

Blounts County Fair Housing Council  
v. Boonton

Dec. 19, 1979

Transcript of Deposition of Robert O'Grady

pg. 76

WL 0008275

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION - MORRIS COUNTY  
DOCKET NUMBER: L-6001-78P.W.

42-4270

MORRIS COUNTY FAIR HOUSING  
COUNCIL, et als,

Plaintiffs

vs.

BOONTON TOWNSHIP, et als,

Defendants

DEPOSITION OF:

ROBERT O'GRADY

December 19, 1979

Wednesday, 11:30 A.M.

2 Valley Road  
Denville, New Jersey

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

STANLEY C. VAN NESS - Public Advocate

BY: KEITH A. ONSDORFF, ESQ.

Representing the Plaintiffs

MESSRS: SACHAR, BERNSTEIN, ROTHBERG, SIKORA & MONGELLO

BY: DANIEL S. BERNSTEIN, ESQ.

Attorneys for Chatham Township

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SUPERIOR COURT  
MORRIS COUNTY  
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Witness

Direct

ROBERT O'GRADY

By Mr. Onsdorff

2

E X H I B I T S

<u>No.</u>	<u>Description</u>	<u>For Iden.</u>
PO-1	Resume of Robert O'Grady	2
PO-2	Subpoena Duces Tecum	9
PO-3 through PO-9 plus PO-19	The Worksheets of Chatham Township	12
PO-10	Map of Chatham Township showing existing development, dated February 1, 1978	14
PO-11	Zoning map of Chatham Township	13
PO-12	Map of Chatham Township showing various soil types	13
PO-13	Memorandum to Daniel S. Bernstein Esq., dated 10-26-76, re: Morris County Fair Housing Council	19
PO-14	Memorandum to Daniel S. Bernstein Esq., dated 10-29-76, re: Morris County Fair Housing Council	19
	Memorandum to Daniel S. Bernstein, Esq., dated 10-29-79, re: Morris County Fair Housing Council	19
PO-16	Memorandum to Daniel S. Bernstein, Esq., dated 10-30-79, re: Morris County Fair Housing Council	20

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E X H I B I T S (contd.)

<u>No.</u>	<u>Description</u>	<u>For Iden.</u>
PO-17	Memorandum to Daniel S. Bernstein, Esq., dated 10-30-79, re: Morris County Fair Housing Council	20
PO-18	Memorandum to Daniel S. Bernstein, Esq., dated 10-31-79, re: Morris County Fair Housing Council	20



1 R O B E R T O ' G R A D Y, having been duly sworn,  
2 testified as follows:

3  
4 DIRECT EXAMINATION

5 BY MR. ONSDORFF:

6 Q Mr. O'Grady, I'm Mr. Onsdorff from the Public  
7 Advocate's Office, attorneys for the plaintiffs in the  
8 lawsuit that we are going to be discussing today.

9 I will be asking a series of questions in regards  
10 to the work you've done on behalf of the defendant,  
11 Chatham Township, in this matter. If you don't understand  
12 any question, please let me know right away and I will  
13 endeavor to rephrase it.

14 Have you been deposed before in any litigation?

15 A Yes, I have.

16 Q I would like to show you this document which  
17 is dated September 14, 1979 and ask if you recognize it?

18 A I do.

19 Q Is that your most recent resume?

20 A This would be my most recent resume, yes.

21 MR. ONSDORFF: Can we have that marked as  
22 PO-1 for identification?

23

24 (PO-1 for identification is the resume of  
25 Robert O'Grady.)

1 Q I see from PO-1 for identification that you  
2 graduated from Rutgers University in 1955 and received a  
3 Bachelor of Art's degree. You majored in economics and  
4 city and regional planning.

5 Is that correct?

6 A That's correct.

7 Q Could you briefly elaborate on what were the  
8 major courses of study you took during that academic  
9 endeavor?

10 A This goes back quite awhile.

11 My primary field of endeavor was economic ~~courses~~  
12 or involved economic courses throughout all four ~~years~~  
13 of undergraduate study with three years, I would say, of  
14 equal time devoted to city and regional planning courses  
15 starting in my sophomore year. These courses dealt with  
16 planning law, planning design, planning history, practical  
17 approaches to city planning problems, city and regional  
18 planning problems.

19 I also had courses in geography, sociology, history,  
20 English; our normal liberal arts type of courses.

21 Q After graduating from Rutgers, did you pursue  
22 any graduate academic programs?

23 A No.

24 Q I see by PO-1 for identification that you  
25 were licensed as a New Jersey Planner in 1967.

1 Is that correct?

2 A Correct.

3 Q What were the prerequisites for obtaining that  
4 New Jersey license?

5 A The prerequisites, as far as I was concerned, were  
6 educational and years of experience in a responsible planning  
7 position; and I met most qualifications and received the  
8 license as a result.

9 Q You indicate that from June 1955 to September  
10 1961 you were associated with Robert Catlin Associates.

11 What were your professional responsibilities during  
12 that period of time?

13 A The first -- almost, I would say, initially from  
14 the time I began work in 1955, I was responsible for  
15 representing the firm and various client municipalities,  
16 responsible for preparing or conducting studies relating  
17 to master planning, development of zoning subdivision  
18 ordinances.

19 Generally, the whole gamut of municipal planning

20  
21 Q During the period of October 1961 to June  
22 1962 you served as a Supervising Planner in the Division  
23 of State and Regional Planning.

24 Is that correct?

25 A Correct.



1 Q Could you briefly elaborate on what your  
2 responsibilities were during that period of time with the  
3 State?

4 A My responsibilities were, basically, twofold.

5 As Supervising Planner, number one, the State was  
6 doing master planning work in several municipalities in  
7 New Jersey and one of my responsibilities was supervising  
8 the preparation of local municipal master plans.

9 The other basic responsibility was administrative  
10 in terms of administering the Federal 701 Program and what  
11 was known as the State 50/40 Program.

12 My responsibilities, again, were administrative, including  
13 reviewing the reports that private consultants would submit  
14 to the State who were doing work under those programs and  
15 also working with the municipalities receiving those grants,  
16 in terms of any problems or any questions they had adminis-  
17 tering the approval of funds and similar administrative work.

18 Q I see you were in that position less than a  
19 year and then returned in July 1962 to Robert Catlin and  
20 Associates.

21 Was there any particular reason why this interlude  
22 with the State was of, apparently, a short tenur?

23 A I would say that -- my primary reasons for leaving  
24 the State were for personal reasons, family situations which  
25 led me to the decision to leave the State.

1 Q You indicate you have testified as a profession-  
2 al witness before various municipal boards of adjustments  
3 and in Superior Court in the counties of Bergen, Essex,  
4 Hudson, Morris, Somerset and Sussex.

5 Would you be able to specify any particular instances  
6 involving your testimony in the County of Morris?

7 A I've testified in Superior Court in Morris County  
8 in three or four suits, as I recall, involving the Township  
9 of Montville, the most recent one being the Devanne Realty  
10 case.

11 Prior to that, I don't recall the title of the case  
12 for the plaintiffs, but there was a large zoning suit invol-  
13 ving industrial zoning in Montville Township. But, that  
14 was several years ago and I don't recall offhand the exact  
15 date.

16 I'm trying to recall if there were any other municipi-  
17 palities in Morris County that I have been involved in  
18 litigation or testifying in litigation.

19 Montville is the only municipality that comes to  
20 mind at the present time.

21 Q You made reference to the Devanne Realty Case.

22 Could you elaborate on what your testimony pertained  
23 to in that litigation?

24 A Yes.

25 That suit involved an attack against the zoning in

1 the northern portion of Montville, a rezoning which estab-  
2 lished minimum three acre lots.

3 I have been planning consultant in Montville since  
4 1962, when I returned to here from the State.

5 As consultant I was, number one, asked to consider  
6 the appropriateness of rezoning the northern portion of  
7 Montville for three acre zoning. I submitted a report to  
8 the Township supporting and favoring that rezoning and I  
9 testified in court in defense of that zoning. Primarily  
10 on the basis of the environmental constraints, the geograph-  
11 ical location, the area, the limitations of -- on traffic  
12 access and the limitations on availability of sanitary  
13 sewers and water systems.

14 Q Would it be a fair statement that your testi-  
15 mony in the other counties on PO-1 for identification would  
16 be of a similar nature involving cases pertaining to zoning  
17 or planning matters?

18 A There were some that were similar, some were of a  
19 more minor nature, we'll say, in terms of the extent or  
20 size of the property involved. But, generally speaking,  
21 I would say my testimony has been -- had addressed the  
22 zoning of properties according to what would be considered--  
23 or what I would consider accepted planning practices and  
24 appropriate approach to future land use based upon physical  
25 characteristics, location, traffic access, availability of

1 utilities.

2 Q The second page of your resume indicates that  
3 you have had professional responsibilities for a number of  
4 municipalities and also counties.

5 Could you indicate what responsibilities you have  
6 had with Monmouth, Morris, Union and Warren Counties?

7 A In Morris County I assisted the firm in the prepara-  
8 tion of an Open Space Plan and I did a community shelter  
9 plan program for Morris County -- or was responsible for  
10 performing that study which was a civil defense type of  
11 planning program.

12 I did similar community planning -- community shelter  
13 plans in Monmouth County and in Union County. And in  
14 Warren County I prepared a countywide Open Space Plan.

15 Q If I understand your answer correctly, you  
16 have not had any responsibility for any of the master plans  
17 of these counties listed here?

18 A Not for the master plan, per se, but for the Open  
19 Space elements of the Master Plan in both Morris and Warren  
20 Counties.

21 Q In regards to the Open Space elements for  
22 Morris County's master planning, what was the period of  
23 time in which you worked on that particular subject?

24 A I don't recall the precise years. That was back  
25 in the 1960's and it was a program that extended over a

1 period of, approximately, one year.

2 Q Is that study what you performed part of the  
3 present Morris County Master Plan or has there been a  
4 subsequent publication since the one you worked on?

5 A I believe there has been revisions -- or had been  
6 revisions made through the Open Space Plan by the County  
7 Planning Board staff itself. There has been considerable  
8 updating of that plan.

9 Q Would you have a copy of the particular  
10 document which you produced on behalf of Morris County  
11 available at this time?

12 A Yes, we have a copy in our library. I can get  
13 right now or --

14 Q That will be fine.

15 A -- obtain it for you later.

16 Q That will be fine.

17 I'd like to direct your attention to the Subpoena  
18 Duces Tecum and ask if you received a copy of that document?

19 A Yes, I received a copy of this yesterday.

20 MR. ONSDORFF: Please mark this as PO-2  
21 for identification.

22

23 (PO-2 for identification is the Subpoena  
24 Duces Tecum.)

25

1 Q PO-2 for identification, the Subpoena Duces  
2 Tecum which you received yesterday, requests the production  
3 of all files and records relating to this case and issues  
4 about which you may testify including, but not limited to,  
5 work sheets, drafts, notes, oral conversations, reports  
6 and other written matters.

7 What documents would you be in a position to make  
8 available to me in response to that Subpoena?

9 A I think that most of the documents that we have used  
10 or relied on are documents that are of a public nature,  
11 documents that have been prepared by public agencies. That  
12 material, as I assume you know, is readily available to you  
13 as it is to us through these agencies.

14 For example, the Soil Survey of Morris County,  
15 Tax Maps, Local Ordinances, Master Plans, various materials  
16 of that nature I would say constitute the majority of mater-  
17 ial that we've relied upon.

18 Q Excluding documents in the public domain,  
19 are there any field notes or other materials which were  
20 used in the preparation of your reports in regards to  
21 Chatham Township that you have in your possession?

22 A I have no systematic records in terms of field  
23 notes or notes taken as part -- in the process of having  
24 conversations either by phone or in office with --

25 For example, Mr. Bernstein -- I would say the

1 material that we have available is really contained in the  
2 technical reports which we submitted to Mr. Bernstein  
3 which, in turn, were submitted to your office. We also  
4 have prepared certain mapping materials to demonstrate or  
5 explain the results of our investigations.

6 The only additional material that might be relevant  
7 would be some worksheets which summarize some environmental  
8 evaluations of various vacant parcels of land in the Town-  
9 ship, which, at this point, are not really in a reproducible  
10 form, but can be made into such and a copy provided to you.

11 Q Let me take a look at this, for a second.

12 A Yes.

13 Would you like me to explain what it is?

14 Q Yes, I would appreciate it if you could  
15 explain what these worksheets are.

16 A Essentially, this is an evaluation of each vacant  
17 site in the Township in terms of its total area, its acreage,  
18 the portions or percentages and acreages of each site that  
19 are in flood ways, flood fringes, or has very wet soil condi-  
20 tions, or steep slope conditions. And, it evaluates each  
21 of the vacant sites in Chatham Township in these terms,  
22 both acreagewise and percentagewise.

23 Q Would you just explain where the source of  
24 data was obtained to prepare these analyses of the various  
25 vacant tracts?

1 A The source data includes the Soil Survey of Morris  
2 County prepared by the Soil Conservation Service, U.S.  
3 Department of Agriculture. It includes, also, the Flood  
4 Hazard Area Maps prepared by the Department of Housing and  
5 Urban Development.

6 Q How many sheets have you got there?

7 A There are eight sheets.

8  
9 (PO-3 through PO-9, plus PO-19 for identification  
10 are the worksheets of Chatham Township.)

11  
12 Q Mr. O'Grady, would you kindly identify  
13 the three maps which are now displayed on the wall?

14 A Yes.

15 Starting on the left, the first map shows the  
16 existing development in Chatham Township as of February 1,  
17 1978. The map was prepared as part of the master plan and  
18 in the green color we have shown the vacant lands in  
19 Chatham Township.

20 The second map, the middle map, is the zoning map  
21 of the Township on which we have superimposed in a green  
22 color the vacant lands in the Township.

23 The third and final map is a map of the Township  
24 in which are shown the various soil types in the Township  
25 based on the Soil Survey of Morris County and superimposed



1 in color on that map is an evaluation of the vacant lands  
2 in terms of flood hazard, wetland conditions, steep slopes.  
3 And then what we consider noncritical land or land which  
4 does not fall into -- vacant land which does not fall into  
5 either a flood hazard wetland or steep slope category.

6 MR. ONSDORFF: May we have these maps  
7 marked for identification?

8  
9 (PO-10 for identification is a map of  
10 Chatham Township showing existing development,  
11 dated February 1, 1978;

12 PO-11 for identification is a zoning map  
13 of Chatham Township;

14 PO-12 for identification is a map of  
15 Chatham Township showing various soil types.)

16  
17 MR. BERNSTEIN: Would these be the maps  
18 that you will be completely coloring and submitting  
19 in court or will there be new ones?

20 The reason I ask is because if they are  
21 marked and submitted in court I would rather have  
22 them marked in the back.

23 THE WITNESS: I am not exactly sure.

24 MR. BERNSTEIN: Do you understand what I am  
25 saying?

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1 THE WITNESS: Yes.

2 These particular maps are not reproducible.

3 MR. ONSDORFF: Let me interrupt.

4 I don't think we need to record this dialogue  
5 for the record.

6 Let us go off the record.

7

8 (An off the record discussion takes place.)

9

10 Q Just going back for one brief question:

11 I meant to ask you before whether or not you had published  
12 anything in your field of expertise?

13 MR. BERNSTEIN: Are you referring to master  
14 plans or zoning ordinances or reports for municipal-  
15 ities or are you referring to documents that were  
16 published in magazines or newsletters?

17 MR. ONSDORFF: Well, I think we have discuss-  
18 ed some of your planning efforts which were integrated  
19 into master plans and other planning type documents.  
20 So, excluding those types of reports that we have  
21 already covered --

22 MR. BERNSTEIN: How about reports for liti-  
23 gants?

24 Sometimes, planners are asked to give reports  
25 for this lawsuit or other lawsuits, or special

1 reports regarding zoning that may or may not be  
2 adopted.

3 I assume you're not speaking of these, but  
4 documents that were published in either a newsletter  
5 or a magazine of some sort?

6 Am I right in that?

7 MR. ONSDORFF: Not necessarily limiting it  
8 to that. But, I was not referring to litigation  
9 type reports.

10 MR. BERNSTEIN: How about special reports  
11 for zoning where a town asks Mr. O'Grady to make  
12 a study on a certain area of a town and report back?  
13 And, he reports back and the town may or may not  
14 react?

15 Are these the kinds of reports that you're  
16 looking for?

17 Q Are there any special reports dealing with  
18 zoning that you have submitted to either governing bodies  
19 or zoning boards?

20 A There have been numerous reports that I've authored  
21 on zoning and other planning subjects for various municipal-  
22 ities in just about every municipality that I've represented.

23 Q Limiting our focus to Morris County in the  
24 last five years, can you recall specifically any such report  
25 that you have done?

1 A I've done reports and ordinances or master plans  
2 in several municipalities in Morris County.

3 Specifically Chatham Township, we drafted the  
4 master plan as well as their municipal land use ordinance  
5 within the past five years. We have, of course, submitted  
6 reports for Chatham Township in connection with this liti-  
7 gation.

8 In Montville Township we have authored -- or I have  
9 authored their master plan, their land use ordinance.  
10 Most recently, a critical areas ordinance, and have sub-  
11 mitted numerous reports in connection with the number of  
12 planning and zoning questions that arise periodically.

13 The Town of Boonton, I believe -- that was, approx-  
14 imately, about five years ago that we developed their  
15 master plan -- or within the past five years their master  
16 plan as well as their planning and zoning ordinance.  
17 Boonton Township, we just -- I just completed a master plan  
18 and land use ordinance.

19 I guess, generally, as I recall, that's about it  
20 for Morris County excepting East Hanover, where in addition  
21 to submitting reports in connection with this litigation,  
22 we have submitted reports either to the governing body or  
23 to the planning board on specific planning and zoning  
24 questions.

25 Q Your resume indicates some work for Butler.

1           What period of time were you doing work for Butler?

2           A           I began working for Butler in, approximately, 1957  
3           and continued as consultant there to the early part of --  
4           the early 1970's. Exactly how many years ago it was that  
5           we discontinued working in Butler, I don't recall. But,  
6           it was over a period of, oh, 12 to 15 years.

7           Q           Have you prepared or published any material  
8           in periodicals or magazines or planning journals, or that  
9           type of publicly circulated material?

10          A           No, I have not personally done that.

11                    I did assist Robert Catlin, the president of the  
12           firm, at one time in an article he did on cluster zoning  
13           which was published, as I recall, in House and Home Magazine.

14          Q           Do you recall the date of that publication  
15           in which that appeared?

16          A           No, it's over ten years ago.

17          Q           Directing your attention to the document  
18           which purports to be a zoning map of the Township of Chatham,  
19           can you compare that <sup>with</sup> what we have already marked as PO-11  
20           for identification and indicate except for the green color-  
21           ing whether those two zoning map representations would be  
22           substantially the same?

23          A           They should be identically the same.

24                    This document which you showed me is actually a  
25           reduction made from the zoning map on the wall.

1 Q Directing your attention specifically to the  
2 present litigation, would you briefly explain what your  
3 professional services have been on behalf of the Township  
4 of Chatham?

5 A Well, we have been acting as consultants to the  
6 Chatham Township Planning Board, if not continuously,  
7 certainly periodically, since about 1957 and have prepared  
8 several master plans or master plan revisions over that  
9 period of time.

10 We had completed a total revision of the master plan  
11 in 1978 and when suit was brought against the Township we  
12 were acting as consultants then and we were asked to  
13 as -- in their behalf in defense of the Township zoning  
14 in this litigation. As a result of that, we performed a  
15 number of investigations.

16 I would say, for the most part, those were just an  
17 extension or an expansion on the data and findings and  
18 results of the master plan itself.

19 Q You indicated that we -- I believe it was  
20 the pronoun you used in describing the efforts that were  
21 made on behalf of Chatham -- were there more individuals  
22 than just yourself who participated in the specific prepara-  
23 tion of the reports that were prepared in the context of  
24 this litigation?

25 A No.

1           Perhaps, I should have said, "I" instead of "we".  
 2           It's just a habit as acting -- as a firm we refer to ourselves  
 3           as "we", as most people do.

4           I was personally responsible for all of the studies  
 5           and reports that were performed.

6           Q           How many studies have been submitted to the  
 7           council -- legal council for Chatham Township by yourself  
 8           in this litigation?

9           A           We have submitted five -- or rather six separate  
 10          memoranda in connection with this litigation.

11          Q           I show you a series of documents and ask  
 12          if you can identify those as being the six reports  
 13          you submitted to counsel for Chatham?

14          A           Yes. Two and four are attached.

15                   Yes, those appear to be the documents I submitted.

16                   MR. ONSDORFF: Can we have these marked  
 17                   for identification, consecutively?

18  
 19                   (PO-13 for identification is a memorandum  
 20                   to Daniel S. Bernstein, Esq., dated 10-26-76,  
 21                   re: Morris County Fair Housing Council;

22                   PO-14 for identification is a memorandum  
 23                   to Daniel S. Bernstein, Esq., dated 10-29-76,  
 24                   re: Morris County Fair Housing Council;

25                   PO-15 for identification is a memorandum

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1 to Daniel S. Bernstein, Esq., dated 10-29-79,  
2 re: Morris County Fair Housing Council;

3 PO-16 for identification is a memorandum  
4 to Daniel S. Bernstein, Esq., dated 10-30-79,  
5 re: Morris County Fair Housing Council;

6 PO-17 for identification is a memorandum  
7 to Daniel S. Bernstein, Esq., dated 10-30-79,  
8 re: Morris County Fair Housing Council;

9 PO-18 for identification is a memorandum  
10 to Daniel S. Bernstein, Esq., dated 10-31-79,  
11 re: Morris County Fair Housing Council.)

12  
13 Q Mr. O'Grady, I'd like to direct your attention  
14 to your report of October 26 which is marked as PO-13 for  
15 identification. I specifically direct your attention to  
16 the first sentence of the second paragraph which states,  
17 and I quote, "There are an estimated 1525 acres of vacant  
18 land in the Township."

19 Could you explain how that estimate was arrived at?

20 A Yes, we --

21 As I recall, took the actual acreage figures from  
22 the municipal tax maps. If only a portion of a particular  
23 property was vacant, then we would have used a planimeter  
24 to calculate the areas. But, predominantly, it's from the  
25 tax maps which indicate the acreage of each separate piece



1 of property.

2 Q I believe I'm with you as far as we've gone.

3 Do the tax maps indicate each parcel, whether it  
4 has a structure or whether it's vacant?

5 A The tax maps do not indicate whether or not there  
6 is a structure or whether it is vacant.

7 We have transferred information from the tax list  
8 to a set of tax maps indicating the real property classifi-  
9 cation of each lot which would indicate whether or not  
10 a structure would be on that property.

11 For example, "2," is residential which indicates  
12 that there is a house on a lot; "1", is vacant; "3A" is  
13 farmland; "3B" is farmland, and so forth.

14 Q In arriving at your figure for the amount of  
15 vacant land in the Township, you indicated that part of  
16 a particular parcel or tract may have a structure on it  
17 and the remaining portion may be vacant.

18 Could you elaborate in the manner in which you  
19 determined which properties would be entered into the  
20 vacant column and which would remain in the developed  
21 category?

22 A For the most part, if a tract of land was predom-  
23 inently vacant and may have contained a single residence,  
24 we considered the entire tract of land to be vacant.  
25 There may have been one or two instances where we have

1 determined based upon the configuration of the piece of  
2 property and the location of the structure that in that  
3 instance we would take out a portion of the lot that con-  
4 tained the structure and classify the balance as vacant.

5 Normally, what we would do in that instance is  
6 assign a square footage equal to the minimum lot size to  
7 the structure and subtract that for the total acreage of  
8 the tract.

9 But, I would say that in 95 percent of the cases  
10 here, a property that does contain a structure that is  
11 otherwise vacant or has a considerable amount of vacant  
12 land, the entire property was classified as vacant.

13 If I can, for example, by referring --

14 MR. BERNSTEIN: The one on the far left is  
15 PO-10 for identification?

16 THE WITNESS: PO-10 for identification,  
17 you'll notice that the properties that are colored  
18 as being vacant, you will see a lot within that  
19 property, so that it is not a totally vacant pro-  
20 perty. But, we have classified the entire property  
21 as vacant basically for reasons of calculation.

22 And, the overall difference would not be  
23 that significant.

24 Q In your report of October 26 you indicate  
25 that public and semi-public properties as well as private

1 recreational facilities including the Fairmount Country Club  
2 and Noe Pond Swim Club have been excluded from your defini-  
3 tion of vacant lands.

4 Are there any other specific tracts which you like-  
5 wise excluded which you haven't indicated in your report?

6 A No.

7 The only other property that would have been excluded  
8 would be utility uses or rights of way which are essentially  
9 vacant except for in this instance, in Chatham Township it  
10 contained high tension wires.

11 So, really, there are developed pieces of property  
12 even though there's no structure on most of the land.

13 Q Do you know the acreage for the Fairmount  
14 Country Club?

15 A I don't recall that acreage, offhand.

16 Q Are you familiar with the structures or other  
17 developments which are situated on the Country Club's  
18 property?

19 A Yes, to some degree.

20 There is -- in the Country Club building, itself,  
21 there is a swimming pool with an accessory structure  
22 connected with that.

23 I don't recall any other significant structures on  
24 that property except for golf fairways and greens.

25 Q In the case of the Noe Pond Swim Club, do

1 you know the acreage of that property?

2 A I don't recall the acreage of that property, either.

3 [REDACTED] Specifically, most of the front portion of that  
4 property contains the Noe Pond itself. There's also one  
5 or two structures in connection with that recreational use  
6 on that property.

7 Q In the third paragraph on the first page of  
8 PO-13 for identification you indicate that an estimated  
9 1,069 acres is considered unsuitable for development because  
10 of swamp, wetlands, et cetera.

11 How was this 1,069 acres arrived at?

12 A The estimate was made by using a planimeter [REDACTED]  
13 calculate the area of each vacant property that fell into  
14 flood plain, wetland, steep slope categories. These cate-  
15 gories are classifications of flood plain, wetland, and  
16 steep slope -- were first superimposed on the vacant lands  
17 and then the areas were planimetered.

18 Q I'm sorry, I thought that the 1,069 acres  
19 was limited to swamp, extreme wetland and flood plain.

20 [REDACTED] you made reference to steep slopes. My understand-  
21 [REDACTED] that was a separate category.

22 Am I correct in that?

23 A I beg your pardon?

24 Yes, that's an additional 125 acres.

25 In any event, the calculation of the amount of land

1 in steep slope was done in the same manner.

2 Q Did you indicate the source data for the  
3 three classifications of swamp, extreme wetland and flood  
4 plain conditions, where that data was obtained?

5 A I don't recall that I specifically gave the source  
6 for that information.

7 The source for the flood plain is the Department  
8 of Housing and Urban Development Flood Hazard Area Maps.  
9 Actually, Flood Insurance Administration Maps.

10 The source for other wetlands was the Soil Survey  
11 of Morris County, U.S. Department of Agriculture Soil  
12 Conservation Surveys.

13 The source for steep slopes were Township topographi-  
14 cal maps.

15 Q For the swamp, what was your source data for  
16 the classification of certain areas of swamp?

17 A Basically, this was also the Soil Survey of Morris  
18 County. The Township topographic maps also indicate swamp  
19 areas but the calculation here was based upon interpretations  
20 of the Soil Survey of Morris County.

21 Q What is the definition that you used for wet-  
22 land in distinguishing those from swamp, say?

23 A Well, actually, in this instance the swamp would be  
24 included in a wetland soil, a wetland area that would have  
25 swampy conditions. It's really not separated as a distinct

1 separate category from wetland soils.

2 The wetland soils are soils which have a water table  
3 either at the surface or within a foot and a half of the  
4 surface, according to the Soil Survey of Morris County.

5 Q In other words, would wetland and swamps  
6 essentially be synonymous terms?

7 A No, not necessarily.

8 The swamp would be an area that would have surface  
9 water probably throughout most if not all of the year.

10 Q But the swamp in the wetland area would have  
11 similar soil designations in the Morris County Soil Survey.

12 Is that correct?

13 A That's right.

14 Actually, the Soil Survey of Morris County does not  
15 delineate swamps, per se, although certain soil categories  
16 are swamp -- are more prevalent, let's say, in certain soil  
17 categories.

18 I used the term "swamp" in this paragraph in a  
19 general sense yet I have not distinguished the swamp from  
20 the wetland soils in a mapping or calculation. Our calcu-  
21 lations only deal with the wetland soils, some of which  
22 happen to include swamps.

23 Q Did you do any field checks to verify this  
24 data which you obtained from the several documents which  
25 you listed as your source?

1 A Yes, I have personally inspected a number of pro-  
2 perties in the Township. Not only in connection with this  
3 litigation but also as part of our master plan studies and  
4 other studies we're doing for the Township. And, I am  
5 personally satisfied that the wetland conditions as revealed  
6 by the Soil Survey of Morris County do actually exist.

7 Q Do you recall which specific properties you  
8 actually visited?

9 A I have inspected properties specifically along  
10 Green Village Road; I have inspected properties down off  
11 Britian Road; properties along extending from River Road  
12 to the Passaic River. And, these are areas which contained  
13 most of the wetland soils -- the vacant wetland soils.

14 Q In your analysis of the 1,069 acres, the  
15 category "flood plain," could you define what is meant  
16 by a flood plain in that context?

17 A These would include areas -- flood plain would in-  
18 clude areas of the Township that fall within either a  
19 floodway, which would be a channel of a stream and the  
20 immediate adjoining area that would carry normal flood  
21 waters. It would, in addition, include what is called the  
22 100 year flood fringe or the area beyond the floodway that  
23 would be expected to flood, at least every 100 years.

24 Q The delineation of the flood plain, as  
25 constituted the flood year and the 100 year flood fringe,

1 are delineated on the HUD flood maps?

2 A That is correct.

3 Q You do indicate on the next sentence of this  
4 paragraph of Page 1 that another 125 acres has extremely  
5 limited development potential in that the slope ranges  
6 from 20 to 50 percent and even greater.

7 You may have indicated in a prior answer, but just  
8 if you could reexplain the manner in which you determined  
9 the total of 125 acres of steep slopes --

10 A Yes.

11 We had as a source for this the Township topographic  
12 maps which is based on aerial surveys at two foot contour  
13 intervals. And, we calculated the area of -- or a portion  
14 of vacant land of each property by first calculating the  
15 slope of the land, the percentage of slope between contour  
16 intervals and again using the planimeter to determine what  
17 portion of a given tract of land might have slopes of this  
18 nature.

19 Q Continuing on in that sentence you indicate  
20 that, "88 acres fall into rock out crop and the landfill  
21 categories."

22 Is there any particular reason why rock out crop  
23 and landfill categories were grouped together?

24 A No, there was no particular reason for that.

25 I was, perhaps, generalizing the condition more than



1 anything else.

2 I would say most of the 58 acres fall into the  
3 landfill category, relatively a small amount of land having  
4 a rock out crop.

5 Q Indeed, on the next page of your October 26  
6 report you have a table which indicates, I believe, that  
7 the landfill was 56 acres and the rock out crop is 2.6?

8 A Correct.

9 Q What was your data source for these acreage  
10 totals?

11 A Again, it's a calculation of the various source  
12 maps with use of the planimeter.

13 Q Your initial data source for the rock out  
14 crop?

15 A That, again, would be the Soil Survey of Morris  
16 County, as would be the landfill.

17 Q Is the landfill presently active or is it  
18 closed?

19 A To the best of my knowledge, it's no longer active.

20 Q Do you know on the date, approximately, that  
21 it was closed?

22 A No, I don't.

23 Q Do you know what type of refuse was disposed  
24 of at the landfill during its period of use?

25 A I believe it was essentially trash and garbage, you

1 know, solid waste landfill site. I don't know how much  
2 beyond that or precisely what was dumped in the site.

3 As I recall, it was an area where private scavengers  
4 serving municipalities would dump the refuse.

5 Q Essentially, household garbage in those  
6 situations?

7 A Yes.

8 Q Are you aware of instances where the surface  
9 of closed landfills which had previously been used for  
10 domestic garbage were reclaimed for productive purposes  
11 including housing?

12 A I don't have any personal knowledge of any other  
13 than, perhaps, the Meadow Lands where I assume that portions  
14 of that were at one time used for that purpose.

15 Q Do you have an opinion as to whether or not  
16 such a reclamation project would be feasible at this landfill  
17 in Chatham Township?

18 MR. BERNSTEIN: I 'd like to know for what  
19 purpose?

20 In other words, if you say reclamation is  
21 possible, obviously if there's reclamation for a  
22 park or for one house on 50 acres, it might be a  
23 different parameter than if he had an opinion as  
24 to high density housing on the garbage site.

25 So, I would like a more specific questions.

1 MR. ONSDORFF: Okay.

2 Q Say for housing of<sup>a</sup> density of five to the

3 ~~secret~~

4 A Well, first of all, it is my understanding according  
5 to the Soil Survey of Morris County that there is a potential  
6 hazard for release of hazardous gases if the landfill area  
7 is disturbed. This, in my mind, would immediate place a  
8 limitation on the land and suggest that at least in this  
9 point in time it would be undesirable to put any type of  
10 development on the property.

11 Certainly, the higher the density the more ~~the~~  
12 greater degree of hazard that would result.

13 Q Is your concern for such a reclamation project  
14 for housing limited solely to the release of hazardous gases  
15 or are there additional concerns that you would have?

16 A Well, in this particular instance I would have further  
17 concerns because not only is the area a landfill area, it  
18 is also a wetland area bordering on the Great Swamp National  
19 Wildlife Refuge.

20 Q Specifically, what concerns are raised in  
21 your mind as a result of the proximity to the Wildlife  
22 Preserve?

23 A The concerns would be the runoff and the quality  
24 of the water flowing into the swamp. The landfill area  
25 and many adjoining areas to the Great Swamp are really part

1 of what I would call the Great Swamp Regime, where soil  
2 conditions found in the swamp extend beyond the swamp,  
3 and as a natural habitat the wildlife area -- I would think  
4 it very important to maintain the quality of water going  
5 into the Swamp.

6 Q Have you determined the elevation of the  
7 landfill?

8 A No, I have not, precisely.

9 Q I believe you indicated that at least a portion  
10 of it was a wetland.

11 Is that correct?

12 A Yes.

13 Q Does that tend to indicate to your mind  
14 that there might be a low lying area?

15 Is that where you normally find wetland as opposed  
16 to higher elevations?

17 A That would be an indication of a low lying area  
18 perhaps in relationship to surrounding lands.

19 I mentioned wetland -- it's also evident from  
20 the map on the right that the flood hazard area extends  
21 into the landfill area; the flood hazard area being about  
22 elevation 240 feet, I believe. So that presumably portions  
23 of that landfill area are at elevation 140.

24 Q You indicated you were referring to the map  
25 at the right.

1 Is that Exhibit PO-12 for identification?

2 MR. BERNSTEIN: PO-12 for identification.

3 Q In the category of flood plain, you indicated  
4 that actually that comprised two subcategories: the actual  
5 floodway and the flood fringe area.

6 Have you endeavored to determine the amount of  
7 vacant land in each of these subcategories?

8 A No.

9 Actually, and to the best of my knowledge, the soil--  
10 or the flood maps only delineate the floodway and the  
11 flood fringe along the Passaic River. And, there hasn't  
12 been a precise delineation elsewhere in the Township as to  
13 the portion of the flood hazard area that is floodway and  
14 flood fringe.

15 Q I may be misunderstanding something at this  
16 point, then.

17 My understanding was that your entire category of  
18 flood plain was derived from the HUD plus insurance maps?

19 A Correct.

20 Q Is that solely limited, then, to the Passaic  
21 River?

22 A No, the maps covered the entire Township.

23 The HUD maps only delineate the floodway along the  
24 Passaic River. They do not indicate a floodway in other  
25 areas of the Township.

1 For example, along Loantaka Brook which would probably  
2 have a floodway -- beyond the Passaic River the maps indi-  
3 cate what would be the combined floodway and flood fringe.

4 Q In the maps which show the combined floodway  
5 and flood fringe, the delineation just states "floodway".

6 Is that correct?

7 A It either says, "flood fringe" or "flood hazard area."  
8 I don't recall which.

9 The maps -- along the Passaic River the maps indicate  
10 the area that is floodway and the area beyond that which is  
11 100 year flood fringe. Elsewhere in the Township the HUD  
12 maps indicate -- and I don't recall which -- either  
13 hazard area or 100 year flood fringe. But, I believe it  
14 is probably the latter.

15 MR. ONSDORFF: Let us break now.

16

17 (A luncheon recess is taken.)

18

19 Q I believe before the break we essentially  
20 completed discussing the several categories of environ-  
21 mentally critical areas which you have identified in  
22 Chatham Township as being unsuitable for development.

23 Is that correct?

24 A That's correct.

25 Q Have you endeavored to delineate these

1 separate categories on any exhibits or maps intended to be  
2 used at trial?

3 A I would assume that the maps -- three maps on the  
4 wall would be used at trial.

5 Q Specifically directing your attention to  
6 PO-12 for identification, does that map contain all the  
7 categories of environmentally sensitive lands which we  
8 have covered on the first page of your October 26 memorandum?

9 A Yes, I believe that it does.

10 Again, not specifically delineating swamp lands.

11 Q Which are?

12 A Are really part of the wet soils category.

13 Q Generally speaking, can you explain why you  
14 have reached the conclusion that swamp or extremely wetland  
15 areas are unsuitable for development?

16 A Well, as far as swamp land and wetlands, and parti-  
17 cularly wetlands with surface waters, it's obvious to me  
18 that you can't construct in water. You need a certain  
19 amount of dry land in order to have foundations, roads,  
20 parking areas, any type of construction.

21 Q In the situation where there's not standing  
22 water on the surface but a high -- seasonally high water  
23 table which you defined as found at a level to one and a  
24 half feet below the surface --

25 A Yes.

1 Q What is the nature of impediment of develop-  
2 ment in that situation?

3 A I believe in that situation it places a limitation  
4 on the development that can take place on a given piece  
5 of property. Wetland soils and soils with a very high  
6 water table contain severe limitations for construction  
7 of building foundations, for roadways and other paved  
8 surfaces. The land is unstable at the surface and has  
9 very severe limitations for septic effluent disposal.

10 There are, obviously, problems in constructing  
11 in wet unstable soils: constructing roads, a stable  
12 basement. There's the problem of frost in paving  
13 wintertime in wetland areas.

14 So, development, I feel has to be very limited  
15 and in selected areas.

16 Q You've also identified slopes having ranges  
17 from 20 to 50 percent and greater as likewise being  
18 unsuitable.

19 What are the factors which led you to that conclusion  
20 as to those being inappropriate for development purposes?

21 A Well, in steep slopes areas -- and generally, I  
22 think we can even extend this to 15 percent or more,  
23 in order to construct housing development, for example  
24 in a steep slope area that's going to involve very steep  
25 grades on roads, it's going to involve deep cuts and fills



1 in order to construct roadways, and a considerable amount  
2 of disturbance to the land. This -- the disturbance of land  
3 in steep slope areas involve the removal of vegetation which  
4 help, and natural grade which helps avoid erosion, though  
5 there would be problems of erosion through the cutting and  
6 filling and denuding of property for construction purposes.

7 There obviously would be drainage problems and the  
8 potential for siltation of streams downstream from the hill-  
9 sides.

10 In most of the steep sloped areas it would be impos-  
11 sible to construct the roadways, for example, within reason-  
12 able grade limits.

13 Most municipalities set a 10 percent maximum on  
14 roads and in this instance, we're talking 20 to 50 percent  
15 or more.

16 In many portions, particularly where you get over  
17 20 percent, the areas of the land would be extremely diffi-  
18 cult, and in some instances impossible to build on, parti-  
19 cularly any type of conventional type of construction.

20 Q Similarly, you have objected to the use of  
21 land with rock out crop.

22 What is the basis for your opinion that those lands  
23 are unsuitable?

24 A A rock out crop, of course, is where you have exposed  
25 bedrock, meaning that there is little if any soil cover on

1 the ground. Construction in areas of exposed bedrock or  
2 rock out crop obviously involves very expensive type of  
3 preparation: the blasting of rock -- the blasting of rock  
4 not only for building foundations but in order to install  
5 roadways, utility lines -- underground utility systems.  
6 And, overall, extremely expensive construction.

7 So, where possible those areas should be avoided.

8 Q Are there any specific environmental impacts  
9 from construction, say in rock out crop areas which would  
10 impair the quality of the environment in substantial ways  
11 or adversely effect environmental interests?

12 A If there were no sanitary sewers available in such  
13 areas it would be, perhaps, virtually impossible to install  
14 septic systems and meet state health requirements for  
15 septic system installation. Other than going to the addi-  
16 tional expense of constructing in such areas, it would not  
17 necessarily be -- not necessarily <sup>be</sup> a particularly adverse  
18 environmental impact that I can think of.

19 Q I believe lastly there is the category of  
20 flood plain.

21 Would you explain briefly the factors which led you  
22 to exclude that category of land within Chatham Township  
23 as outside the vacant developable land?

24 A Well, maybe because in thinking in terms of flooding  
25 it seems so obvious to me that you don't consider constructing

1 in flood hazard areas.

2 It's kind of difficult to answer, but obviously if  
3 an area is subject to periodic flooding, it is totally  
4 unsuitable to place any construction in that flood plain  
5 because the building -- the pavement, whatever the construc-  
6 tion might be, is going to be covered with water.

7 I think this is a hazard to the general public. It's  
8 a hazard to the people living within the area. Their base-  
9 ments are flooded, their homes are flooded, their properties  
10 are flooded.

11 Again, there would be a very expensive installation  
12 of improvements and foundations, and so forth, in order to  
13 overcome the effects from flood waters.

14 Q In identifying this flood hazard in the manner  
15 in which you have just done in the previous answer, do you  
16 make any distinction between the hazard imposed by the  
17 construction in the floodway as compared to the hazard  
18 imposed by the hazard in the flood fringe area?

19 A I have not made any distinction in terms of this

20 study.

21 It's my understanding that construction of any form  
22 is not allowed in floodways under State Regulations. And  
23 where they are delineated as flood fringe areas -- that  
24 there are additional requirements that first floor levels,  
25 for example, be at least a foot above that flood level, so

1 that there is the distinction there whereby it may be possi-  
2 ble with State Approval to have limited construction in  
3 flood fringe areas.

4 Obviously, again, the cost of such construction is  
5 quite high.

6 We have not distinguished on these maps the floodway  
7 and the flood fringe.

8 Q Again directing your attention specifically  
9 to PO-12 for identification, do you intend to do any  
10 additional work or make any changes in that representation  
11 as it now exists, or is that a complete exhibit, in essence?

12 A I believe, in essence, that is a complete exhibit.

13 Q Would your answer be the same or different  
14 in regards to PO-11 and PO-10 for identification?

15 A The only potential change I could see in PO-11 and  
16 10 would be if any of the vacant lands ~~had~~ have been develop-  
17 ed or received a subdivision approval or something of that  
18 nature which would remove them from a vacant land category,  
19 which is possible as the case in some instances. But, at  
20 ~~least as~~ of this date, I am not aware of any of these  
21 ~~vacant~~ lands that have been removed from that category.

22 Q We've been discussing these general categories.  
23 I just want to ask one more question in regards to them.

24 Are you familiar with any residential developments  
25 which have taken place in Chatham or other municipalities

1 in Morris County in swamp or extreme wetlands and have  
2 encountered the difficulties that you indicated they would  
3 run into with endeavoring to stabilize foundations and road-  
4 ways, and this sort of thing?

5 A I know of areas -- to use another community as an  
6 example, in Montville Township where there have been develop-  
7 ments in wetland soils, where the residents encounter  
8 constant difficulties with flooding of their yards and  
9 basements --

10 Q Do you recall where that particular develop-  
11 ment is in Montville?

12 A Yes, it includes a number of developments in  
13 would be the Pine Brook area along what is called Hatfield  
14 Creek.

15 Q In a similar vein, are you personally aware  
16 of residential construction which has taken place either  
17 in the flood fringe areas or the floodway of any water  
18 courses either in Chatham or other municipalities in  
19 Morris County which have sustained flooding in the last  
20 five to ten years?

21 A Well, in Chatham Township, I have not personally  
22 been in the area during a flood period. But I understand,  
23 for example, from speaking with various planning board  
24 members, that portions of Green Village Road have flooded  
25 and several properties along that area have been underwater.

1 In Montville Township I have personally seen certain  
2 properties which have been developed in flood hazard areas  
3 and have seen water up to an elevation of about three feet,  
4 up the front door of a house.

5 Q Do you recall where that house was that was  
6 flooded to three feet up to the front door?

7 A Yes, it was on River Road where Crooked Brook crosses  
8 River Road.

9 Q Are you personally familiar with any develop-  
10 ments in Chatham Township or any other municipality in  
11 Morris County where a development has been placed on steep  
12 slopes in excess of 15 percent?

13 A Yes.

14 I'm familiar within both Chatham Township and  
15 Montville Township -- in the town of Boonton -- these are  
16 communities in which I've worked and am quite familiar with.  
17 There has been construction on slopes exceeding 15 percent.

18 Q Do you recall what type of development took  
19 place in Chatham in slopes in excess of 15 percent?

20 A Single family residential construction has taken  
21 place in Chatham Township on those slopes.

22 Q Do you recall the location of that single  
23 family development?

24 A Yes.

25 It would be generally in the southwesterly corner

1 of the Township development between Meyersville Road and  
2 River Road.

3 Q In this development along Meyersville Road  
4 and River Road, did you personally observe the adverse  
5 environmental impact which you previously referred to,  
6 I believe consisting of erosion and soil disturbance?

7 A During the course of construction I had not observed  
8 any adverse impacts because I had not actually been there  
9 to observe the actual construction, although I did see some  
10 houses being constructed along some of these -- in that  
11 area and I drove through the streets in that area -- I  
12 should say up and down the streets, which were streets with  
13 very extreme grades and the foundations of the homes in  
14 some instances were as much as three stories high.

15 Q Did you observe any sediment in any streams  
16 in the area of this development?

17 A No.

18 Q Moving on to what is designated as Page 2  
19 of your October 26 memo, my understanding is that you have  
20 taken the vacant lands -- I believe it's comprised of 1,525  
21 of  
22 the township/Chatham and have addressed each parcel on  
23 an individual basis throughout the rest of this report as  
24 to its status in terms of the natural characteristics of  
25 that land.

Is that correct?

1 A That is correct.

2 Q Directing your attention to the first numbered  
3 paragraph on Page 2, you have a tract designated as 37.7  
4 acres on Spring Valley Road which is designated as the  
5 R-1 zone.

6 Is that the applicable zoning to the 37.7 acres?

7 A That is correct.

8 Q I believe in describing the land character-  
9 istics you have noted that 55.5 of this land area is  
10 impacted by high seasonal water tables.

11 Is that correct?

12 A That is correct.

13 Q How was that determination made?

14 A In the same manner in which my -- I previously  
15 testified to, by using a planimeter to calculate the  
16 percentage of the property that fell into different soil  
17 categories based upon the County Soil Survey.

18 Q Did you personally visit this parcel to  
19 verify the high water table which you identified from the  
20 Soil Survey?

21 A Yes, I examined the area from along Spring Valley  
22 Road. And also, while I was not directly on the given  
23 property, drove in along what is called Loantaka Way --  
24 I will double check my names, Loantaka Lane South and the  
25 appearance -- or impression that I received from that area



1 was that it was very flat, level land that would appear to  
2 have wetland conditions.

3 Q Is my understanding correct that if 55.5  
4 percent of the area has a high seasonal water table,  
5 44.5 percent is not so incumbered by this environmental  
6 classification?

7 A Presumably, it would not be incumbered.

8 Q Pertaining to this 44.5 percent of the 37.7  
9 acres at Spring Valley Road which is not incumbered by  
10 high seasonal water tables, are you aware of any other  
11 environmental category which in your opinion would inhibit  
12 the development of that portion of the tract for  
13 housing purposes?

14 A No, not specifically.

15 I think it would depend upon the location of the  
16 wetland soils and their extent in terms of the portions  
17 that are not subjected to those limitations.

18 Q Directing your attention to PO-12 for identi-  
19 does  
20 fication, is the area that we have been discussing at  
21 Spring Valley Road have portions of it effected by the  
22 high water table represented on that map?

22 A Yes, there are.

23 Q Could you point out where that tract is  
24 located on PO-12 for identification?

25 A Yes, it's these properties, this small group and this

1 small group, which my examination leads me to believe that  
2 perhaps there was -- would have been a miscalculation  
3 ~~because~~ there appears to be more than 55 percent of the  
4 land in a wet soil. That would have to be rechecked. But,  
5 these are the properties over here bordering on the county  
6 park. (Indicating)

7 Q Just before you sit down, the areas that are  
8 not so incumbered by the high water table, are they indicated  
9 on the map PO-12 for identification by use of a color code?

10 A Yes, they would be shown in yellow.

11 MR. BERNSTEIN: Wouldn't that be just all  
12 noncritical areas, and those that are incumbered  
13 with another environmental constraint would have other  
14 colors?

15 THE WITNESS: That's correct.

16 Q Do you have any areas on PO-12 for identifi-  
17 cation which are incumbered with more than one environmental  
18 inhibition on their development potential?

19 A Yes.

20 Certain properties have two, and in some cases three  
21 different environmental limitations.

22 For example, there's one large property in here,  
23 I think about 120 acres, which includes both a flood hazard  
24 area in addition to other wetland soils.

25 Over in this particular area we have a tract of land--

1 Q Excuse me one second, Mr. O'Grady.  
 2 Since you are indicating and the record can't  
 3 reflect the use of your hands and pencil, could you endeavor  
 4 to specify with directions and locations on the map as to  
 5 what portions you are indicating is inhibited developmentwise  
 6 by more than one environmental concern?

7 A Yes.

8 There's a large property of, approximately, 120 acres  
 9 lying south of Loantaka Way. That combines both a flood  
 10 hazard area and wetland soils beyond that flood hazard area.

11 Then, there is a property on the northerly side of  
 12 ~~Shunpike~~ Shunpike (acolle) lying to the west of Green V. Road  
 13 Road which has some steep slope areas as well as some wet-  
 14 land soils, including a pond.

15 Q In what manner have these been color coded  
 16 to -- or have they, to indicate the additional inhibitions?  
 17 Or, have they just been designated with one color?

18 A I'm not sure I understand the question.

19 Q I will certainly rephrase it.

20 A Yes.

21 Q Your legend indicates that flood hazard areas  
 22 are colored in blue; wet soils are colored in green. If  
 23 a particular parcel of land is inhibited by both having  
 24 wet soils and being located in a flood hazard area, which  
 25 color would be placed over that parcel in that map: the

1 blue or green?

2 A If it had both incumberances, it would have been  
3 indicated as a flood hazard area and indicated in blue.

4 Q Are there any other areas overlapping, say,  
5 with wet soils and steep slopes where you would have -- it  
6 looks like to me -- a light orange for the steep slopes  
7 and also the wet soils being green, again -- or with flood  
8 hazard areas, what would have been the selection in that  
9 instance?

10 A Very, very seldom, if ever, would you have a flood  
11 hazard area on a steep slope, or to a very, very limited  
12 degree.

13 I would say that the order in which we gave priority  
14 to determination of color was: number one, in the areas  
15 of flood hazard we would color it blue as flood hazard  
16 areas despite the fact that it might have wetland soils  
17 and might conceivably have some area of steep slope.

18 Elsewhere, we found that if an area -- or invariably  
19 we found that if we had a steep slope area it was not a  
20 wetland soil so that there was no necessity in that instance  
21 to make a determination or choice of which category and  
22 which to place it.

23 Q In the five parcels located along Spring  
24 Valley Road which we've been discussing as being incumbered  
25 with the high seasonal water table, what is the current

1 zoning controls applicable to those land areas?

2 A Those land areas are located in the R-1 residential  
3 district, a one family residential district with a minimum  
4 lot size requirement of 100,000 square feet.

5 Q Under this existing zoning ordinance is there  
6 any prohibition or restriction on the placement of any  
7 structure within the area subject to the high water table?

8 A There is no specific restriction relative to the  
9 placement of structures on those properties. I would only  
10 say that the zoning of the property itself was based, in  
11 part at least, on the fact that they were wetland soils.

12 In other words, the selection of a 100,000 square foot  
13 lot size was based in part, at least, on the fact that they  
14 were wetland soils.

15 Q Could you elaborate further on what manner  
16 the size lot interrelates with the wetland condition found  
17 at the site?

18 A The size of the lot is related in that -- by establish-  
19 ing a low density you are insuring that limited amounts of  
20 the area or limited portions of the area will be developed,  
21 that as much of the area as possible will continue to serve  
22 its water retention capacity, its potential for absorbing  
23 water. Perhaps, even recharging/underground water supply.  
the

24 Q If I understand you correctly, it was, in  
25 essence, an effort to reduce the development, to deter

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1 structures from being built in the environmentally critical  
2 area.

3 [REDACTED] Is that correct?

4 [REDACTED] It was an effort to provide for low density in order  
5 to, again, partly limit the amount of area that would be  
6 covered by impervious surfaces, whether it be structure  
7 or pavement, and recognizing the limitations of the soils  
8 in terms of severe septic effluent disposal limitations in  
9 that sanitary sewers are not available to the area.

10 Q Would a zoning ordinance which mandated  
11 cluster siting in the 44.5 percent of the land area that  
12 was not subject to high seasonal water table maintenance  
13 same density?

14 Would that type of cluster zoning have been consistent  
15 with an environmental objective that you have just outlined  
16 for us?

17 A I think it would be consistent and it is, in fact,  
18 permitted in that zone -- no, I make a correction.

19 I do not believe it is permitted in that particular  
20 zone.

21 [REDACTED] Both my own personal opinion would be the clustering  
22 could have the advantage of concentrating the area -- the  
23 development in the soils which do not have the wetland  
24 characteristics.

25 Q Directing your attention specifically to that

1 44.5 percent of the tract which is not incumbered by  
2 environmental constraint, do you have an opinion as to  
3 the maximum carrying capacity of that land in view of its  
4 natural characteristics for residential development?

5 MR. BERNSTEIN: I'd like to know if the  
6 question pre-supposes existence of sanitary sewers  
7 with additional capacity for additional development  
8 or pre-supposes septic systems?

9 MR. ONSDORFF: The question was limited  
10 solely to the carrying capacity of the land and  
11 its natural characteristics. It does not take  
12 into consideration the sewage aspect of a develop-  
13 ment. That was to be a separate inquiry.

14 MR. BERNSTEIN: Very well.

15 A I have not made a specific calculation as to what  
16 I would consider to be a carrying capacity of those parti-  
17 cular properties except to the extent of believing that  
18 development should be limited to the greatest extent  
19 possible given the fact that so much of the land is in  
20 wetlands that it's an area remote from utility systems  
21 and has severe limitations for septic effluent disposal.

22 I think in order to determine its capacity we would  
23 have to get extremely site specific with a lot of detailed-  
24 perhaps, detailed engineering information before being  
25 able to determine just how the property would best be

1 utilized.

2 Q Excluding the consideration of the sewerage  
3 utility which you mentioned in your answer, and the context  
4 of the question was to exclude that, I believe the one  
5 factor which you indicated as being a valid or legitimate  
6 consideration in determining the maximum carrying capacity  
7 of that portion of the tract which is not incumbered by  
8 the high seasonal water table was the fact that it was  
9 in close proximity to a wetland area.

10 Is that the thrust of your answer, as I understand  
11 it?

12 A If I understand the question, I believe that was  
13 saying that most or over half of the property is in the  
14 wetland area.

15 Q I believe that's correct. As you've delineated,  
16 yes.

17 The area that is outside of that in determining its  
18 maximum development potential, you indicated that you would  
19 consider its proximity to the wetland area.

20 I believe that was the thrust of your answer?

21 Yes.

22 Q That leads me to the next question as to  
23 what you view as the interrelationship between the lands  
24 outside of the high seasonal water table which are to be  
25 developed and those lands which are to remain vacant which



1 are in the high water table area?

2 A Well, the point I was trying to make was how a  
3 particular piece of property might best be developed. It  
4 would depend on the location of, we'll say, dry land versus  
5 wetland, whether or not all of the drier land is concentrat-  
6 ed in one portion or whether its scattered in smaller sec-  
7 tions of the property.

8 As I view that particular area it seems that the  
9 drier land is only in three separate locations in relative-  
10 ly small locations.

11 Q Moving on to the aspect of utilities which  
12 you indicated to be a factor in the development potential,  
13 the portion of these premises outside of the wetland area,  
14 what is the distance to a public sewer line from this  
15 tract, if you know?

16 A I would have to estimate it using the scale on the  
17 map, which I'd be happy to do if you would like.

18 Q Yes, please.

19 MR. BERNSTEIN: Will we finish the first  
20 report today?

21 MR. ONSDORFF: I don't know.

22 A (Continuing) The distance is, at least, one mile  
23 as the crow flies, assuming the crow flies a straight line.

24 The nearest sewer line is, at least, a mile along  
25 existing roadways. From the property to the nearest sewer

1 would be a greater distance.

2 Q Are there any viable alternatives to public  
3 sewer to service these sewerage needs of any developments?

4 MR. BERNSTEIN: Wait.

5 Before he answers -- I don't have an objec-  
6 tion but I just want to state for the record that  
7 the man is a professional planner and he can speak  
8 as a professional planner, but not as an engineer  
9 to alternatives.

10 With that admonition, I have no objection.

11 MR. ONSDORFF: In the general context of a  
12 planner having to be familiar with sewerage  
13 think that's a fair point to make.

14 MR. BERNSTEIN: Fine.

15 You can answer the question.

16 A (Continuing) Well, I think the alternative in this  
17 instance is on site septic systems.

18 To emphasize it, I'm not an engineer and not totally  
19 familiar with the costs of other alternative methods such  
20 as an on site treatment facility. I could only just have  
21 the reaction that the area would not be large enough to  
22 sustain sufficient development which would economically  
23 support any elaborate type of sewerage treatment system.

24 In all probability in that area, septic systems  
25 would be the only solution.

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MR. ONSDORFF: Let us now take a short break.

(A short recess is taken.)

Q The final question concerns the Spring Valley Road tract.

We've been discussing the maximum carrying capacity, and I just wanted to inquire whether or not you would have an opinion as to whether the 44.5 percent of this area outside of the seasonal high water tables would be suitable for the development of least cost housing as defined by Alan Mallach which would be any of a number of different types of housing depending upon various considerations including the site.

Examples would be mobile homes, seven to the acre; single family homes on 5,000 square foot lots; garden apartments at 15 units per acre or townhouses at 10 units to the acre?

MR. BERNSTEIN: I have no objection to the thrust of the question. However, the question does incorporate Alan Mallach's opinion as to what least cost housing is.

If we would have Mr. O'Grady answer it as to the density set forth by Mr. Mallach then let the Court determine what those densities mean.

1 I have no objection with the question.

2 Do you understand my question?

3 MR. ONSDORFF: There may be some concern as  
4 to what constitutes least cost housing.

5 Q Just in the context of those housing types  
6 which I have listed, would you have an opinion as to  
7 whether or not this land would be used for those types  
8 of development?

9 A In my opinion, the land would not be suitable or  
10 appropriate for the densities you mentioned.

11 Q Why wouldn't it be appropriate?

12 A For several factors or reasons.

13 Number one, isolation. Geographically its relation  
14 ship to the development along the Chatham Township side along  
15 Spring Valley Road as well as Harding Township's Spring  
16 Valley Road across the street which is predominantly low  
17 density residential; the lack of utility systems which  
18 will -- and particularly sanitary sewers which would support  
19 higher densities as well as the limitations imposed by the  
20 ~~existing~~ wetland characteristics of the property, none of  
21 ~~which~~ in my opinion would support densities of -- or lot  
22 sizes of 5,000 square feet or densities of seven, ten or  
23 fifteen to the acre.

24 Q You have listed a number of factors which  
25 weigh in your consideration of the suitability. I don't

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1 believe I heard any one which specifically indicated that  
2 there would be adverse environmental impacts of a substan-  
3 tial nature or those types of impacts which would effect  
4 an environmental interest of a substantial nature. Possibly,  
5 I misunderstood your answer. But, in that context of a  
6 major environmental impact --

7 A Well --

8 MR. BERNSTEIN: I have no objection to the  
9 question being asked. I just want to indicate that  
10 from my view it sounds like Mr. O'Grady was talking  
11 about the lack of sanitary sewers as being an impedi-  
12 ment to development, and the effect of the adjoining  
13 wetlands, which I would interpret as environmental  
14 constraints. However, since it's depositions and  
15 I don't like to preclude questions I direct the  
16 witness to answer --

17 Rephrase the question, if you can.

18 MR. ONSDORFF: Let me further clarify it  
19 in light of your statement.

20 Q If there were not sewers available to sustain  
21 the development, as I understand Mr. O'Grady to state,  
22 the development would not go forward. So, there wouldn't  
23 be a direct adverse effect. The housing wouldn't be built.

24 MR. BERNSTEIN: You're conceding that it  
25 wouldn't be built?

1 MR. ONSDORFF: I'm not conceding that.  
2 I'm trying to repeat this.

3 MR. BERNSTEIN: I thought I could get a  
4 representation out of you.

5 MR. ONSDORFF: You're right. He did indicate  
6 a dominance of the site, by the wetland soils in  
7 the other areas and there may be a significant or  
8 substantial environmental impact. So, in essence,  
9 that's what I am looking for, an elaboration, and  
10 possibly that would be the one environmental impact  
11 that you would cite, I guess.

12 MR. BERNSTEIN: Fair enough.

13 If the witness can elaborate on the previous  
14 answer, I have no problem.

15 THE WITNESS: Only to the extent of stating  
16 that obviously the densities to which you refer  
17 involve considerable land coverage in terms of  
18 structures and pavement which is going to have an  
19 impact on the natural absorption capacity of the  
20 property to absorb storm water.

21 I think that with the high density develop-  
22 ment and the inclusion of a lot of impervious surfaces  
23 on these particular properties, there would very  
24 well be an adverse environmental impact on adjoining  
25 lands which include the county park. The properties

1 in question flow or drain towards Loantaka Brook  
2 and large runoffs from high density development  
3 could obviously have some impact on this stream  
4 quality into Loantaka Brook which, of course, flows  
5 directly into the Great Swamp.

6 So, I think there's that environmental --  
7 potential environmental impact.

8 Q Have you done any quantitative analyses to  
9 determine the extent of the runoffs of pollutants and  
10 other materials that might occur if this tract was develop-  
11 ed to the fullest density permitted under the current  
12 zoning ordinance?

13 A No, I have not.

14 Q You would not be in a position to make an  
15 whether  
16 opinion as to it would be greater or lesser than the  
17 amount of pollution that would be generated by the  
18 construction of the housing types that I listed from  
19 Mallach's report.

19 Is that correct?

20 MR. BERNSTEIN: Wait.

21 The objection that I have here is that the  
22 question pre-supposes that the last one has made  
23 a separate study. One can't give an opinion as  
24 to what occurred. If this were true, we can't talk  
25 about anything because seldom do we make individual

1 studies.

2 My objection is to the form of the question  
3 that pre-supposes that because the witness has not  
4 made a quantitative analysis, he's not able to give  
5 an opinion as to the effect of increased lot cover-  
6 age on water quality.

7 MR. ONSDORFF: I'll certainly rephrase it.

8 MR. BERNSTEIN: Fine.

9 Q Do you have an opinion as to whether or not  
10 the runoff pollution or other adverse environmental impacts  
11 which would occur from the variety of housing types which  
12 Alan Mallach has identified in comparison to full develop-  
13 ment at the densities presently permitted under the exist-  
14 ing zoning as to their comparative levels --

15 In other words, which one would generate more  
16 pollution?

17 A Well, I have an opinion in that we're really  
18 comparing one dwelling unit, or virtually it was almost  
19 two and a half acres of land versus densities of as much  
20 as 10 dwelling units to the acre.

21 While any given dwelling unit under those densities  
22 might be smaller than a dwelling unit constructed on two  
23 and a half acres, overall there would be considerably more  
24 runoff from the higher density development than from the  
25 density for which the property is zoned. There would be

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1 considerably more pavement for streets, there would be  
2 a greater number of driveways, there would be a greater  
3 number of greater area of roof surface, overall, so that  
4 the runoff would be considerably greater and any pollutants  
5 that would be carried by runoff would correspondingly be  
6 greater.

7 Q Would your opinion be the same if the high  
8 density type housing was built exclusively in the 44.5  
9 percent of the land outside the high water table and the  
10 low density or single family houses on the 100,000 square  
11 foot lots were built in the areas which you have the high  
12 water table?

13 A I would have to assume that if we're talking about  
14 the same numbers of dwelling units, that the relationship  
15 as far as runoff would not be different.

16 Q But in the broader concerns for overall  
17 environmental impact, setting aside the concerns for  
18 runoff, would the displacement of land which normally  
19 acts as a sponge for this water, would that displacement  
20 be greater in the sense of building exclusively on the  
21 land outside the high water table as opposed to the low  
22 density construction within those areas?

23 MR. BERNSTEIN: If I can inquire as to  
24 whether or not you were excluding from this con-  
25 sideration off site water runoff?

1 MR. ONSDORFF: My last question excluded  
2 the subject of off site and runoff entirely.

3 MR. BERNSTEIN: Fine.

4 A. I'm not sure I'm in a position to answer that question  
5 completely. It would depend, I think to a great extent, on  
6 the precise number of dwelling units that, for example,  
7 would be located under present zoning outside of the -- or  
8 overall on the entire property.

9 If we take the higher density development and locate  
10 it strictly in the drier ground, there is still going to be  
11 greater overall runoff. It's going to run into the wetland  
12 areas and drain into Loantaka Brook.

13 I would presume that very possibly the potential  
14 for pollution would still be greater from the higher density  
15 on drier land versus 100,000 square foot lots throughout  
16 the entire property.

17 Q In addition to the pollution potential, are  
18 there any other environmental interests that would be  
19 potentially impacted by the construction in the high water  
20 table areas as opposed to --

21 Excuse me, low density construction in the high  
22 water table areas as opposed to high density construction  
23 in the drier portions of the tract?

24 MR. BERNSTEIN: Is this question pre-supposing  
25 pollution problems might exist and off site water

1 problems might exist? Because, those two were  
2 studied previously.

3 Excluding those two items --

4 MR. ONSDORFF: Excluding those items.

5 Q Would there be any other environmental  
6 interests or concerns to impact it?

7 A Well, offhand, I think I've mentioned all of the  
8 environmental impacts that I could think of with the  
9 obvious one additional potential impact. And, that is  
10 obviously you're going to have a greater amount of traffic.  
11 So, there's a potential for greater air pollution from the  
12 higher density.

13 Q Moving on, hopefully.

14 We had the second numbered paragraph which identifies  
15 a tract of land located on the east side of Treadwell Avenue  
16 comprising 125.7 acres in the R-1A zone.

17 Is that correct?

18 A Correct.

19 Q Could you take a second to identify where  
20 on your exhibit PO-12 for identification that tract would  
21 be located?

22 A The tract is located on the northerly side of  
23 Woodland Road. It is bordered on the east -- pardon me,  
24 on the west by Treadwell Avenue and on the northerly and  
25 on the east by the Borough of Madison.

1 Q In this instance it appears that the environ-  
2 mental interests or concerns which you identified is again  
3 the existence of a high water table on these lands or under  
4 these lands.

5 Is that correct?

6 A Yes.

7 I would say that the conditions in this particular  
8 area are similar to those in the Spring Valley Road area.

9 Q How was the extent of the high water table  
10 which is identified as constituting, I believe, 84.5 percent  
11 of the tract, how was that determined?

12 A First by superimposing the soils from the Soil  
13 Survey of Morris County on the map of the property and  
14 using a planimeter to calculate the percentage of the  
15 area in those wetland categories.

16 Q Did you, at any time, inspect the site in  
17 order to check or corroborate the Morris County Soil Survey?

18 A I have inspected the property from Woodland Road  
19 and from Treadwell Avenue. The property is mostly fenced  
20 in, as I recall, and not accessible; But, I can't -- and  
21 because it's such a large tract of 125 acres, I can't  
22 corroborate the Soil Survey precisely or specifically.

23 What I could observe is that there are -- what I  
24 could observe from the road is that there are low lying  
25 wetland areas and what would appear to give indication of

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1 wetland areas.

2 Q The zoning which is currently applicable  
3 to this tract is an R-1A zone.

4 Is that correct?

5 A That is correct.

6 Q What type of development is permissible under  
7 or in any R-1A zone?

8 A The R-1A zone is designated for one family dwellings,  
9 minimum lot size of 100,000 square feet with the option  
10 for clustering to, approximately, 42,000 square feet.

11 Q As with regards to the specific 125,000  
12 tract at Treadwell Avenue, are there any other per-  
13 uses pursuant to the ordinances of Chatham Township?

14 A The ordinance allows as a conditional use office  
15 building type of development. Primarily, the office park  
16 type of development.

17 Q Pursuant to that condition use allowance, do  
18 you know what the total square footage would be of any office  
19 building development that would be constructed under these

20 [REDACTED]?

21 I'm trying to remember if, at any time, I made a  
22 specific calculation of the potential square footage of  
23 office space. I think at one time I did.

24 I don't recall the precise figure. It was not in  
25 connection with this litigation.

1           However, my recollection is that the ordinance  
2 permits -- or allows a maximum of ten percent ground  
3 coverage of buildings under the conditional use of office.

4           Q           In addition to the ten percent ground coverage  
5 for buildings, I guess there would be also a need for parking  
6 lots and streets.

7           Would that be true?

8           A           Yes.

9           I believe the ordinance also establishes a limitation  
10 in connection with the amount of other impervious surfaces  
11 on the property.

12          Q           But you wouldn't know, offhand, what that is?

13          A           No, I would have to go into my office next door  
14 and get the ordinance.

15          I can do that if you want the figure?

16          Q           I have a feeling we're going to be back  
17 all together. So, we'll wait.

18          You mentioned that there was a cluster option  
19 available to reduce the square footage requirements for  
20 single family homes.

21          Does that cluster option dictate or control the  
22 manner in which -- or does it guide or direct that the  
23 cluster be placed on the drier soils outside the 84.5  
24 percent of this tract which has the high water tables?

25          A           The ordinance does not dictate something of that

1 nature, but is intended to make possible the concentration  
2 or clustering of units in areas more favorable for develop-  
3 ment in the drier portions of the site. And, I could only  
4 assume that in the process of site planning or subdivision  
5 review and the review of environmental impact statements  
6 that the municipality would seek to provide for a develop-  
7 ment that would recognize the environmental limitations  
8 and attempt to concentrate in the higher areas.

9 Q In a similar vein, with the office building  
10 development option is there anything in the ordinance which  
11 you're aware of that would direct the development to  
12 concentrate outside of the areas of the high water table?

13 A Nothing specifically in the ordinance beyond, again,  
14 the process of site plan review by planning boards and the  
15 Environmental Commission.

16 Again, I think the ordinance requirements are  
17 intended, as far as density of development for office use,  
18 intended to recognize the limitations of the site.

19 Hopefully, they result in more concentration in  
20 more highly elevated areas, areas with deeper water tables.

21 Q You indicate that the water table varies from  
22 high to moderately high through this 84.5 percent of the  
23 tract.

24 Can you give us a range as to what depths are  
25 indicated by those categories?

1 A It would be zero to one and a half feet.

2 Q Have you endeavored to determine the maximum  
3 carrying capacity of the 15.5 percent of lands which are  
4 not incumbered with the high water table for residential  
5 development based solely upon the natural land character-  
6 istics of that 15.5 percent of this 125.7 acre tract?

7 A No, we have not -- I have not made any specific  
8 calculation.

9 Q Would you have an opinion as to the suitabil-  
10 ity of those lands outside of the high water tables for  
11 development with the high density housing types which we  
12 discussed in relation to the previous parcel which we  
13 addressed?

14 A I would say that my response to those previous  
15 questions would be generally applicable to this 125 acre  
16 tract. The property has<sup>a</sup> similar relationship to Loantaka  
17 Brook and the county park. The soil types are similar,  
18 some of them identical.

19 There is a stream that drains this property and  
20 flows directly into Loantaka Brook.

21 Q In essence, if I understand your prior  
22 response correctly, the environmental concern relative to  
23 the development of the former Dodge Estate Track pertains  
24 to runoff from imperviously paved areas and the pollutants  
25 that would be carried into the waters of Chatham Township



1 and the streams as a result of that type of runoff from  
2 structures in paved areas.

3 [REDACTED] Is that correct?

4 A Yes.

5 I think I'd be additionally concerned with the  
6 potential for aggravating downstream flooding conditions  
7 because of the size of this particular property; that the  
8 density suggested by Mallach, there would be a considerable  
9 amount of additional runoff from the tract. It has been  
10 pointed out to me by local people, flooding potentials --  
11 properties that, for example, previously had not flooded  
12 or where people used to have dry basements, they are  
13 having these problems of flooding and water in the basements  
14 of the developments that take place in the Loantaka Water  
15 Shed, Loantaka Brook Water Shed.

16 Q In view of these two environmental considera-  
17 tions, the flooding and the runoff, have you done any  
18 quantitative analyses to determine the level of runoff  
19 pollution or additional flood waters which would be gener-  
20 ated by full development as residential property under the  
21 existing zoning ordinance?

22 A No.

23 Q Have you done a quantitative analysis of the  
24 additional flood waters and/or runoff pollution that would  
25 be generated for this tract to be developed to the maximum

1 density permitted under the office building development  
2 option?

3 A No.

4 Q Would you have an opinion as to whether or  
5 not those two concerns would be impacted to a greater  
6 amount under the full development option as allowed under  
7 the current zoning ordinance as compared to the high density  
8 housing proposals which I have related to you previously  
9 this afternoon?

10 A Well, I would have an opinion based upon the  
11 limitations of land covered that is permitted, that if  
12 densities as we have been talking about them, the high  
13 densities were allowed, there would be considerably more  
14 impervious surfaces than under either office building  
15 development or under the residential zoning -- considerably  
16 more impervious surface and, therefore, considerably more  
17 runoff.

18 Q Can you give me an estimate of how much  
19 impervious pavement would be required if this area was  
20 developed for mobile homes at 7 to the acre?

21 A How much what?

22 Excuse me.

23 Q Impervious pavement?

24 A Impervious pavement?

25 Well, I haven't made a specific calculation up to

1 this point and it would be very much a guesstimate, at  
2 this point in time.

3 [REDACTED] I wouldn't want that.

4 [REDACTED] Would the same be true for apartments at nine per  
5 acre and townhouses at ten?

6 Have you done any calculations to determine the  
7 amount of pavement which would be necessary to service  
8 those types of developments?

9 A No, I haven't made any calculations.

10 Q Would you envision any environmental or  
11 energy advantages of devoting a portion of this Dodge  
12 Estate to high density housing in conjunction with the  
13 commercial office building development to the extent that  
14 possibly individuals employed at the commercial structures  
15 places that location -- would be in a position to find  
16 housing essentially in the same neighborhood or same parcel  
17 of land?

18 A I have not up until this point, really, considered  
19 that optional possibility.

20 [REDACTED] I think that the development in the Chatham portion  
21 [REDACTED] is going to be very much dictated by what happens in the  
22 Madison portion. And from what I know of the proposed  
23 development, would not particularly lend itself to housing  
24 as a result of a projected load system and development within  
25 Madison.

1 Q Irrespective of the current configurations  
2 of the proposed development, in a hypothetical situation  
3 that would be altered to provide sufficient space to  
4 construct housing.

5 Would there be any environmental and energy advan-  
6 tages to such a development scheme that you're aware of?

7 A Well, I can see the environmental advantages if  
8 many or a good portion of the employees of the office and  
9 development were living right next to the site -- would  
10 obviously be more energy sufficient in terms of saving  
11 people a lot of gasoline in getting to work, and would  
12 also have the advantage of eliminating some of the environ-  
13 mental impacts from a lot of traffic which the employees  
14 would normally create going to and from work.

15 MR. ONSDORFF: That's it for the day.

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17 (The deposition adjourns at 3:00 p.m.)  
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C E R T I F I C A T E

I, Roxanne Malanga,  
a Shorthand Reporter of the State of New Jersey,  
do hereby state that the foregoing is a true  
and accurate transcript of my stenographic notes  
of the within proceedings, to the best of my ability.

Roxanne Malanga  
NOTARY PUBLIC OF NEW JERSEY