transfer between
11 the municipality and the applicant to achieve
12 reasonable access to the .site and based on **the**.
13 development presentation to the planning board, to
14 the township council.

15 C What land does the township own within the
16 SED-5 area?

17 A They own a tract of land which is between the
18 residential development. This land is locally
19 referred to as the Rainbow Lake area, and they own
20 a tract of land which is approximately 20 acres in
21 size, it's approximate, that it sits astride the
22 zoning boundary line between the SED-5 and the R-3
23 zone, and respectively is a buffering zone between
24 the residential area and the residential district.

25 C And the site presently is land locked,

1 that's why there's going to be the transfer?

2 A Yes. It's a combination of different acres for
3 utility and drainage consideration.

4 Q Is there public water and sewer within
5 this SED-5 area?

6 A Yes.

7 Q How about the surrounding SED-5 site,
8 where did you indicate that was located?

9 A It's areas on the west side of Jefferson Road
10 that are owned and developed for industrial uses,
11 but there's further area for expansion.

12 Q How many acres is that approximately?

13 A Fifteen acres. Just to illustrate or **describe**
14 the area specifically, the areas I've described are
15 either surrounded on all sides by industrial uses
16 or adjoin interstate highways.

17 Q The SED-1.6 zone, your report indicates
18 there's 240 acres of undeveloped land, is that correct?

19 A Yes.

20 Q And there's been preliminary approval for
21 **the** entire 240 acres?

22 A There is subdivision approval for all of the
23 area. There are 220 acres vacant within those tracts
24 shown on the subdivision map.

25 Q I see. When was the subdivision approval

1 granted?

2 A One of the tracts is Harts Mountain Corporation,
3 and that would have been back in early 1973-74. The
4 other two tracts are, one is Bell Mead Development
5 Corporation, and that's 99 acres, and that's not
6 in that tract. The other area is the Prudential
7 Company of America,, and that would have been in the
8 summer of 1979, I believe.

9 Q On the map that says SED-10 is a mixed
10 use option, what type of mixed uses are permitted
U in there?

12 A , None.

13 Q What does mixed use option refer to?

14 A It's history. It refers to nothing. Originally
15 zoning ordinance had contemplated providing mixed
16 use options. It was subsequently deleted from the
17 ordinance. The mixed use option dealt with an
18 arrangement of non-residential uses.

19 C So that the mixed use never included any
20 residential?

21 A No, it did not.

22 C Is there residential use, do you know,
23 in Hanover Township just across from the SED-10?

24 A No. The area of Route 10 from the Eris-
25 Lackawanna railroad traces easterly in the Morris

1 Plains side is, between the railroad tracks and
2 Route 53/ is a detention basin. From Route 53 east
3 are **assorted** and sundry commercial, bowling alleys,
4 **shopping** centers, gasoline stations. From Route 202
5 east to the ROL zone, which is Johnson Avenue in
6 Parsippany-Troy Hills, are office buildings. There
7 are some small non-described commercial uses at
8 the very intersection of the highway, and proceeding
9 easterly within Hanover Township along Route 10
10 exists office buildings, banks, a restaurant, down
11 to 287 interchange.

12 Q. There's public water and sewer within- **the**
13 SED-10?

14 A Yes.

15 Q What is' permitted within the ROL zone?

16 A -Research office laboratories.

17 Q And is there any land vacant within the
18 ROL zone?

19 A Our report of October '79 states there's 18.5
20 **acres**. Since October of '79 that total would be
21 **reduced** by 2\ acros.

22 Q Now, I believe you mentioned that had been,
23 Bell Mead or something like that *han* just come in for
24 final approval. Did you refer-

25 A Excuse nip, I wasn't correct. It would be

1 reduced to 1~~8~~ acres would be reduced by. I think
2 there's one acre of land left in the ROL zone,

3 Q Did you refer earlier to Bell Mead or-

4 A Bell Mead Development Corporation, yes.

5 Q And was that an occupation in the ROL
6 zone?

7 A Yes. That's a 98.9 acre tract of which is
8 east of 202 and in the Parsippany area and that sub-
9 division was granted back, final approval back in
10 the '77. '77 is my recollection.

11 There are two lots that are undeveloped, but
12 have preliminary site plan approval.

13 Q The ROL allows residential within it?

14 A No.

15 Q The Bell Mead was in the ROL?

16 A The Bell Mead was.

17 Q And what was the Bell Mead for? What
18 are they proposing to build there?

19 A They have built official research. It was 99.9
20 acres of land. It had final subdivision approval.

21 Of the 99 acres/ two tracts of land that con-
22 stitute about 10 acres of land are vacant today,
23 but have preliminary site plan approval.

24 Q What about the LIW-1 and 5, what are per-
25 mitted in those zones?

1 A Various types of commercial uses and manufactur-
2 ing uses. It would not extend to chemical plants.
3 I wouldn't call them all light industrial because it
4 does permit various trucking type of uses which I
5 would not classify as light industrial. .

6 Q And you indicate there's 125 acres within
7 that zone?

8 A Yes.

9 Q Where is that located?

10 A That's located to either side of Route 280
11 coming from the east Hanover boundary line and
12 intersecting with Route 46 and 80. . . .

13 Q And do you know where within that district
14 the 125 vacant acres are located?

15 A The majority of it is located on the westerly
16 side of Route 280, and that 280 acres has also been
17 reduced since the preparation of this report by
18 approximately 10 acres as a result of preliminary
19 subdivision approval.

20 MR. LATZER: Did you say 280 acres?

21 THE WITNESS: Yes.

22 Q Your report said 125 acres.

23 A I'm sorry. I was interchanging--

24 MRo LATZER: The highway system.

25 Q Do you know how much of that area is located

1 within a flood hazard area?

2 A All of it is within a flood hazard area as
3 delineated both by DEP and by HUD.

4 Q Now, the two applications which just got
5 preliminary approval, they're all within a flood
6 hazard area?

7 A Yes.

8 Q The entire district?

9 A Yes.

10 Q What restrictions has the township in
11 placing on applicants that seek to build within
12 flood hazard areas?

13 A Minimum floor area and in terms of utility lines,
14 particularly sewer lines, I know there are specific
15 engineering construction criteria, but I'm not in
16 a position to describe them in any detail.

17 Q What are the floor elevations that are
18 required?

19 A One foot above the flood elevation and the flood
20 **elevation** obviously changes in the course of
21 Parsippany-Troy Hills,

22 Q Now, the LIW-2 has indicated 150 acres.
23 Where is that located?

24 A On the north side of Route 280.

25 Q Now, does that adjoin, the vacant lands

1 adjoin residential areas?

2 A Yes, it does. There are two apartment projects
3 in **the** area bound by Route 47, New Road, and Edwards
4 **Road.**

5 The LIW-2 zone abuts the back side of those
6 two apartment developments.

7 Q Is there any reason why this vacant land
8 could not be used for residential development?

9 A Yes.

10 Q That is?

11 A In my opinion, the land is probably not
12 developable for any use.

13 Q For what reason?

14 A The soil indication within that area, even under
15 the apartment project that is the most southerly,
16 which I do not recall the name, shows the areas as
17 a peat bog. A peat bog is a muck soil within the
18 terminate depths to bedrock. In Parsippany-Troy-Hills
19 peat bogs may go anywhere from 10 feet to almost
20 **undetermined.**

21 Q The 0-1 zone is developed completely?

22 A Yes.

23 Q Where are there 30 acres within the 0-3
24 zone which are vacant? Where would that be on the
25 map?

1 A The 0-3 zone is between Route 46 and Route 80,
2 and between the intersections of 280 and 80, and
3 **about the** intersection of 287 and 80, and 30 acres
4 would **be** interspersed. There are five areas designate d
5 as 0-3.

6 Q is there a reason there's one R-3 zone
7 between the two 0-3's, and I'm referring to the-

8 A It's an area at the intersection of Old Troy
9 Road and Botilyn Road, which would roughly describe
10 that area. That particular area was litigated in
11 1976 in terms of a residential non-residential
12 zoning. The municipality-the area is developed
13 for single-family residential homes, **as described**
14 by the zone boundary line, and the litigation
15 involved a petition by property owners to have two
16 small tracts under an acre in size zoned official
17 or commercial uses.

18 Q What was the outcome of the litigation?

19 A The zoning boundary lines were maintained. I
20 **think** there were some adjustments to follow property
21 lines more closely. I would consider them drafting
22 as opposed to policy.

23 Q Is the preliminary a matter of history
24 that that would be sections inbetween the two 0-3's
25 are residential and the other two are official zones

1 in terms are there any land characteristics , are
 2 there any roads characteristics that would explain
 3 the difference?

4 A Well, land characteristics is that there are
 5 basically a single-family residential character to
 6 the area between 80 and Old Troy Road. Old Troy
 7 Road itself has a pavement width of anything from
 8 12 to 14 foot in width and the policy is to, for
 9 the municipality to designate it residential and
 10 preserve it.

11 Q The RCM zone, is that the Dodge Tract?

12 A Yes-

13 C And where on the map is that located?

14 A That is located north of Route 46 and immediately
 15 west of Route 80, and its westerly boundary line is
 16 the Mountain Lake Municipal-Troy Hills Municipal
 17 boundary.

18 Q What is presently permitted in the RCM
 19 tract?

20 A Townhouses, single-family homes, office building?,
 21 and various types of commercial uses.

22 Q And what does the owner of the tract seek
 23 to build there?

24 A A regional shopping center.

25 Q Has that matter come to trial yet?

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1 A No.

2 Q Has any date been set?

3 A **Not** that I'm aware of.

4 Q When was the complaint filed? What year?

5 A 19--an ordinance was adopted in September of
6 1977. My understanding they have to file within
7 45 days. So it was filed within 1977.

8 Q What type of residential uses are permitted
9 there at what density?

10 A Single-family residential and townhouses.
11 Townhouses at 6 to the acre, gross, and single-family
12 at approximately 3 to the acre gross. . . .

13 Q And that is all one tract owned by one
14 owner?

15 A Yes. The township owns a piece of approximately
16 10,000 square feet.

17 Q Now, where is the RCW zone?

18 A That's in the most southeasterly quadrant of
19 the township.

20 Q Now, your report indicates that either the
21 **State or** private parties own all the land within
22 the RCW district?

23 A Yes.

24 Q Is there any development presently within
25 the RCW district?

1 A I think there's-no. Not of any significance.
2 There *may* be remaining homes in the most southerly
3 area along Perrine, but I can't say with certainty.

4 Q Does the township own-how much land does
5 the township own, do you know?

6 A In the municipality?

7 Q Yes.

8 A No, I do not.

9 Q Is there any report which gives a break-
10 down of township-owned lands?

11 A I would assume it would be available from the
12 assessor's office, but I don't know.

13 Q Do you know of any large lands owned by
14 the township which are vacant and developable?

15 A Yes.

16 Q **what** would they consist of?

17 3. There's two areas. One area is the area within
18 the SED-5 zone that I described to you previously.
19 The other area is north of Mountain Way, which is
20 in R-1 zone.

21 Q And how large is that tract approximately,
22 that area?

23 P Very rough approximation would be 30 acres in
24 size. It's designated as a community park on the
25 master plan, but its yet undeveloped for recreational

1 purposes.

2 C Now, there's a reference in your first
3 **report to** 150 units. Is that existing Section S
4 **housing?** If you turn to page 6 of your report—

5 A The report dated September of 1979?

6 Q That's correct.

7 A You're referring to page 6?

8 Q Yes.

9 MR. LATZER: That's PT-1.

10 Q Yes.

11 A Yes.

12 Q- Now,, where is the senior.citizen **housing,**
13 has that been constructed?

14 A There are two senior citizen housing projects
15 within the municipality. One is under construction
16 and occupancy probably this fall, and that is located
17 on Botilyn Road between the Parsippany High School
18 and opposite the township day care center, which is
19 also under construction: and the other site is located
20 **behind** the Parsippany Troy-Hills Post Office, and is
21 **in the** 0-3 zone. The latter site has-ranked 16
22 on the list of projects to receive funding in the
23 fall-spring of 1980 under the New Jersey Housing
24 Finance Agency.

25 Q And what is the local housing assistance

1 program that you're referring to on page 6?

2 A The township is an entitlement community at
3 the end of C-.D.B.G* program and has allocated
4 approximately 1/3 of its annual entitled funds for
5 a local administered housing assistance program.
6 Its tied to Section 8 income limitations with regard
7 to eligibility and it provides for basic rehabilitation
8 improvements. It does not permit cosmetics. It
9 limits the total assistance to \$2499.00.

10 MR. LATZER: How much money was that?

11 THE WITNESS: \$2499.00

12 A .. .The figure of 300 as shown on page 6 is outdated.

13 Q What is the present figure?

14 A It's in excess of 3^ . It's a highly successful
15 program.

16 MR. MEISER: I have no more questions.

17 Do you want to ask any?

18 MR. LATZER: Yes. I have a few.

19 CROSS-EXAMINATION BY MR. LATZER

20 Q I wonder on your assessment, Mr. Chadwick,
21 whether you can new answer th° question, this question,
22 and that is how much total remaining land is there
23 other than for residential use which has either not
24 been developed or has not received at least pre-
25 liminary subdivision approval?

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1 Few, we have to go back over your testimony,
2 if you will.

3 A Maybe you could go back. I didn't grasp your
4 question, Mr. Latzer.

5 C I'd love to go back and come up with a
6 total of remaining vacant non-residential land which
7 either has not been developed or has not received
8 at least preliminary approval.

9 Now, I start with the SED-5 zone on page
10 two of PT-1.

11 Do any part of those lands fit into the
12 question?

13 A Sixtyfive—do you mean by if it has preliminary
14 subdivision approval discount the acreage?

15 Q Yes, preliminary site plan approval.

16 A . There's only the 14 acres of land that are
17 in private ownership that has net received a sub-
18 division approval. All of the remaining land within
19 the SED-5 are allotted as a result of a major sub-
20 **division.**

21 Q Okay. SED-10?

22 & SED-10 would have no land that is not within
23 a major subdivision application having approval.

24 Q I beg your pardon?

25 A Having approval.

1 Q ROL?

2 A. TV-G acrei. ;

3 Q LIW^T-5?

4 A LIW-5 would be reduced by apprcximately 10 acres.
5 That would be as a result of preliminary site plan
6 approval.

7 Q There's 115 acres. Did you say 5 or 10
8 acres?

9 A Ten.

10 Q One Hundred and Five.

11 LIW-2?

12 A. The LI-W-2 zone would be reduced by **approximately**
13 10 acres. Approximately. That's not 10 acres. It's
14 between 5 and 10 acres.

15 Q We'll take 5 acres, would be 145?

16 A **Having** received preliminary, approval..

17 C The 0-3 zone?

18 A The 0-3 zone would be unchanged.

19 C Incidentally, the RCM zone on your report
20 on **page** 3 recites the amount of acreage as being
21 **107.6**. There is some question about that as to how
22 much land is actually involved in the RCM?

23 A I have no idea why it shows 107.6 to be candid.
24 Obviously, a little time has been involved since
25 October 6, and it should be 109, but because of the

1 litigation I'm aware it's 132.6 acres by surveys.

2 W So it's certainly close to 130 acres?

3 A **It's** 130 acres.

4 Q Now, in terms of the remaining vacant land,
5 again referring to FT-1 on page 4, part C, you are
6 referring to R-1. You have 100 acres as remaining
7 vacant land, and in your development potential on
8 page 1 you say all areas are developed or have
9 received final plan approval, except for a small
10 portion of the R-1 district. Is that small portion
11 100 acres?

12 A. The R-1--this tract of land that I referred to
13 before north of Troy Meadow Road is 100 acres in
14 size. Does that answer your question?

15 C Is that the reference when you say this
16 area is classified as flood plain? Is this the small
17 portion of the R-1 district off Old Troy Meadow Road?

18 A **Yes.**

19 Q Okay. You said in the R-4 zone--incidentally,
20 **what's the** size of the R-4 zone, what are the zoning
21 requirements for square footage?

22 A **Six thousand square feet.**

23 Q And you said in response to a question you
24 didn't know how many lots remained on page 2 of the
25 previously referred to report. You say the zone is

1 developed as in a few 5 by 10 acre tract.

2 If you hadn't been given an outside number, what
3 would you estimate the number of lots to be?

4 A In accordance with zoning, none of the 50 by
5 140 were in compliance with zoning regulations. So
6 if you use the zoning ordinance as the criteria,
7 then there are none. If you disregard the zoning
8 ordinance, which I think is your question, I really
9 couldn't hazard a guess. I would estimate that they
10 would, at the maximum, be 40 or 50 lots.

11 C Well, these--what is the area of the R-4
12 within the township? What is it known as?

13 A The Lake Hiawatha area, and the Lake Parsippany
14 area. Those populations have a combined population
15 of the '60 census of 30,000 people, approximately
16 65 percent of the total population of the town.

17 Q Is any part of the R-1 30-acre tract owned
18 by the township environmentally sensitive?

19 A Area that is just north of Mountain Way.

20 Q I don't know. It's the one you just
21 referred to the township owning one large tract?

22 A Thirty to 35 acres in the R-1 zone. It's a
23 very steeply sloped tract of land. It has a ridge
24 line running approximately north-south approximately
25 through the middle of it, so the easterly side has

1 a grading of 25 percent and up. The westerly side
2 is a more rolling topography, but still in the
3 **feature** of 10 to 15 percent. This is one of the
4 **reasons** the area has not been developed for recrea-
5 tional purposes. There's a great deal of consideration
6 as to the type of recreational facilities to be
7 provided in context with the particular gradient of
8 the tract.

9 Q Then you made reference to a remaining
10 parcel in the R-1M zone that's some 12 to 15 acres
U which is not part of the 500 acre tract. I **think**
12 you said it was land locked.

13 A Yes.

14 Q Does that have any environmental constraints?

15 A That is the area that has the same slope
16 characteristics as the easterly part of the township
17 property,

18 Q Being?

19 A Twenty-five percent slope and grade.

20 Q The population projection evidently is
21 **in the** range of some 25 to 30,000, is that correct?

22 A In '75-'76 it was in 25 to 30,000.

23 C But has that population projection changed
24 substantially?

25 A If we apply *the* potential for total housing

4. r > x

1 units time prevailing family sizes, as they now exist
2 as I say, that projection would be reduced, the total
3 **population** projection would be reduced from 5, to 6
4 percent. It would reduce the increment of population
5 growth from 15,000. So if it's 25 to 30, it would
6 be more in the neighborhood of 20 to 25,000.

7 Now, those are rough figures. The family size
8 in Parsippany for a single-family residential home
9 in 1970 ranged by census district of 3.4 to 3.8.
10 The Census Bureau now estimates Parsippany-Troy
11 Hills family sized owner occupied dwelling **less than**
12 3.2, or effectively, they have, reduced the **owner** •
13 occupied population by nearly 1/3 in a 10-year frame.

14 C Well, if you use the projection of 20,000
15 units-

16 A That's persons, not units.

17 Q I'm sorry. I beg your pardon.

18 Twenty thousand persons, and if you use an
19 average family size of 3, if I can round it off,
20 **I come up** with 7,000 units.

21 A **And** you can not-

22 G Where is that going to fit? Your P-1
23 indicates as of now the township has 860 vacant
24 residential land.

25 A It won't. This projection is considerably to

1 the high side in terms of total population.

2 Q Do you contemplate, do you contemplate
3 making another projection? Is there a need for a
4 review of this particular projection?

5 A Obviously for informational purposes in the
6 township, yes, we do hope we will get a preliminary
7 census publication in March of this year, and as
8 soon as that information is received the township
9 intends through their census district to, one,
10 compare the projection and update an or the popula-
U tion data ootn in terms or projection ana terms or
12 existing count. It's sort ot a tutile effort to
13 try to do it in 1979, not withstanding litigation
14 because the space data just is not simply available.

15 MR, LATZER: No further questions.

16 REDIRfcCl¹ EXAMINATION BY iYK. MK1SEK:

17 Q Let me cidiiy, what is the riod areas
18 witnin the RCW? Where is that?

19 A The Whippany River is off ot tnis map. It was
20 referred to as the Sfitlth Ditch, which roughly parallels
21 and connects to where the Whippany River is right
22 ^t the boundary line of Hanover Township; and in
23 the most easterly side of the township through the
24 middle of the RCW district is the Troy Brook. The
25 Troy Brook then extends in the branch of the west

1 and extends up to the R-2M into the Eastman Brook.

2 C /~~flat~~ is the State of New Jersey property
3 being used for, if anything?

4 A Nothing. It's designated within there Compre-
5 hensive Open Space Plan as a wildlife preservation
6 area. It is a priority acquisition within there
7 capital improvement plan.

8 Q What about the township land there? What
9 is that being used for?

10 A Conservation purposes.

11 MR. MEISER: I have no further
12 questions..

13 MRo LATZER: Just one question.

14 REGROSS-EXAMINATION BY MR* LATZER:

15 Or How much township land are you talking
16 about, township land within the RCW zone?

17 A There's no township land within the RCW zone.

18 Q Your record indicates that-

19 A Excuse me. Yes, there is. The township does
20 own land in the RCW district. It's ineligible.

21 **The** major holding within the RCW district are Wild-
22 life Preservation Inc. The second major is actually
23 the New Jersey. Department of Economics, conservation
24 and economic development. It's still in that record
25 ownership although that division doesn't exist in

1 State of Neu Jersey any more, and that's approximately
2 250 acres.

3 **The** township's holdings are in the area, and
4 **this** I'd have to go by recall/ of approximately 10
5 acres. They're in an area that is bounded by
6 Troy Meadow Road and between the Algonquian Pipeline.
7 They're land locked. They're pieces of land that
8 are possibly as a result of foreclosures.

9 (Map was received and marked PT-3 for
10 identification.)

11 (Depositions were concluded at 11:45

12 ••••• : • a.m.)

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