

UL - Morris County Fair Housing Council  
v. Baerton

March 21, 1980

Transcript of Deposition of Allen J. Dresdner

pg. 64

~~Notes: pg 20 = 21 are possibly copied \* Found better copy~~

UL 000833S

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

3 -----  
4 MORRIS COUNTY FAIR HOUSING:  
5 COUNCIL, et al

ML000833S

6 vs

DEPOSITION OF:

7 BOONTON TOWNSHIP, et al

ALLEN J. DRESNER

8 Defendants  
9 -----

10 Friday, March 21, 1980  
11 Summit, New Jersey

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

13 MICHAEL BRYCE, ESQ.  
14 PUBLIC ADVOCATE  
15 Attorney for the Plaintiffs

16 MESSRS. SACHAR, BERNSTEIN, ROTHBERG, SIKORA  
17 & MONGELLO  
18 BY: DANIEL S. BERNSTEIN, ESQ.  
19 Attorney for the Defendants Chatham Township

20 Karen Hansen Geisler  
21 Certified Shorthand Reporter

22 Reporting Services Arranged Through:  
23 ROSENBERG AND ASSOCIATES  
24 CERTIFIED SHORTHAND REPORTERS  
25 769 Northfield Avenue  
West Orange, New Jersey 07052  
(201) 678-5650

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I N D E X

<u>NAME</u>	<u>DIRECT</u>	<u>CROSS</u>
Allen J. Dresdner		
By: Mr. Bryce	2	

E X H I B I T S

<u>NO.</u>	<u>DESCRIPTION</u>	<u>IDENT.</u>
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(Taken by and before Karen Hansen Geisler, a Certified Shorthand Reporter and Notary Public of the State of New Jersey on Friday, March 21, 1980 at the offices of Allen J. Dresdner Associates, 57 Union Place, Summit, New Jersey at 1:45 P.M. pursuant to notice.)

A L L E N J. D R E S D N E R,  
57 Union Place, Summit, New Jersey,  
called as a witness,  
sworn,  
testified as follows:

DIRECT EXAMINATION  
BY MR. BRYCE:

Q Mr. Dresdner, this is a continuation of a previous deposition. I note that you'd been involved in a number of depositions, so I'm sure that you're aware that questions that I'm going to ask, it's assumed that you understand them, but if you don't understand them, point it out immediately, and indicate any problems that you have with the question or any problems in answering that question.

At the point in time where the deposition ended the last time, I believe Mr. Onsdorff

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1 was questioning you regarding the landfill. I'm going  
2 to skip that a moment and just go on to some initial  
3 questions that he might have asked.

4 First of all, I just want to know  
5 if you ever prepared an environmental impact statement  
6 that was later submitted to the Environmental  
7 Protection Agency?

8 A Yes, I have.

9 Q Could you indicate what that was in  
10 reference to?

11 A Yes, it was in reference to a storm sewer  
12 outfall that was prepared for a project in Mount  
13 Olive Township in New Jersey. We prepared an  
14 environmental assessment of the project, which found  
15 it to have a potentially significant impact on human  
16 environment, and recommended that an environmental  
17 impact statement be prepared.

18 We then submitted a proposal, along  
19 with at least one other consultant, and were  
20 subsequently selected to prepare the environmental  
21 impact statement and prepare the draft that was  
22 distributed to EPA, DEP and a number of other state  
23 and federal agencies.

24 Q Was that prepared by your present  
25 association?

1                               The 360 home subdivision was also  
2 prepared for Howard Siegel. The shopping center EIS  
3 was prepared for Management Enterprises of Virginia.  
4 The marina was prepared for Aberdeen Marina, and one  
5 other environmental impact statement that I neglected  
6 to mention was for the King James Senior Citizens  
7 Housing Project prepared for King James Development  
8 Corporation.

9                               Q               Can you tell us where Howard Siegel  
10 is located?

11                              A               His offices are in Matawan or Middletown.

12                              Q               Now, I note in reviewing your back-  
13 ground you've had a broad deal of experience regarding  
14 planning. Have you had any training, any environmental  
15 training in environmental sciences?

16                              A               In my education as a landscape architect, I  
17 had an education in the certain aspects of the life  
18 sciences, specifically botany; additionally, ecology,  
19 which covers the various life sciences and relation-  
20 ships between them was part of my courses.

21                                       Insofar as training or specifically  
22 experience, I've managed projects, major multi-  
23 discipline projects which addressed the problems in  
24 the life sciences and other natural sciences, geology,  
25 soils, air quality, water quality, ground water and

1 Q I believe you mentioned before, but  
2 could you tell us how many units per acre?

3 A Ten units per acre.

4 Q And have these been rented as yet?

5 A Excuse me, the ones that were completed under  
6 my chairmanship are ten units per acre. We have another  
7 project which is in excess of ten units per acre. I  
8 believe it's twenty-one or twenty-two units per acre.

9 Q Is that the forty unit project?

10 A Yes, sir.

11 Q That is to be completed?

12 A No, that is completed.

13 Q That was incomplete before your  
14 chairmanship?

15 A Right, that was the first project completed.  
16 It's located in the center of town.

17 Q And that's completely rented?

18 A Both are completely filled.

19 Q Do you know what the percentage of  
20 minorities are or anything in those projects?

21 A In the first project it's one hundred percent  
22 black. In the second project, it's twenty-eight black  
23 families, one Spanish and one -- one Spanish speaking  
24 white and one white without the Spanish speaking.

25 MR. BERNSTEIN: Was ~~there~~ a project,

1 it was a team project, and he may have been  
2 responsible for one facet, but be knowledgeable  
3 of the package plant, and the question is  
4 whether you're asking him did he actually  
5 himself prepare the package plant or was he  
6 involved in projects where package plants may  
7 have played a part?

8 MR. BRYCE: I understand your  
9 objection, but I think it's a general question  
10 as to whether he was involved.

11 MR. BERNSTEIN: In projects where  
12 package plants played a part?

13 MR. BRYCE: Yes.

14 MR. BERNSTEIN: I have no problem  
15 with that, I just wanted to know the scope  
16 of the question.

17 A I've been involved in no projects involving  
18 package plants that were for industrial developments.  
19 I, to the best of my knowlege, I would not have been --  
20 I know of no projects that I've been involved in that  
21 had package plants while I was at Dames and Moore.

22 Q As a planner, can you tell us what  
23 your understanding of package treatment sewerage  
24 facilities is?

25 A Yes, these are mini-sanitary sewerage treatment



1 plants designed to handle a specific kind of waste,  
2 the kind that we're most familiar with would be  
3 residential waste. They can be designed to serve, I  
4 believe, to efficiently serve and cost-effectively serve  
5 as small as fifty units. That may be the minimum,  
6 because they're intended for a single purpose, they  
7 can be designed more inexpensively than the traditional  
8 sewerage treatment plant, which has to accommodate a  
9 wide variety of waste.

10 The basic characteristics of a  
11 package treatment plant is it's relatively small, it's  
12 relatively structured in its use, it's relatively  
13 inexpensive, it's suitable for a small number of units.

14 The density that they can serve  
15 efficiently is another issue. The outfall, the volume  
16 of outfall water is relatively small also, which means  
17 it can outfall into a smaller stream than a standard  
18 sewerage treatment plant.

19 Q Is it your understanding that in  
20 these package treatment plants there are different  
21 types of package treatment plants?

22 A Oh, yes. There are package treatment plants  
23 that would serve residential developments, other kinds  
24 of treat<sup>ment</sup>/plants, or treatment systems would serve  
25 certain kinds of industrial operations.

1 Q What is your feeling in residential  
2 packaging treatment plants of the water quality or your  
3 opinion of the water quality that would come from, say,  
4 as small as you have mentioned, fifty package treatment  
5 plant as opposed to individual septic tanks?

6 A Well, I couldn't contrast --

7 Q Not talking in quantity now, just  
8 talking in quality.

9 A I couldn't contrast the two the septic tank  
10 which is underground, and we're talking about ground-  
11 water. The package treatment plant is essentially  
12 outfall into a surface stream.

13 As I recall, a package treatment  
14 plant provides primary treatment to provide secondary  
15 treatment takes it beyond the level of economics for  
16 a small residential area, so long as they are capable  
17 of complying with state standards as a matter of  
18 principle there is, I'd have no problem with a  
19 package treatment plant.

20 There are other problems that they  
21 have, but they can comply with state standards for  
22 effluent.

23  
24 (Whereupon, previous testimony is  
25 read by the shorthand reporter.)

1 Q Getting to the township itself, have  
2 you done any analysis of existing development within  
3 the flood hazard areas of Chatham Township to ascertain  
4 what, if any, adverse environmental impacts there are  
5 from the existing development?

6 A I'm generally aware of the existing development  
7 in the flood plain and most of it is undeveloped.  
8 I'm aware of the general problems that occur from  
9 development in the flood plain.

10 I have not prepared any analysis of  
11 the specific problems in Chatham resulting from  
12 developing the flood plain.

13 Q Have you done any analysis regarding  
14 existing development in areas with twelve percent or  
15 more slope?

16 A In Chatham Township?

17 Q Yes.

18 A Only insofar as the distribution of land uses  
19 within the twelve percent slope, that is I know where  
20 development has occurred where there are slopes of  
21 twelve percent, but I have not done any specific  
22 evaluation of that.

23 Q Assuming that there would be problems  
24 over fifteen percent slope, could you tell us what the  
25 difference would be between building in an area that's

1 a twelve percent slope and an area that's a fifteen  
2 percent slope or thirteen or fourteen?

3 A There wouldn't be a substantial difference  
4 between a twelve and fifteen. They are two convenient  
5 numbers that planners have used for a variety of  
6 purposes. They evolve out of several concerns in the  
7 subdivision regulations.

8 It's quite common to have limits on  
9 road grades, and a usual break is at eight percent,  
10 and another threshold is at twelve to fifteen percent,  
11 reflecting different levels of traffic capacity.

12 On another level, the concern about  
13 grades revolves around slippage or slumping of slope,  
14 that is there are certain kinds of slopes which are  
15 characterized by soils that tend to slip or slump when  
16 wet. This is a common phenomenon out in California  
17 where you read about it often.

18 Q That's not the type of soils we have,  
19 say, for instance, on Long Hill Road?

20 A No, it isn't. On Long Hill Road the concern  
21 would be, the primary concern I suspect would be  
22 erosion and safety in terms of -- during inclement  
23 weather in terms of access to the buildings.

24 Q Have you been involved in planning  
25 and development or in private development that's located

1 on slopes of more than twelve percent?

2 MR. BERNSTEIN: You're talking about  
3 just residential or all types?

4 MR. BRYCE: Just residential.

5 A Well, yes, I suspect I have in terms of  
6 planning, that is I have prepared master plans for a  
7 number of communities that have slopes -- in excess of  
8 ten percent, but not -- I don't recall any site plans.

9 Q Those zones are zones in particular  
10 areas which would allow some residential development?

11 A Oh, yes.

12 Q You mentioned the housing in Summit,  
13 some of the housing being at twenty-one and twenty-two  
14 units to the acre. Is this located near a commercial  
15 area?

16 A Oh, yes, it's right adjacent to a commercial  
17 area. The lower density ones of ten units per acre  
18 are, unfortunately, somewhat removed. It's on a main  
19 street, but removed from walking and shopping.

20 Q As far as the commercial areas,  
21 by that I'm referring to, I think it's zoned as  
22 B in Chatham Township, wouldn't it be possible to  
23 put multi-dwelling housing contiguous to those  
24 commercial areas?

25 MR. BERNSTEIN: I would object on the

1 basis that the question isn't specific enough,  
2 and I would request that specific areas be  
3 pointed out and then I have no problems with  
4 Mr. Dresdner answering the question. The  
5 reason I raise it is I suspect that there is  
6 existing multi-family development, and I'd  
7 just like the question to point out the  
8 areas of concern and then I have no problem  
9 with him answering it.

10 MR. BRYCE: Actually, it was meant  
11 as a general question. If there were problems  
12 with that existing, I was assuming Mr.  
13 Dresdner would be able to point those problems  
14 out to me as opposed to me pointing them out  
15 to him.

16 MR. BERNSTEIN: The problem I have  
17 is when you speak about business areas, there  
18 is, I believe, more than one area that has  
19 business in Chatham Township. If you want  
20 to ask him about apartments, fine, but it  
21 sounded like the question, you're still  
22 beating your wife type of thing, because  
23 I suspect there are apartments in those areas.  
24 Actually maybe, if you rephrase the question,  
25 maybe that would --

1 MR. BRYCE: Why don't we put it that  
2 wouldn't it be possible to put least cost  
3 housing contiguous to these areas, similar  
4 to those which exist in Summit?

5 MR. BERNSTEIN: I'm sorry, it's  
6 the same objection, least cost and multi-family  
7 may be synonymous, I don't know. Judge Muir  
8 will decide that, but when you talk about  
9 these areas --

10 MR. BRYCE: Areas zoned as B.

11 MR. BERNSTEIN: If we could get the  
12 zone map --

13 MR. BRYCE: Here's the zoning map.  
14 There is one area located as B right there,  
15 and if I'm not mistaken -- the two areas  
16 zoned as B, one would be right on the border  
17 of the Borough of Madison.

18 MR. BERNSTEIN: Is that on Shunpike?

19 MR. BRYCE: Just off it. The other  
20 one would be on the Township of Harding, almost  
21 directly across the Township.

22 MR. BERNSTEIN: Fine.

23 MR. BRYCE: Both are located north  
24 of the Great Swamp.

25 THE WITNESS: Just as an aside, but

1 on the record, there is a great difference  
2 between least cost and low income housing.

3 Low income housing is not least cost  
4 by any stretch of the imagination. It's  
5 relative expensive housing. However, it's  
6 subsidized which makes it suitable for low  
7 income families.

8 Least cost housing may not be  
9 financially accessible for low income housing,  
10 in fact in terms of my own experience, the  
11 only kind of housing that is affordable by  
12 low income families is subsidized housing.

13 Q Let me just further clarify the  
14 question then.

15 A Yes.

16 Q Assuming that we were just talking  
17 about subsidized housing, would it be possible that  
18 subsidized housing in this particular area is  
19 contiguous, so we won't have that problem with the  
20 question, so it would be low income housing that  
21 would be subsidized?

22 A Well, sure -- well, the site adjacent to the  
23 business area located on the eastern portion of the  
24 Township I think is particularly suitable for higher  
25 density housing, multi-family housing. The site



1 located on the western portion of the Township --

2 Q This would be the one adjacent to  
3 Harding?

4 A Adjacent to Harding is much less suitable.  
5 It's much less suitable because there are no supporting  
6 facilities out there for higher density housing. There  
7 is -- shopping is not easily accessible, and there is  
8 no public transportation.

9 Q The one that would be on the west side,  
10 would it be possible to put housing in there of twenty-  
11 one to twenty-two units per acre?

12 MR. BERNSTEIN: When you say possible,  
13 are you saying possible from a physical  
14 standpoint or possible from an environmental  
15 and planning standpoint?

16 MR. BRYCE: Again, that's my question.

17 MR. BERNSTEIN: The reason I have to  
18 object is because from a physical standpoint,  
19 my engineer friends tell me they can do  
20 anything, and from a good planning standpoint  
21 or a good environmental standpoint, it might  
22 be something else. Are you giving Mr. Dresdner  
23 carte blanche to answer as he sees fit?

24 MR. BRYCE: Yes, I would prefer him  
25 to indicate to me what, if any, problems exist.

1 A Based on my knowledge of the cultural and  
2 natural conditions of the Township, I would not  
3 recommend higher density housing in the western portion  
4 of town.

5 Q I'm sorry. I was speaking about the  
6 eastern section.

7 A Surely, I think the eastern section is  
8 eminently suitable for higher density housing.

9 Q Getting back to the question, what  
10 about twenty-one to twenty-two units per acre in that  
11 section zoned as B there?

12 A That I, insofar as the density is concerned,  
13 that I would have to relate to the capacity of the  
14 road system, the capacity of the other elements of  
15 the infrastructures, such as availability of potable  
16 water, the capacity of the sewerage treatment plant,  
17 as well as the conditions and character of the surrounding  
18 area.

19 Q You mentioned cultural aspects. Could  
20 you just amplify that for us?

21 A Yes, by cultural aspects I mean the develop-  
22 ment pattern, that is the manmade conditions as  
23 opposed to the natural conditions.

24 It relates in part to the character  
25 of the area as well as the distribution and disposition

1 of land uses.

2 Q By that you mean seeing most of the  
3 area surrounding there is single family dwellings, and  
4 therefore, this would be a place for those dwellings?

5 A No, not necessarily. There is a large garden  
6 apartment development located along, what is it,  
7 Green Village Road.

8 Q Ah hum.

9 A To the west of the shopping center.

10 Q Why would this low cost housing  
11 be out of character with that particular townhouse?

12 A Oh, no, I didn't say it would be out of  
13 character. I was just indicating that there are garden  
14 apartments in the area, not that low income or high  
15 income garden apartments would be out of context with  
16 them.

17 Essentially, although I have  
18 opinions as to the proper location for low income  
19 housing, my --

20 Q What are those opinions, what would  
21 be your opinions as to the proper location of that?

22 A Well, low income housing should be located  
23 in areas where public transportation is available,  
24 where employment opportunities are available, where  
25 there is a developed infrastructure to reduce the public

1 costs of the subsidized housing.

2 It would be desirable if schools were  
3 in walking distance, since we are talking about a  
4 higher-density housing rather than lower-density housing  
5 to the extent that you can reduce reliance on the  
6 automobile, so much the better.

7 Q Assuming that we have the transporta-  
8 tion in the sense of the automobile, the roadways  
9 to handle the traffic that this would create and  
10 sewerage facilities, what you're saying is except for  
11 those two problems, the real problem we are faced  
12 with are ones of, as you call them, cultural problems,  
13 the location of the low income housing in this area,  
14 those are, let me characterize them, those are the  
15 only other problems that you foresee in that particular  
16 section?

17 A No, I have no problems with low income housing.  
18 What I addressed myself to is the density, and I do  
19 have problems with high-density housing here.

20 Q Talking about twenty-one to twenty-two  
21 what would you say would be a reasonable density in that  
22 area?

23 A For garden apartments in this area it would  
24 be less than sixteen units per acre. I don't recall  
25 what the zoning ordinance calls for. I suspect it's

1 probably down around eight or ten, but twenty to twenty-  
2 one units is a in-town project.

3 This, the one in Summit is located  
4 right adjacent to the downtown area. It also reflects  
5 the highest density permitted in town, but Summit is  
6 a built up community, and it's not comparable with  
7 the Township of Chatham.

8 Q Isn't one of the ideas regarding  
9 density, isn't it one of the ideas that you would  
10 lower density by having maybe more open area where  
11 you would have some sort of low income housing, you  
12 might have some recreation facilities which are located  
13 on the acreage, or you might have some parking area  
14 or something like that located on the acreage, which  
15 would lower the density per acre even though you  
16 might --

17 MR. BERNSTEIN: Excuse me, are you  
18 talking about the difference between net and  
19 gross density?

20 MR. BRYCE: What I'm talking about  
21 is that, yes.

22 MR. BERNSTEIN: Okay. I just was  
23 trying to pick two words up.

24 A I don't understand what we're talking about  
25 now.

1           Q           In having, say, possibly six units  
2 to the acre, wouldn't be possible that we might have  
3 more units to, say, one particular acre, but as an  
4 average, we would have six units to an acre, something  
5 like that?

6           A           Yes, well, in site planning that kind of a  
7 specialization is part and parcel of the process, that  
8 is you have a portion of the site that is just devoted  
9 to housing, a portion of the site is devoted to parking,  
10 a portion of the site which is devoted to outdoor  
11 recreation.

12                       The activities for these three types  
13 of uses are in many respects mutually exclusive, so  
14 you try and segregate or separate them, but when you  
15 talk about net density, the numbers imply certain  
16 building types, just as certain building types mean  
17 or translate into certain densities, so when you're,  
18 excuse me, generally talking of density from ten to  
19 twenty, twenty-four, you're talking of garden apartments.

20                       Eight units to twelve units per acre,  
21 you are talking about row houses. Forty units per acre  
22 you are talking about a four to six story building and  
23 so on.

24           Q           What I was actually suggesting was  
25 you could actually have a townhouse where maybe you had

1 twenty units to an acre, but you had a number of acres  
2 involved with, say, the project and when you averaged  
3 it out you had something like six units to the acre as  
4 an average, that's feasible, isn't it?

5 A Yes, I think your numbers are somewhat off.  
6 The maximum density you would have with the townhouse  
7 would be the maximum would be twenty units per acre,  
8 and that assumes twenty by one hundred foot lots. Well,  
9 that twenty by one hundred foot lot is a minimum  
10 townhouse size, because the end, the middle townhouses  
11 or row houses can be twenty by one hundred, but the end  
12 always has to be more because you have a side yard.

13 The standard net density, which  
14 includes walkways, public areas and the like for  
15 townhouses, ranges, I would guess from six or eight  
16 to twelve units per acre.

17 Q In your report, which I believe was  
18 originally admitted as ADC-1, you had mentioned there  
19 was a problem with, I believe, Black River runoff,  
20 there was a flow, I assume, in the summertime when  
21 Black River slowed to, where there was almost no  
22 stream, and at that time the only stream was effluent  
23 from Chatham Township. That was, I believe there was  
24 reference to a University of Pennsylvania thesis on  
25 that.

1                                    Could you tell me whether any, do you  
2 recall from that thesis were there any other  
3 **environmental impacts** mentioned regarding impacts right  
4 **now on** the Great Swamp or at that time in 1975 when the  
5 report was published?

6                    A            The only impacts that I recalled, I suspect  
7 there were more, the only impacts that I recall was the  
8 loss of surface recharge water to the Great Swamp from  
9 this one tributary to the Great Swamp, coupled with  
10 the increase in nutrient loading to the Great Swamp  
11 from the effluent discharge.

12                                    What that means in terms of the  
13 Great Swamp is that since it is a water oriented  
14 ecological system to the extent that the system is  
15 denied water, it suffers.

16                                    Additionally, the high nutrient  
17 readings to the Great Swamp increase the growth of  
18 vegetation.

19                    Q            Excuse me, you were mentioning that  
20 these, the high nutrient was coming from this, the  
21 Black River?

22                    A            That's one of the areas that high nutrients  
23 would be coming.

24                    Q            What I was interested, do you recall  
25 where the other problems existed from the report?



1 A From the Black River?

2 Q From other than the Black River.

3 A Oh. No, sorry, I don't.

4 Q Do you recall any other environmental  
5 impacts which were occurring at the Great Swamp other  
6 than the Black River?

7 A Well, I don't remember if it was from the  
8 report, from that particular report or other reports,  
9 but a substantial impact is in terms of the intrusion  
10 of or encroachment of development on the fringes of  
11 the Great Swamp increasing the friction between  
12 natural and manmade activities.

13 Q This would include single family  
14 dwellings?

15 A Oh, absolutely.

16 Q Now, I'm sorry, the Loantaka, this  
17 brook comes from the north. Do you know exactly where  
18 it comes from, it goes through Harding Township, I  
19 assume?

20 A Harding Township, and I don't recall whether  
21 it goes up to Morris Township.

22 Q You don't know where the headwaters  
23 are?

24 A No, I don't recall.

25 Q Assuming that there was industry

1 the area that I have hatched.

2 Q This would be the area directly  
3 adjacent to the Borough of Madison in the Borough of  
4 Chatham?

5 A Yes.

6 MR. BERNSTEIN: You can have that  
7 marked.

8 Q Mostly zoned as R-3?

9 A That's correct. I could be, I would probably  
10 be more exact or accurate if I eliminated a portion  
11 of the northern band of this, but this shows tolerably  
12 generally the extent of the terminal moraine.

13  
14 (Whereupon, ADC-11, Zoning Map,  
15 Township of Chatham, is marked for  
16 identification.)

17  
18 I could be more accurate, if you give me  
19 maybe forty-five seconds or so. If you excuse me,  
20 I'll leave the room and check the map.

21  
22 (Whereupon, the witness exits and  
23 re-enters the room.)

24  
25 I will note in green the general

1 Q All right. The rest of the Township.  
2 A -- define or identify the rest of the Township  
3 in terms of its geological makeup, I would do it  
4 thusly, you have a small portion of the Township that  
5 incorporates the terminal moraine. The major portion  
6 of the Township is the remmants of ancient Lake  
7 Passaic, the most noticeable portion in the Township  
8 is the Great Swamp, other swamps, the Great Piece  
9 Meadows, Great Fly Meadows up in Florham Park and  
10 Hanover and that area are also parts of ancient Lake  
11 Passaic.

12 The third geologic element of the  
13 Township is the basaltic uplift of the Watchung  
14 Mountains, and finally would be the narrow river  
15 corridor of the Passaic River associated with that  
16 uplift.

17 Q Let me just ask you this, the areas,  
18 the rest of the areas located here as R-3, which would  
19 be directly to the left and running in a fairly long  
20 line near Long Hill Road to the left of the area you  
21 defined as a terminal moraine, how would you  
22 characterize those soils for septage as far as being  
23 receptive or unreceptive?

24 A Generally where ever you have slopes in  
25 excess of twelve or fifteen percent, the Soil

1 Conservation Service would show those areas regardless  
2 of soils as being -- as having severe constraints for  
3 septic tanks, so I think we can say that the steep  
4 sloped area along Long Hill generally has severe  
5 constraints to septic tanks.

6 Additionally, areas which have a  
7 seasonally high water table within four feet of the  
8 surface would have severe constraints for septic tanks.

9 Q Based on soils, though, the soils  
10 located in R-3, for instance, that run parallel to  
11 Long Hill, those soils are basically the same that we  
12 might find up in R-3C or R-1A, are they not?

13 A No.

14 Q I'm sorry, you can correct me, this  
15 is a Piedmont?

16 A PT is Pompton.

17 Q And we found that located throughout  
18 that area?

19 A I'm sorry, it wouldn't be Pompton -- yes, it's  
20 Pompton.

21 Q As far as the soils go located up  
22 in this area, we find this, I'm sorry, you mentioned it  
23 was --

24 A Pompton.

25 Q Is located throughout that area also,

1 is it not?

2 A Yes, but these are not characteristics of the  
3 hillside.

4 Q I understand that. I'm not talking  
5 about the hillside now. I'm talking about the area  
6 zoned as R-3, throughout down here.

7 A Yes, they are called outcroppings of Pompton  
8 soils, the predominant soil is some kind of a muck,  
9 Carlisle Muck, I believe. That's the characteristic  
10 soil of the Great Swamp.

11 Q Have you previously done any type  
12 of soil borings or analysis of Chatham Township, you  
13 or any of your associates?

14 A No, we haven't conducted any soil borings.

15 Q Have you studied reports from Catlin  
16 Associates regarding soil borings or geological  
17 testing in Chatham Township?

18 A No.

19

20 (Whereupon, a short recess is taken.)

21

22 Q With respect to any other criteria  
23 regarding density which we were talking about before,  
24 have you done any or reviewed any traffic analysis of  
25 the streets in Chatham Township?

1 A No, sir, I haven't.

2 Q Can you briefly explain your  
3 impression of what qualified farmlands are?

4 A Well, qualified farmlands are lands in  
5 excess of five acres that are worked and have an  
6 annual income, I believe, in excess of \$500, but it's  
7 a, it's an identification of lands that have to meet  
8 certain criteria. I believe those are the three  
9 criteria that I mentioned.

10 Q And in establishing what farmlands  
11 in Chatham Township met that criteria, you indicated  
12 that Catlin Associates went through the tax records or  
13 did you go through the tax records?

14 A We did not go through the tax records. As I  
15 recall the information came either from Catlin or from  
16 the tax assessor's office directly.

17 Q Do you know, are there any legal  
18 restraints requiring these lands to not be developed?

19 A None whatsoever, other than the same constraints  
20 that would apply to other lands.

21 Q You mentioned these reports from  
22 Robert Catlin's office. Did you review any other  
23 planning or environmental reports prepared by Robert  
24 Catlin and Associates in regards to your assessment?

25 A As I recall the only report we had by Catlin

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1 me that I'm, we do have maps but I do not seem to have  
2 here that I showed at the previous deposition that were,  
3 that showed developable lands.

4 Q Which maps are there going to be  
5 final maps on of the previous exhibits, and you can  
6 give the exhibit number.

7 A Well --

8 Q But if it's not there, we will give  
9 you a new exhibit number to it.

10 A Exhibit numbers ADC-1 through 9 will be maps  
11 that I would prepare.

12 Q Okay.

13 A The ADC-10, the environmental constraints maps  
14 I believe is a Catlin map.

15 Q For my clarification, would these  
16 be in any type of overlay form or would they be  
17 individual?

18 A No, they would be as overlays, probably a  
19 base map and two or three overlays. The nine maps I  
20 mentioned would probably be synthesized into three  
21 or four maps.

22 Q Your analysis, has it involved  
23 any information provided by Catlin Associates in the  
24 form of meetings with them?

25 A I've met with Catlin Associates. We have

1 exchanged information. I think that, as I recall, is  
2 the extent of the information.

3 Q The information would be in the form  
4 of maps, this information that you communicated with  
5 Catlin, would it be in the form of maps or was there  
6 other information?

7 A Oh, yes. I received maps from Catlin, you're  
8 looking at some of them right here, development  
9 limitations, existing development, environmental  
10 constraints.

11 Q Was there any other information?

12 A His Master Plan for the Township, possibly  
13 the Zoning Ordinance for the Township, that would be  
14 the extent of it.

15 Q In your experience as a planner,  
16 are you aware of any situation where land in the tax  
17 assessor's office may not be listed as vacant, but yet  
18 it really is?

19 MR. BERNSTEIN: Are you referring to  
20 the situation where there is an abandoned  
21 house?

22 MR. BRYCE: Yes, something like that.

23 A My experience is usually the reverse, that is  
24 the tax maps or the tax assessor shows a property as  
25 being vacant, and it is not vacant. The owner very



1 seldom complains.

2 Q In the general sense is there any  
3 question in your mind whether low and moderate income  
4 housing could exist in Chatham Township along with  
5 the Great Swamp?

6 MR. BERNSTEIN: I'd like to know when  
7 you use the term low and moderate income  
8 housing --

9 MR. BRYCE: I'm mostly referring to  
10 townhousing type.

11 MR. BERNSTEIN: You see, my objection  
12 there is when you talk about low and moderate  
13 income housing, we get into the thing is it  
14 subsidized? Aren't you really speaking about  
15 high density housing?

16 MR. BRYCE: Okay. Low and moderate  
17 income I would be talking about higher density,  
18 because, number one, you wouldn't be talking  
19 about single family, you'd be talking about  
20 smaller area.

21 MR. BERNSTEIN: Another objection,  
22 are you talking about the entire town or that  
23 area adjacent to the Great Swamp?

24 MR. BRYCE: I'm talking about the  
25 entire town.

1 A I have no problems with higher density housing  
2 being located in Chatham Township, and indeed it is  
3 located in Chatham Township.

4 I do have concerns regarding the  
5 proximity of any housing to the Great Swamp. The  
6 concern is in direct proportion to the density. The  
7 rate of the density in proximity to the Great Swamp,  
8 the greater my concern.

9 Q You mentioned the Great Swamp  
10 represents twenty percent of the flood storage capability.  
11 Where did this figure come from?

12 A I have to go back in my report, but I, I believe  
13 it was a Corps of Engineers study of the Passaic River.

14 Q In reviewing the Master Plan, would  
15 you as an environmental planner, would you have  
16 recommended the type of development that has grown  
17 up at Chatham Township in the last ten years?

18 A I would have opted for lower densities in  
19 certain areas, particularly the areas which I would  
20 call ~~are~~ environmentally sensitive. These would be  
21 the steep slope areas and the areas adjacent to the  
22 Great Swamp. I conceivably would have recommended  
23 higher density areas elsewhere, but it's been my  
24 experience --

25 Q Where would you have recommended higher

1 densities?

2 A Closer to the Borough of Chatham. It's been  
3 my general experience that communities have tended to  
4 zone in the middle range when my professional  
5 recommendation would be to zone larger areas in the  
6 extremes, higher and lower densities.

7 Q Let me ask you this question, a  
8 hypothetical. If we had an apartment house complex,  
9 say, ten units to the acre, maybe, say, one hundred  
10 people in those units located adjacent to the Great  
11 Swamp, assuming there was sewerage, would the  
12 environmental impact be as great, do you believe, and  
13 again it's a general question, so I'm not asking for  
14 extensive expertise, but in your opinion do you think  
15 that would create as much of an environmental impact  
16 as the sanitary landfill being adjacent to the Great  
17 Swamp?

18 A The impact, there would be two different  
19 kinds of impacts, and it would be very difficult to  
20 measure one against the other.

21 Surely a sanitary landfill should  
22 not be located in this proximity to the Great Swamp.

23 Q Should it be located anywhere on the  
24 Loantaka Basin?

25 A Well, within the Basin, but not adjacent to

1 the stream.

2 Q Wouldn't you run into the same  
3 problem if you had zero to four feet water table further  
4 up the Loantaka, if you had the landfill located  
5 anywhere in that area that you would have the leaching  
6 that would go through the hydrological movement that  
7 you had mentioned to me before, wouldn't that go to  
8 the Great Swamp?

9 A Oh, yes. As I say, I have no problems with  
10 locating it in the draining basin, but it would have  
11 to be in the higher portion, the upper portion of the  
12 drainage basin, well removed from the groundwater table.  
13 It's the proximity to either the seasonally high water  
14 table or to surface water that I object to in terms  
15 of the sanitary landfill.

16 Q Couldn't leaching from the sanitary  
17 landfill create higher nutrients in the Great Swamp?

18 A Oh, yes, yes, the nature of the leachate would  
19 be more toxic and nutritious, which is the nature of  
20 leachate, from sanitary landfills. However, sanitary  
21 landfills are a necessary part of our society, and  
22 I just couldn't condemn them as being out of hand  
23 anywhere. Wherever you go water eventually finds  
24 itself to a stream.

25 Q Getting back to our initial question,

1           though, the real problems we'd have with a situation  
2           where we had the housing project I mentioned before  
3           of one hundred people would be runoff from the parking  
4           lot area, would be whatever pollution would occur  
5           from that. Could you indicate, that's the type of  
6           pollution you're talking about, right?

7           A           That is one type of pollution. The other  
8           type of pollution relates to the friction of man  
9           against nature, as I mentioned before.

10           Q           I understand that. As far as the  
11           toxicity that you mentioned with the leaching, we  
12           wouldn't have that type of toxicity going into the  
13           Great Swamp?

14           A           Right, sanitary landfill would be basically  
15           groundwater impact, the residential development that  
16           you're talking about would be essentially surface  
17           water impact.

18           Q           At the last deposition question came  
19           up, and you didn't know at that time, and I'll just  
20           ask you if you know now, if not, you can just say so,  
21           whether that particular landfill has been closed, are  
22           you aware of that?

23           A           I don't know whether it's been closed or not.  
24           It's my understanding that it has been.

25

1 (Whereupon, ADC-12, Environmental  
2 Constraints and Land Characteristics,  
3 is marked for identification.)  
4

5 Q Could you point out to us the five  
6 locations that you referred to in your report as  
7 site A through E? Maybe we can give a description.

8 A Site A is located along Green Village Road.  
9 Well, that's a portion of it, about halfway between  
10 the Borough of Madison and the Township of Harding.

11 Would it be easier if I just did  
12 it on this map?

13 Q Yes.

14 A I have ADC-11, and I'm coloring in red Site A.  
15 I will color in green Sites B and C.

16 Q They're located on the northwest side  
17 of Green Village Road?

18 A Site D --

19 Q That's on the northerly side of  
20 Shunpike Road and east of Site C?

21 A That I will color in blue. Three-C is being  
22 colored in blue. Site E, which is residential district,  
23 one family with townhouse option is being colored or  
24 stiped in black, and this is located in the southeast  
25 portion of the --

1 Q Next to the city of Summit?

2 A Right.

3 Q And Borough of New Providence. We  
4 look on here, beginning with Site A, you indicated  
5 that there are flood plain acreage of eighteen acres  
6 located in that area, is that right?

7 A Yes, sir.

8 Q Which would indicate approximately  
9 a little more than half. Now, I want to ask you,  
10 we were discussing before the idea of having a townhouse  
11 in a particular area, and then having land surrounding  
12 it.

13 Now, would it be possible to have a  
14 townhouse of a fairly high density, and then as part  
15 of that have a recreation area which would be located  
16 on flood plain land?

17 A Yes, probably would be a desirable relationship.

18 Q And could this occur in the area  
19 which we have indicated as Site A which is in --

20 A Red.

21 Q -- which is in red?

22 A Yes, in terms of the design, I would recommend  
23 that although residential development is permitted  
24 in a flood plain by state, federal and local regula-  
25 tion, I believe, that the homes in fact be located on

1 that portion of the site which is outside of the one  
2 hundred year flood.

3 Q That's what your report is asking for,  
4 isn't that correct?

5 A Yes.

6 Q So in fact with that type of  
7 relationship we could have more than, say, ten units  
8 to the acre, wouldn't that be correct?

9 A Yes, you could have more than ten units to  
10 the acre, not substantially more, or else you'd be  
11 going outside of the townhouse character, but ten units  
12 per acre is a --

13 Q A ballpark figure, but we could have  
14 up to actually, say, fifteen in your estimate?

15 A For townhouses, exclusive of open space or  
16 recreation area, you may have up to fifteen.

17 By the same token, in designing a  
18 townhouse, there are different kinds, there are different  
19 kinds of open space activities or open space use, the  
20 more active open space uses are typically located  
21 further away and outside the residential area.

22 You would have open space within the  
23 residential area as well in addition to the individual  
24 backyard.

25 Q Sites B and C, they have put into



1 your report eleven acres out of the thirty-two are  
2 flood plain acres. Could you just indicate to me where  
3 you obtained the information indicating that that  
4 percentage, what that number of acres were in the  
5 flood plain?

6 A We measured it from information taken from  
7 the HUD Flood Plain Maps.

8 Q This only includes within the  
9 one hundred year flood plain?

10 A That's correct, it does not include the area  
11 between the one hundred year and five hundred year  
12 flood plain.

13 Q Now, that would mean that approximately  
14 one-third of that area would be within the flood plain,  
15 B and C?

16 A That's correct.

17 Q Do you know whether it's more in  
18 B or more in C, in Site B or Site C, are you aware of  
19 that?

20 A Yes, about half of Site C is within the flood  
21 plain and half of Site -- one-third of Site B is in the  
22 flood plain.

23 Q Now, this would even be a more ideal  
24 setting for the type of interaction we mentioned before  
25 than Site A, isn't that correct, for having open area

1 in a flood plain with greater area actually existing  
2 outside the flood plain?

3 A I don't know why you say it would be more ideal.

4 Q Well, there is more area that's not  
5 in the flood plain, that's what I'm referring to.

6 A I see. I don't know whether that's accurate.  
7 Site A falls, actually has more than fifty percent in  
8 the flood plain.

9 Q Right, Sites B and C have less than  
10 fifty percent in the flood plain.

11 A Right. Well, perhaps I'm not following your  
12 line of reasoning there.

13 Q What I'm saying is that there's  
14 space which would be within the flood plain which  
15 would be used for recreation and parking and that type  
16 or maybe used for parking, but it wouldn't be fifty  
17 percent space that would be necessary to be used for  
18 that and fifty percent for housing, would be -- there  
19 would be more for housing?

20 A That's correct.

21 Q Now, Site D is located with the blue.  
22 Now, can you indicate to us are there any environmental,  
23 you say steep slopes in that area?

24 A No, sir, there is no steep slope in that area.

25 Q Well, the report indicates there is

1 steep slope acreage in Site D.

2 A That I would have to recheck that. I would  
3 say that should be eleven acres of flood plain lands,  
4 but with the note of steep slopes, I would have to  
5 doublecheck that.

6

7

(Whereupon, an off the record  
8 discussion is held.)

9

10

11 Q Now, as we had with  
12 Site A and Site B and C, again we could have more than  
13 ten units to the acre in this area located in Site D,  
14 isn't that correct?

15 A Oh, yes, you could.

16 Q Was that impacting the environment  
17 seriously?

18 A Well, there would be an incremental effect  
19 on the environment, but I think I would agree that  
20 it is not a, would not be a substantial change.

21 Q When we speak of Site E, this is  
22 totally different area from the other four sites,  
23 this is located down in the southeast corner. There  
24 is a reference made to flood plain acreage, and I  
25 don't see that listed. Now, maybe you can explain to  
me on the map that's not, there is no reference made

1 there. I'm talking about ADC-12 when I say on the map.

2 A Well, this, the area shown in blue is flood  
3 plain.

4 Q So that would be the twelve acres  
5 in the flood plain?

6 A Yes.

7 Q Then we have steep slope which would  
8 be nineteen acres, that would be where, over in here?

9 A That would be, well, it's shown on this  
10 particular map, it would be brown.

11 Q On ADC-12. Then utility easements,  
12 I assume you're referring to electricity?

13 A Yes, there is an easement which passes through  
14 the site as shown on the map.

15 Q With this net developable acreage,  
16 would it be possible to use steep slope in areas for  
17 recreation activities of the community?

18 A It would be preferable to use it as open  
19 space rather than recreation.

20 Q That area, seventy-four acres again  
21 we could, you would say we could use up to fifteen  
22 units per acre, it could go in that area?

23 A Well, it can be twelve or fifteen units per  
24 acre, surely.

25 Q Now, the question I'd like to ask you

1 is is that in the report you referred to 600, I believe  
2 634 acres as being developable land. Now, what we  
3 referred to in the sites here I believe comes out to,  
4 gross amount comes out to over 200 acres, but if we  
5 were to take the net developable acreage, somewhere  
6 less than 200 acres, where are the other 400 acres  
7 of developable land in the Township of Chatham?

8 A Well, it would be scattered throughout the  
9 Township on privately owned lands which are vacant,  
10 but which do not have -- which have neither steep  
11 slopes nor flood plains, and it would be scattered  
12 through town.

13 MR. BERNSTEIN: If I could just  
14 interject something, isn't the map which  
15 you colored in here, Mr. Dresdner, a later  
16 computation than what was done in your  
17 report, and therefore, possibly more  
18 accurate?

19 THE WITNESS: It was prepared after  
20 my report. I don't think it's any more  
21 accurate, no.

22 Q You mentioned that you had done a  
23 windshield survey of Chatham Township?

24 A Yes, sir.

25 Q Is there any reason that you know why

1 there are -- why these other developable lands are  
2 not sites where least-cost housing could go, I mean  
3 these sites are of a significant nature, these 114  
4 acres, is there any reason why the other areas --

5 A Well, one good reason is a common sense  
6 reason, that is least-cost housing requires least-  
7 cost sites, invariably the least-cost sites are the  
8 first sites that are developed.

9 The least-cost sites in Chatham  
10 Township are those that are related to and associated  
11 with the terminal moraine. That was the first part  
12 of the Township that was developed, and indeed, that's  
13 one of the reasons Chatham, Summit and Madison were  
14 developed.

15 Once you go beyond those, what I  
16 would call least-cost sites, you are developing lands  
17 that are more expensive to build on.

18 Q Let me ask you two things then. First  
19 of all, they would be sites that would be available  
20 for low income housing that was subsidized then, is  
21 that correct, I mean if we were to take out the least-  
22 cost problem, there would be sites that would be  
23 available to take that type of housing?

24 MR. BERNSTEIN: Which sites are  
25 you referring to?

1 MR. BRYCE: I'm referring to the  
2 other 400 acres which are located throughout  
3 the Township.

4 MR. BERNSTEIN: You're saying all  
5 of it or part of it?

6 MR. BRYCE: First of all, I'm asking  
7 what part is not, if any, and if not, what  
8 is the problem. What I'm asking is this  
9 map, okay, nor the report don't delineate  
10 those other areas.

11 However, it does indicate that there  
12 are 600 acres of developable land. So at that  
13 point I'm trying to find out what that other  
14 is and what the problems are, since there  
15 doesn't seem to be any environmental  
16 restrictions on it.

17 A There are no environmental constraints or  
18 few environmental constraints on the 600 acres. A large  
19 portion of the 600 acres are zoned for multiple family  
20 housing, townhouse, quadraplex and garden apartments.

21 The remaining area is zoned for  
22 single family homes. There are some 200 acres of land  
23 about roughly one-third of the total vacant developable  
24 land in the Township that's zoned for higher density  
25 housing, whether it's least-cost housing, low income

1 housing or whatever you want to call it, these are  
2 the areas that the Township believes is most suitable  
3 for higher density housing, and based on my review  
4 of the Master Plan and the zoning ordinance and the  
5 environmental characteristics of the Township seem  
6 to make sense, that is they have a common characteristic.

7 They are located adjacent to major  
8 roads, close in to builtup areas, extensions of  
9 existing higher density development.

10 Q But there are approximately 400  
11 acres outside the sites which would be developable  
12 without environmental constraints?

13 A That's correct, without the environmental  
14 constraints that we have listed.

15 Q That we have talked about?

16 A Yes.

17 Q Up in the upper corner of the  
18 Township there is an area which, I believe we can  
19 refer to as the Dodge Estate projecting from Madison  
20 or being projected into Madison Borough and existing  
21 in this Township.

22 In your estimate wouldn't it be  
23 possible to zone that as multi-dwelling housing?

24 MR. BERNSTEIN: I'd object to the  
25 form of the question, when you say isn't it



1 possible to zone something, the committee  
2 always has the power to zone. Whether or  
3 not it's recommended is another thing.

4 Q Wouldn't it be possible for that  
5 area to carry multi-dwelling housing?

6 A Well, it doesn't fit into the --

7 Q I'm only referring to environmental  
8 restrictions right now.

9 A That entire area is an area of seasonally  
10 high water table.

11 Q Some of the area, but I note that  
12 there is approximately, and I would only guess, but  
13 approximately thirty to forty acres there which on your  
14 map are listed as vacant developable land.

15 A No, there is very little.

16 Q This area here?

17 A You're right, that's correct. That's correct.

18 Q As we discussed earlier about Site A  
19 and B and C, wouldn't it be possible to use that  
20 area as for the housing and use the flood plain  
21 surrounding it for the recreation and possibly parking?

22 A I don't think that would make good sense  
23 from a planning point of view, because it is removed  
24 from the Hickory Tree Center, it has poor access and  
25 indeed portions of it have no access to a road. Its

1 orientation is more towards Madison than it is to  
2 Chatham.

3 Q Well, it's your understanding there  
4 is to be development on the other side of that tract,  
5 isn't that correct?

6 A I'm familiar with the Prudential proposal.

7 Q And assuming that were to be true,  
8 there would be transportation outlets from that area,  
9 wouldn't that be correct, that's part of the proposal,  
10 isn't it, to widen the roads?

11 A I don't know what the traffic plans or  
12 recommendations are for the proposed two million  
13 square feet of office space that Prudential is  
14 proposing, solely in Madison.

15 Obviously, traffic improvements will  
16 have to be made outside of the immediate area. I  
17 don't know whether or not or to what extent they will  
18 be made in Chatham.

19 Q But as far as these particular  
20 areas are concerned, there is no environmental  
21 constraints, they would be what we talked about  
22 earlier as cultural constraints?

23 A There wouldn't -- yes, yes, there would be  
24 cultural constraints in terms of traffic, access,  
25 proximity to existing developable.

1 Q There are three other fairly large  
2 sites which are classified as vacant developable  
3 land. One is located, I believe, near the Loantaka  
4 Park?

5 A Yes, sir.

6 Q And the other one would be on the  
7 northern side of the Great Swamp. I'm assuming that's  
8 not the landfill, is it?

9 A That's correct, it is not the landfill.

10 Q It would be adjacent to the landfill?

11 A Yes, sir.

12 Q Both of these look to be approximately  
13 fifty acres. Is there a problem with development in  
14 those areas?

15 A No, based on our analysis, these are lands  
16 which are in terms of environmental constraints  
17 essentially vacant and developable.

18 Q Assuming just for a moment that those  
19 were approximately fifty acres, that's one hundred  
20 there and thirty acres up in here, we would be talking  
21 about in your estimate three hundred to four hundred  
22 acres that could possibly be -- carry multi-dwelling  
23 housing, isn't that correct, combined with the sites  
24 that we discussed before?

25 A That's correct. I don't agree that these

1 areas should be developed for multi-family.

2 Q I understand that, but what we are  
3 talking about is whether there are actual environmental  
4 constraints which would prevent that.

5 A Yes, they could support that number of units,  
6 exclusive of cultural constraints which relate to  
7 sewers and water and traffic.

8 Q You are involved in preparing reports  
9 for a number of municipalities regarding this  
10 litigation?

11 A Yes, sir.

12 Q Would you tell us what those  
13 municipalities are?

14 A Yes, they're the Township of Mendham, the  
15 Borough of Mendham, Township of Chatham, Township of  
16 Passaic and Borough of Kinnelon..

17 Q The first four that you mentioned  
18 are all basically in what would be called, we could  
19 characterize as the Great Swamp area, is that correct?

20 A Yes, they all relate to one degree or another  
21 to the Great Swamp.

22 Q The watershed?

23 A Yes, Passaic River portion of that watershed.  
24 Not all of Mendham is part of the Great Swamp watershed.

25 Q Of those four, including the one we

1 are speaking of now, which of those would you feel  
2 would be the most able to meet the regional need for  
3 least-cost housing?

4 MR. BERNSTEIN: I would object to  
5 the question as being too broad and possibly  
6 even being irrelevant, because Mr. Dresdner  
7 said that least-cost housing is expensive,  
8 not necessarily high-density, but it's  
9 subsidized. I'm not sure, he could go to  
10 Mendham and build subsidized housing on  
11 five acres if you have enough money.

12 MR. BRYCE: I'm talking from an  
13 environmental standpoint.

14 A One of the consistent aspects of my  
15 testimony has been that I haven't claimed -- I haven't  
16 waived an environmental banner over whatever community  
17 has come to me. Each one of these communities have  
18 strong environmental sensitivities and limitations to  
19 development because of their environmental conditions.

20 In one case it may be the Great Swamp,  
21 and in another case, as in Kinnelon, it's the large  
22 amount of steep sloped areas.

23 In the third case, as in the  
24 Township of Mendham, it's the headwaters to three  
25 watersheds, so they all have environmental limitations,

1 and they all have, in addition to environmental  
2 limitations, geographic or historic limitations for  
3 development.

4 Q I understand that. What I'm  
5 interested in finding out is, assuming all that, which  
6 has the least or which in your estimate would be the  
7 most able to respond to the regional need for high-  
8 density housing or least-cost housing?

9 A Without intending to evade your question, I  
10 can't answer it.

11 Q In your report regarding the Borough  
12 of Kinnelon you referred to other aspects in the  
13 County as being more able to meet the regional need,  
14 particularly Kinnelon's isolation, etc., etc.

15 One of those areas you referred to  
16 was the Township of Chatham. Would you feel the  
17 Township of Chatham could support development more  
18 than the Borough of Kinnelon?

19 A I would have to <sup>go</sup> back to the Kinnelon report  
20 to see where I mentioned that. You might be surprised  
21 if I did. The Township of Chatham has in fact  
22 provided more multi-family housing than Kinnelon, and  
23 they can provide more, and they have zoned for more.

24 Q So you basically think they can  
25 provide more? I understand what you're saying, but

1 even outside of the two zoning policies that may exist  
2 in both areas, ecologically you feel they can support  
3 more than, say, the Borough of Kinnelon?

4 A Put it this way, if there were to be only  
5 one unit of public housing or low income housing  
6 built in the County, and the choice were either  
7 Kinnelon or the Township of Chatham, I would opt for  
8 Chatham.

9 Q Could you just indicate to me what  
10 the Hickory Tree Shopping Apartment Complex is?

11 A Yes, that's the --

12 Q Maybe descriptively where it's  
13 located.

14 A That is the apartment complex that on  
15 exhibit ADC-11 is identified as R-3C, I will circle  
16 it with a pen, and located adjacent to and west of  
17 Hickory Tree Shopping Center.

18 Q Do you know whether there is  
19 any controls imposed to prevent any adverse  
20 environmental impacts from that particular development?

21 A No, I don't.

22 Q Do you know when this went into,  
23 when this place was developed, what year?

24 A I don't recall. I do remember I was away  
25 from the state for a number of years and when I came

1 back, it was there like topsy. I was amazed by it.

2 Q You haven't measured any of the  
3 environmental impacts that could be resulting for the  
4 Township?

5 A No.

6 Q Going back just to the sites, and  
7 we'll go through this fairly quickly, regarding Site  
8 A, do you believe it would be possible to put 200  
9 units on Site A, 200 to 300 units?

10 MR. BERNSTEIN: Wait. Here I'm  
11 going to object. When you use the term  
12 possible, anything is possible. I assume  
13 if I zoned for 200 units on a ten acre piece  
14 of property, a developer would come along  
15 and build it, so I don't think the word  
16 possible means anything. If you ask from an  
17 environmental standpoint, would it be a  
18 grievous or etc., but the word possible is  
19 the one --

20 MR. BRYCE: I think we've gone  
21 through that already, so there really isn't  
22 a necessity. I don't think I have anything  
23 else at the moment.

24 Q Do you have any other reports that  
25 you prepared that we don't have?



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MR. BERNSTEIN: On this litigation?

MR. BRYCE: Yes.

A No.

(Whereupon, the deposition was  
adjourned.)

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C E R T I F I C A T E

I, Karen Hansen Geisler, C.S.R.,  
a Notary Public and Shorthand Reporter of the  
State of New Jersey, do hereby certify that  
prior to the commencement of the examination

Allen J. Dresdner

was duly sworn by me to testify the truth, the  
whole truth and nothing but the truth.

I DO FURTHER CERTIFY that the foregoing  
is a true and accurate transcript of the testimony  
as taken stenographically by and before me at the  
time, place and on the date hereinbefore set forth,  
to the best of my ability.

I DO FURTHER CERTIFY that I am neither  
a relative nor employee nor attorney nor counsel  
of any of the parties to this action, and that I  
am neither a relative nor employee of such attorney  
or counsel, and that I am not financially interested  
in the action.

*Karen Geisler*

Notary Public of the State of New Jersey