

ML - Morris County Fair Housing Council

Jan 24, 1970

v. Boston

Transcript of Deposition of Adrian P. Humbert

PS 85 →

WL 0008619

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION - MORRIS COUNTY
DOCKET NO. 6001-1907-42-4270

MORRIS COUNTY FAIR HOUSING
COUNCIL, et als,

Plaintiffs,

vs.

BOONTON TOWNSHIP, et als,

Defendants.

DEPOSITION OF:

ADRIAN P. HUMBERT

Transcript of proceedings taken by and before
DOROTHY M. PONTE, a Notary Public and Certified
Shorthand Reporter of the State of New Jersey, on
January 24, 1970, at the Randolph Township Municipal
Building, Millbrook Avenue, Randolph, New Jersey
commencing at 10 a.m.

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

STANLEY C. VANNESS, ESQ.,
Public Advocate
BY: KENNETH E. MEISER, ESQ.,
Public Advocate
For the Plaintiffs.

MESSRS. VILLORESI & BUZAK
BY: EDWARD J. BUZAK, ESQ.,
For Randolph Townshp.

SUPERIOR COURT
MORRIS COUNTY,
FILED

FEB 19 1980

FRANK A. HEADLEY,
COUNTY CLERK
DEPUTY CLERK

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ROSENBERG & ASSOCIATES
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769 Northfield Avenue
West Orange, New Jersey 07052

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2 LAW DIVISION - MORRIS COUNTY
DOCKET NO. 6001

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4 COUNCIL, et als, :

DEPOSITION OF:

Plaintiffs, :

ADRIAN P. HUMBERT

5 vs. :

Louise
6 Gargano

BOONTON TOWNSHIP, et als, :

7 Defendants. :
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I N D E X

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WITNESS

DIRECT CROSS

APRIAN P. HUMBERT

BY MR. MEISER

2

BY MR. BUZAK

79

I N D E X O F E X H I B I T S

NUMBER

DESCRIPTION

R-1	Proposed zoning map dated February 1978	17
R-2	Panel 5 of 20 of Map	24
R-3	Panel 10 of 20 of Map	24
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R-6	Waste Water Master Plan, Randolph Township Municipal Utilities Authority, Plate 2 dated January 1980	32
	Water master plan	39

A D R I A N P. H U M B E R T,

8 Rickland Drive. Randolph, New Jersey,

ER having been duly sworn by the reporter,
testified as follows:

DIRECT EXAMINATION BY MR. MEISER:

Q Mr. Humbert, we're taking your deposition for purposes of the trial of the Fair Housing Council vs. Boonton Township, et als. I'm going to be asking you questions. If at any time you're not certain, please tell me and I'll try to clarify the question.

A Sure.

Q We received a resume from you, I guess, from your attorney. I'm going to ask you a few questions about that.

When did you graduate from LeMoyne College?

A 1961.

Q What was your major at that time?

A My major was in political science.

Q And when did you get your degree from

A 1965.

Q And that was in what?

A Master of science degree in planning from the School of Architecture.

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1 Q And you mentioned in your resume that
2 you attended NYU. When was that?

3 A Generally in the years 1966 to '68.

4 Q Did you get a degree from NYU?

5 A No, I did not.

6 Q What were the courses that you were
7 taking?

8 A The courses that I took were principally courses
9 related to urban economics, public finance and public
10 administration in the School of Public Administration.

11 Q Now, you list on your resume
12 your first job in '62 was a project planner
13 What did that involve?

14 A Essentially work on local master plans,
15 zoning regulations, urban renewal projects, attendance
16 at local board meetings and general types of planning
17 assistant's work under the State 701 continuing
18 planning assistants' program that was in effect
19 at that time; and typically, we would review site
20 and subdivisions for communitities and work of a
21 nature.

22 Q Do you recall what any of this with
23 New Jersey? Was this all in New York?

24 A Both states.

25 Q Was there any involvement in Morris

1 County, New Jersey at that time?

2 A No, there was not.

3 Q And from '64 to '69 you were with the
4 Office of Planning Coordination. What were you doing
5 there?

6 A The work that I did in that was primarily
7 involved in preparation of State planning studies
8 for various regions of New York State. I was liaison
9 to the Tocks Island regional advisory group which had
10 been formed in the '60s in connection with the project
11 in New Jersey and Pennsylvania and part of New York
12 State for a dam and reservoir to create a 38-
13 long lake.

14 I was involved in various public facility
15 transportation market analysis studies of housing,
16 seasonal housing, Long Island and Westchester counties
17 of generally countywide type of things.

18 Q Now, from '73 to '74 you were with
19 Darby & Humbert?

20 A Right.

21 Q What was your role there?

22 A My role there was as a principal of the firm
23 working on one major project for a good part of
24 that time, which was a study of the Hackensack
25 Meadowlands area which was to provide certain

1 recommendations for the formulation of a health
2 care delivery system for that area and making certain
3 studies based on their comprehensive plan for the
4 development of that area.

5 In addition, there were other types of studies,
6 economic studies, land utilization and marketability
7 studies; none of which were in Morris County.

8 Q And since '74 to the present, you've
9 been the municipal planner for Randolph; is that
10 correct?

11 A Yes, that's correct.

12 Q Is that a full-time job?

13 A Yes, it is.

14 Q So you're there on a salary rather
15 than on an hourly basis?

16 A Yes, I am.

17 Q Now, have you done any outside work
18 in the last five years?

19 A Yes, I have.

20 Q What type of work has that been?

21 Some expert testimony work involving primarily
22 use variance type applications.

23 Q Has any of this been in Morris County?

24 A I don't believe so. Let me check.

25 I testified before the Morristown Board of

1 Adjustment, the Morris Township Board of Adjustment.
2 Both of those involved commercial type development,
3 and I'm sure -- I think Butler in Morris County.

4 MR. BUZAK: Yes.

5 A Yes. I appeared before the Butler Board of
6 Adjustment.

7 Q In what connection?

8 A That was in connection with a professional
9 office.

10 Q Have you testified before zoning boards
11 on any residential matters?

12 A Yes.

13 Q Where has that been?

14 A I testified in Summit on a condominium project
15 and I testified in West Orange on a residential
16 condominium project.

17 Q Those are the only two that you've
18 testified on residential?

19 A That I can recall.

20 I was hired by the Borough of Rockaway on a
21 residential project there to review plans that had
22 been submitted to them. That was within the last
23 year or two.

24 I think that covers the residential projects
25 that I've been involved in.

1 Q When was the hearing in Summit?

2 A Last year.

3 Q How large a complex are you talking
4 about?

5 A Approximately 30 units.

6 Q What about in West Orange, how large?

7 A It was 75 or 80 units.

8 Q The proposal with Rockaway, what was
9 that for?

10 A It was a proposal that had been made to the
11 Planning Board and it was for apartment cond[REDACTED]
12 type units. Something on the order -- I think
13 in the 30-unit range. I'm not certain of that, but
14 I recall it was a fairly small project.

15 Q Did you testify before the Planning
16 Board?

17 A Yes, I did. I reported to the Planning Board
18 and I don't remember whether it was formal expert
19 testimony, but there was a hearing.

20 Q What was your recommendation on that
21 development?

22 A My recommendations, as I recall, on that
23 development were that there were certain aspects
24 of a use nature that I had found in it; and I recall
25 that I had suggested that this be considered by the

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Board in its further action on the project, and I did not hear about what transpired after that.

Q Except for your work in Randolph, had you in the last ten years done any work on master plans in New Jersey in preparation?

A Yes. The Bergen County master plan.

Q For the county as an entirety?

A Yes.

Q What was your role there?

A My role there was as assistant director and I supervised professional staff in preparing various master plan studies.

Q I seem to have skipped over that, so why don't I ask you about that.

What were you doing from '69 to '72?

A I was the assistant director of Bergen County Planning Board and directed a number of the master plan studies that were underway at that time, was involved in the review of applications for development site plans and subdivisions, was involved in the project the Open Space and Green Acres project for the development of what was then called Lake Hackensack, which was an environmental restoration project that involved seven towns and had to do with the creation of a linear park along the upper

1 section of the Hackensack River.

2 Q Have you taken any courses in

3 geology?

4 A No.

5 Q What about in hydrology or anything
6 pertaining to water?

7 A The courses that I took were courses, planning
8 courses that went into the subjects, not in the
9 sense of a formal geologic course or formal engineering
10 course or formal hydrology course; but in the sense
11 that they were courses of a general nature in the
12 subject matter areas.

13 Q What about soils? Have you taken any
14 courses in soils?

15 A Not per se, no.

16 Q When you say not per se, what type of
17 courses?

18 A As I said before, courses that were urban
19 planning courses that dealt with these subjects as
20 planning courses do for someone who is to be a
21 expert in planning to make one familiar with
22 the subject matter.

23 Q Now, I saw reference to a case, court
24 case, Cordier vs. Randolph Township. Did you testify
25 in that case?

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A No.

Q Did the case go to trial?

A No.

Q What was the resolution of the case?

A My recollection is that it was dismissed on professional grounds, that the class plaintiffs who initiated the suit fell by the wayside and the Judge finally dismissed the matter.

Q Were there any depositions of you taken in that case?

A I don't recall that there were.

Q Have they testified on behalf of Randolph Township in any court matter?

A Yes.

Q What would that be?

A There were depositions in the case of Randolph Township vs. Areba School. The deposition in connection with zoning litigation. I'm trying to recall the applicant's name. Max Raskin. Within the last year two, depositions -- no, actual court testimony in connection with the Millbrook Hills subdivision application; and from time to time various affidavits and other items such as that in connection with other litigation. I just don't recall at this point.

1 Q What was the controversy over the
2 Areba School?

3 A It was a use question as to whether the
4 proposed facility was a school as was claimed by
5 the people who sought to operate it, or whether it
6 was in fact a treatment facility.

7 Q What about the Raskin suit? What
8 was the dispute there?

9 A The dispute there was over a zoning question
10 with respect to lot size.

11 Q What was the particular dispute over
12 lot size? Do you recall?

13 A The properties had been placed in 80,000
14 square foot lot categories and had in the prior zoning
15 ordinance been in the 25,000 square foot lot category.

16 Q What was the ultimate resolution of this
17 matter? Do you know?

18 A Yes. It was settled by stipulation, I believe.
19 A stipulation agreement, and the property -- part of
20 the property was retained in the 80,000 square foot
21 category and part of it was placed back in the
22 25,000 square foot lot category.

23 Q What was the dispute in Millbrook
24 Hills?

25 A The dispute in Millbrook Hills was over the

1 filing of a preliminary subdivision application that
2 was denied by the planning board and the applicant
3 then attempted to go to court and seek a reversal
4 of that denial, an overturning of that denial by the
5 court, and a determination by the court that he had
6 in fact a default approval by reason of the running
7 times of the statute.

8 Q In preparation for this trial, what
9 reports had you prepared?

10 A In preparation for this job I've prepared the
11 report which I submitted to Mr. Buzak, which essentially
12 is a compilation of a summary report that discloses
13 number of sources and a number of reports that have
14 been done over the past years for the Township.

15 Q Have you prepared for or do you plan
16 to prepare any maps or graphic illustrations to
17 support your report?

18 A That can be done. I don't have a specific
19 plan at this point to do that.

20 Q So at this point there's nothing that
21 you've decided that you're going to do?

22 A That's correct.

23 Q Is this the report you prepared titled
24 A Summary of Major Factors Influencing Land Development
25 Suitability in Randolph?

1 A Yes, it is.

2 Q Now, you said that you brought together
3 [REDACTED] preparing this report and referred to a number of
4 [REDACTED] documents. Can you, for the record, list what
5 those were?

6 A The master plan update for the Township, the
7 water and sewer studies that were done by the Township
8 Municipal Utilities Authority, population study that
9 was done by my office, the flood insurance study
10 and maps that were done by the U.S. Department of
11 Housing, Urban Department, some environmental work
12 that had been done by the environmental assessment
13 council, also, by the graduate students from Rutgers
14 University, Township zoning ordinance and regulations,
15 U.S. Census statistics, local sources including building
16 department records as to development, general background,
17 the State Regional Development guide, the Tri-State
18 Regional Development Guide, the Morris County Master
19 plan land use element, and perhaps some other studies
20 [REDACTED] can't recall at this moment.

21 [REDACTED] Do you have a copy of the map here
22 in your office?

23 A Yes.

24 Q What about the water and sewer studies
25 done by the local MUA? Do you have copies of those?

1 A Yes.

2 Q Could you get those, because I think I
3 have a few questions I'm going to be asking during
4 the deposition on those.

5 A Yes.

6 (Deposition proceedings resume after
7 short recess.)

8 Q What is the present population of
9 Randolph?

10 A Approximately 20,000 people.

11 Q Do you know what the population was
12 in 1970?

13 A Yes, 13,295.

14 Q What about 40, 50 and 60? Do you know
15 what those populations were?

16 A I have the figures. I don't recall them
17 offhand. 1960 I think it was something on the order
18 of 7,000.

19 Q What is Randolph projecting as full
20 population?

21 We're projecting a population of about 35,000
22 saturation.

23 Q Do you have any estimate as to when you
24 might come close to hitting that 35,000 figure?

25 A The estimate projection for saturation was the

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1 year 2020.

2 Q Do you have any estimate of what your
3 population will be in 1990?

4 A Yes, 38,000.

5 Q Your present population, can you
6 break that down between the number of units and
7 single-family homes and the number of units in
8 multi-family homes?

9 A Existing multi-family is approximately 1,550
10 units. Single-family houses about 4,500.

11 That's already built. In addition to the
12 multi-family, that's traditional multi-family rental
13 apartment type of development, there's also additional.
14 We estimate there's also additional rental housing
15 various types in the municipality bringing the total
16 of rent or occupied up to about 2,000.

17 Q What type of housing would these other
18 450 units be?

19 A Different types of rental including some
20 two-families, some rental of bungalows, some rental
21 of single-family homes.

22 Q Bungalows on a seasonal or year-round
23 basis that you're referring to?

24 A The bungalows are really in two categories.
25 There are those bungalows that are restricted to

1 seasonal occupancy and there are some old, what I
 2 would call summer-type units that are occupied
 3 year-round by virtue of the fact that they had
 4 preexisted the zoning regulations and have been,
 5 either through variance or in other ways, converted
 6 to year-round use.

7 Q On page 10 of your report you list
 8 the eight zoning districts permitting residential
 9 uses. Do you know the total amount of land in each
 10 category zoned R-1, R-2, R-3, R-4?

11 A No.

12 Q Is that information collected ~~anywhere~~
 13 in any of the zoning reports or master plans that you
 14 know of?

15 A I don't think so.

16 Q Do you know that information for any
 17 of the zones?

18 A I don't know the numbers offhand. I suppose they
 19 could be calculated from the zoning map. The map
 20 has changed a number of times in the past three
 21 years so that the configurations and the areas which
 22 shift, and I don't have the figures that that present
 23 map in effect represents.

24 Q Let me ask you before I mark this for
 25 identification, this is the proposed zoning map which

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1 we were submitted and it's dated February 1978. Is that
2 an up-to-date map?

3 A No. The latest map is dated September 1978.

4 Q How much different is the September to
5 February?

6 A There have been some changes involving residential
7 zones, office laboratory. Those are the two principal
8 changes that I see.

9 MR. MEISER: Off the record for a
10 second.

11 (Whereupon, there is a discussion of
12 the record.)

13 MR. MEISER: Can we mark this for
14 identification?

15 (Proposed zoning map dated February
16 1978 marked R-1 for identification.)

17 Q Do you have any idea of the number of
18 single-family homes which are in the R-3 district?

19 A Existing single-family?

20 Q Yes.

21 A Restate that question.

22 Q Okay. What I'm trying to find out is
23 if you have any estimate of the number of homes that
24 have been built to the 15,000 square foot specifications
25 that are in R-3.

A No.

1 Q Your answer was that you had no idea?

2 A I don't have a number.

3 Q Do you have any estimate at all?

4 A That would just be a guess on my part at
5 this point.

6 Q Do you have any idea as to the number
7 of vacant acres in the R-3 zone presently as of
8 today?

9 A No.

10 Q Do you have any idea as to the number
11 of vacant acres in any of the zones today?

12 A Approximately -- when you say any of the zones,
13 any of the --

14 Q The classifications from RLD down
15 to the bottom of the chart PBL?

16 A I have an overall estimate for the Township
17 and it's about 50 percent of the town is developed and
18 about 50 percent is undeveloped.

19 If you go to page seven of my report, I have
20 broken down the utilization of the town by major
21 land use category and indicated the percentage of
22 total land area and the acreage in that category.

23 The over vacant category is about 35.5 percent,
24 which excludes public lands and so forth, which would
25 also be vacant.

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Q Now, your estimate earlier was that you project an ultimate population of 35,000 people. How many additional units do you anticipate being built between now and capacity to get to that 35,000 figure?

A If there were to be single family units of the type being built generally in the area, it would probably be about 4,000. If those units were to be multi-family units of a garden apartment or condominium type, it would probably be more units and fewer persons per unit; so as again, maybe 6,000.

Q Do you have any opinion as of future units what percentage will be single-family and what percentage will be multi-family?

A No. I think the situation right now is probably in a state of flux and that such things as the ability to gain access to public sewers will influence the course of development in multi-family units. Also, the question of energy will influence the course of development of multi-family units; so at this moment it's very difficult to project what the final mix will be.

I would say that the overall density of the Township will probably be the same with respect to the future growth as it is now, although there will

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1 probably be shifts in the mix depending upon market
2 conditions, availability of sewers, availability of
3 access and availability of sites.

4 Q Now, on page five of your report you
5 indicate that approximately one-quarter of the township's
6 land area or about five square miles is in areas
7 where slopes exceed 10 percent. What was the source
8 of that statement?

9 A The source of that statement was the U.S.
10 topographic maps of the township.

11 Q Now, is it your opinion that
12 exceeding 10 percent are not conducive to
13 residential development?

14 A Generally, yes.

15 Q Is there a reason why you chose
16 10 percent slope in making that analysis rather
17 than say 15 percent, which I believe is what the
18 Morris County Planning Board uses?

19 A The reason for me selecting 10 percent as a
20 ~~basis~~ is my experience with the kind of development
21 ~~difficulties~~ that we encounter when we reach grades
22 of greater than 10 percent in development. It makes
23 them very difficult to service. It creates slipper
24 weather driving and hazards and we have a significant
25 amount of hazardous driving conditions in this Township;

1 so it presents public safety problems. It also presents
2 potential problems for increasing soil erosion and
3 like problems.

4 Q Do you have any idea of this one-quarter
5 area of the Township that you referred to, how
6 many of those slopes would exceed 15 percent as
7 well?

8 A I don't have the figure, but there are
9 significant areas in the Township where slopes
10 are in excess of 15 percent. What they constitute
11 as a percentage, I don't know.

12 Q Have you prepared any maps yourself
13 showing where these slope lands are, or did you
14 solely rely on the U.S. --

15 A The U.S. G.A. data is our principal source
16 of data.

17 Q When you say principal, are there other
18 sources?

19 A Well, there are topographic maps, engineering
20 maps that are under preparation by the Township
21 now which will give the contours. Rather than
22 20-foot contour, U.S. G.S., it will be a two-foot
23 contour -- I'm sorry. Five-foot contour.

24 Q When are these due to be completed?
25 Is there any date?

1 A That's something that the engineering department
2 is responsible for and I don't know what the date of
3 that is. I know they are under preparation.

4 Q Now, you referred also on page five
5 to 1374 acres of agricultural uses in '77. Is
6 that an accurate date as of this year? Do you know?

7 A Those were the latest figures that that assessor
8 had at that time.

9 Q Are those all acres which are under
10 the Farmland Assessment Act?

11 A I believe they are.

12 Q Do you know whether there has been
13 reduction use of agricultural in Randolph in the last
14 ten years?

15 A I think it's gone up.

16 Q It's gone up?

17 A Yes.

18 Q When you say it's gone up, do you mean
19 the actual usage on the land qualifying for assessment?

20 A The land classified as agricultural. There
21 are active farms. The land in the agricultural
22 classification has increased.

23 Q Do you know what zone in the township
24 these agricultural lands are zoned at?

25 A Yes. Most of them are in the R-1, OL and RLD.

1 Three zones.

2 Q OL is office laboratory?

3 A Yes.

4 Q Is there any map or anything like
5 that that shows where these agricultural lands are
6 today in Randolph?

7 A The lands that I have referred to here, no.
8 I don't know that it's been mapped that way.

9 Q Referring to the OL zone in the south-
10 western part of the Township, how many of that is
11 agricultural use? Do you have any idea?

12 A about 50 to 75 percent of it.

13 Q Is there a reason that you know of for
14 zoning land which is presently agricultural for
15 possible use as office laboratory?

16 A The reason was that the land were to be sold,
17 that these sites would make sense before a point of
18 view of access, road access and a point of view of
19 land form itself for a large campus type development.

20 Q When you say land form, what are you
21 referring to?

22 A The character of the terrain, the topography.

23 Q What is the character of the land?

24 A I would characterize it is relatively level
25 and maybe rolling in certain areas.

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1 Q I wonder if we could turn to the
2 flood maps now.

3 Let me ask you, do you know how many acres
4 in Randolph Township are within those four flood
5 plain areas as HUD has delineated them?

6 A No.

7 MR. MEISER: Why don't we mark this.

8 (HUD Flood Insurance Map, panel
9 5 of 20, marked R-2 for identification; panel
10 10 of 20 marked R-3 for identification; panel
11 20 of 20 marked R-4 for identification;
12 panel 15 of 20 marked R-5 for identification.)

13 Q Let's turn to R-2, which is the flood
14 map. What is the stream or river that is within
15 that area? Do you know?

16 A Yes. It's the Black River or Lamington River,
17 and those are tributaries to the Black River which is
18 one of the major drainage areas of the Township
19 and this area, flood area is also coincidence in
20 large measure with the Alamatong Well Fields, which
21 is a recharge area and county water supply area
22 that serves a population of 10,000 or more.

23 Q Now, is this land all zoned as a
24 flood plain area in your zoning map?

25 A No. The area that is zoned as a flood plain

1 in the zoning map is the Millbrook area. These maps
 2 were in the latter part of December, formerly adopted
 3 by the governing body. They have not yet been
 4 incorporated into the zoning ordinance because HUD
 5 has been working on them for several years, so we
 6 just received these.

7 Q Can you tell me what the zoning is
 8 for zones within this area?

9 A Yes. The zoning here is principally --

10 Q When you say here, you're referring to
 11 the bottom of the flood plain area. Maybe
 12 more specific for the record.

13 A The zoning for the -- let's call it the Black
 14 River Flood Plain area, lies in the two zoning
 15 categories, both of which are light impact industrial,
 16 three acre and five-acre minimum lot areas.

17 Q On the zoning map they're marked
 18 11 and 12; is that correct?

19 I-1 and I-2. A small portion of the flood
 20 plain area is zoned B-2 and -- in the vicinity of
 21 Route 10 very narrow portion of it, and the
 22 remainder is in the municipal park land.

23 Q Now, on this map there's also a zone
 24 B on the right side of the flood map. Could you tell
 25

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1 us what that is?

2 A Yes. That relates to the flood boundary for
3 the 500-year flood and the zone A, which is enclosed
4 within that zone B designation is the 100 year flood
5 boundary according to these maps.

6 Q And could you tell us what the zoning
7 is through this flood plain in that vicinity of
8 zone B and A?

9 I'm referring to the one on the right.

10 A The Millbrook? Yes. The zoning category
11 there in the Millbrook Valley is RLD 3, three-acre
12 minimum lot size. 135,000 square foot minimum lot
13 size.

14 Q Turning now to the second map which has
15 been marked R-3, well, could you tell us what this
16 strip going across the map, what water that is?

17 A That water is the continuation of the Millbrook
18 Valley Stream and gorge that continues in a north-
19 easterly direction toward the Rockaway River and
20 as it approaches the river, the flood plain widens
21 out into a low and marshy area.

22 Q And could you tell us what the zoning
23 is for that flood plain area?

24 A The zoning for the flood plain area is RLB 3,
25 a portion and most of the remainder is again light

1 impact industrial, I-1 zone designation.

2 Q Now, referring to the bottom of the
3 map there's a zone A-4, and that, I believe, is
4 within the vicinity of the Shongum Lake: is that
5 correct?

6 A Yes.

7 Q And could you tell me what zone that
8 is within your zoning map?

9 A Yes. The Shongum and Shongum Lake area is a
10 blend of principally R-2, 25,000 square foot lot,
11 and R-1, 45,000 square foot lot to the north.

12 Q For purposes of the record, could
13 identify on the zoning map where the Shongum Lake
14 region is?

15 A The Shongum lake itself lies within the R-2
16 zone and the development characterized as the Shongum
17 Lake Development lies within that R-2 zone as well.

18 The Shongum Road area, which is to the north
19 of Shongum Lake, lies in the R-1 zone category.

20 Q Let's go then to the next map which is
21 marked R-4, I believe. R-4 shows one narrow strip
22 in the southwestern area moving up to the northcentral
23 part of that map. Could you identify that?

24 A That flood zone is located along a stream
25 called India Brook and that stream traverses lands

1 opened by the Town of Morristown and/or the Southeast
2 Morris Municipal Utilities Authority, which is
3 watershed land for the reservoir.

4 Q Is this all public land then --

5 A The shaded area on the zoning map indicated
6 by the category of other public land in that RLB
7 3 zone indicates the appropriate boundary of the
8 holdings.

9 Q And all of these shaded areas on the
10 HUD map is within that publicly owned land; is
11 that correct?

12 A Most of that region is. The northerly portion
13 of it extends beyond that.

14 Q And the northerly portions are zoned
15 what?

16 a The northerly portions residential, R-2,
17 25,000 square foot lot; and RT, again a residential
18 category, 25,000 square foot lot designation.

19 Q RT stands for resort residential; is
20 that correct, within your zoning?

21 A Yes.

22 Q And what is permitted in the RT zone
23 to be built?

24 A 25,000 square foot residential uses, and
25 under the RT category, which is an old resort designation.

1 three-acre resort type uses.

2 Q I believe on the HUD map we've been
3 referring to there's also a second narrow source of
4 water of wetlands within the eastern part of the
5 Township. Could you tell us what that is?

6 A That is the head waters of the Den Brook and
7 that brook feeds to Shongum Lake and ultimately
8 into the Rockaway River. It traverses land zoned
9 R-1, residential, predominantly vacant and most of
10 that region is within the county parkland.

11 Q The final HUD map is R-5.

12 MR. MEISER: For the record, R-4
13 HUD panel map 15 and all questions relating
14 to R-4 did refer to panel 15.

15 For purposes of the record, R-5 is
16 panel 20. Questions I'm going to ask now
17 will concern R-5.

18 Q Would you now tell us what the one
19 water flood area is on R-5?

20 A It is a region of the Den Brook and Shongum
21 Lake area--and the southerly half of the lake itself.

22 Q What is the zoning around that area?

23 A The zoning around that flood area is R-2
24 residential.

25 Q Are there any other flood areas in the

1 Township which you would consider to be flood area
2 which are not shown on these four HUD maps?

3 A No. Those would be the principal ones.

4 Q Several of the areas which you referred
5 to around these flood plain zones were zoned R-2.
6 Are you satisfied that that R-2 zoning is adequate
7 to protect the houses from any flood dangers?

8 A The areas that I indicated that was R-2 is
9 principally the Shongum Lake area and that area is
10 developed.

11 Q On page 6 of your report you refer
12 to certain environmentally sensitive areas. One
13 you refer to areas of Bog or swamp. Is there
14 any map which indicates or any chart which indicates
15 where these areas of bog or swamp are located?

16 A Some of them are designated on the USGS maps.
17 The bog and the low areas, the swampy areas are
18 generally along the streams and probably a large number
19 of them would be within the flood plain areas.

20 Q Now, same question would be for the
21 evergreen forest. Are they marked in any way on
22 any map?

23 A They would be in the RLD 3 zones principally and
24 to a more limited extent, in other areas.

25 Q I note that there are several RLD 3

1 areas. Are any of those particularly concentrated in
2 or are they in all of the RLD 3 zones?

3 A They're mostly at the Millbrook one, although
4 the areas at a percentage or as a portion of the
5 whole town are relatively limited in terms of the
6 evergreens.

7 Q What about natural forest? Are there
8 any maps which indicate where these natural forests
9 are?

10 A Much of the vacant area of the Township
11 exclusive of the farmland areas, is hard wood forest.
12 A lot of is within the, again, within the RLD areas
13 and within the vacant land areas and within lands
14 that are already in some type of public ownership,
15 such as county parks.

16 Q When you talk about watershed areas.
17 have they been illustrated on any map?

18 A The major drainage basins are indicated on
19 the master plan maps of the Municipal Utilities
20 Authority; and therefore, the Township drains into
21 four areas.

22 It is the high point for this general area
23 so that water from the falls on the township drains --
24 the township drains off in four directions, and you
25 have the Rockaway Valley, Den Brook water shed area,

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1 you have the Whippany water shed area, you have the
2 Raritan River watershed area and you have the Black
3 River watershed area.

4 Q Is that map in either of those books
5 which you brought out?

6 A Yes.

7 Q -What is this map for purposes of
8 identification?

9 A This map is entitled "Waste Water Master
10 Plan, Randolph Township Municipal Utilities Authority
11 Existing and Proposed Facilities, Plate 2."

12 MR. BUZAK: Is that designated as
13 preliminary map?

14 THE WITNESS: Yes. It has a stamp
15 on it designating it as preliminary.

16 Q I missed the date and the year it was
17 prepared in.

18 A The date indicates January 1980 and I believe
19 and perhaps Mr. Buzak can correct me if I'm wrong --
20 that this map relates back to and is based upon,
21 in certain ways upon the previous similar map.

22 MR. BUZAK: That's correct. I don't
23 know the date of the previous map though.

24 MR. MEISER: Can we mark the map for
25 identification?

(Map marked R-6 for identification.)

Q For purposes of the record, would you spell out the areas of each of the four watersheds, the boundaries?

A The legend of the map designated as R-6 shows with a broken line the drainage areas of the Township. The area of the Township that drains to the Rockaway Valley is comprised on this map of the Den Brook service area, the Millbrook service area and the Jackson Brook Service area.

That is one major drainage area, those three elements.

In the western portion of the Township there is the Black River service area, which drains to the Black or Lamington River, and in the southwestern part of the Township there is the Raritan Service area, which drains to the head waters of the Raritan River, and in the southeastern quarter of the Township there is southeastern extending partly into the southwestern section of the township there is the Whippany service area which drains to the Whippany River.

Q Is this map dealing with the proposed and present sewerage stations in the township? Is that what this --

1 A Yes. It shows both proposed facilities and
2 existing facilities, including sewer lines and other
3 facilities necessary to these lines such as pumping
4 stations.

5 Q As of the present time, do you know
6 how many residents of Randolph or how many units
7 rely on public sewers and how many rely on septics?

8 A No, but I believe the Municipal Utilities
9 Authority has those figures. I can tell you that
10 sewer service generally exists in the residential
11 developments in the southeastern part of the Township
12 and in certain areas north of Route 10, including
13 the garden apartment zone district.

14 Q Are there any package treatment plants
15 anywhere in Randolph?

16 A I believe one at the high school.

17 Q Across the street from here?

18 A Yes.

19 Q Is there also a report dealing with
20 the master plan for waste disposal?

21 A Yes.

22 Q Now, could you on this map identify
23 the two areas in which there is existing sewer --
24 let me turn it around.

25 A The two areas served by existing sewers, existing

1 sanitary sewers as designated on the map are the
2 Shongum Lake, Shongum Mountain area, and the area
3 north of Route 10 and east of Reservoir Avenue between
4 Reservoir Avenue and the Borough of Victory Gardens.

5 Q Now, you mention on page nine of your
6 report that Rockaway Valley Regional Treatment plant
7 has an additional sewer hook-up since the exhibits.
8 Is that as a result of court litigation?

9 A Yes, it is.

10 Q What is the present status of that?
11 Is the ban still on?

12 A The present status of it is that it is still
13 in effect and additional allocations of gallonage
14 are administered through the Superior Court in
15 Morristown by petition; therefore, by the Municipal
16 Utilities Authority on behalf of the applicants.

17 Q Has Randolph made any application for
18 additional hook-ups in the past five years?

19 A I believe they have. Specifically, what those
20 petitions have been I don't know.

21 **ERA** Again, that's something that the MUA would be
22 better able to answer than I.

23 Q Now, in the southeast corner your
24 report says the Township is limited either 480,000
25 gallons per day or 1,200 homes. Is that a result of

1 of an agreement or what is that?

2 A I believe it's the maximum amount that has
3 been established by the Rockaway Valley Regional
4 Sewer Authority as the maximum amount that the
5 existing plant can accommodate.

6 Q And how many additional units can
7 still tie into the system?

8 A My understanding, and again, Mr. Buzak can
9 correct me if I'm wrong -- that they are entitled
10 to a maximum gallonage which, if all that gallonage
11 were being used to accept domestic waste, would be
12 the equivalent of approximately 1,200 homes. There
13 are about 950 plus or minus hooked up to it, however,
14 there have been problems, increases in the gallonage
15 that is sent to the plant by virtue of infiltration of
16 lines, so that there is an area in there that they
17 are being charged for gallonage because of this.

18 Q Now the map which you have in front
19 of you refers to Proposed Stage 1. Do you know what
20 the timing of Proposed Stage 1 is?

21 **ME** No.

22 Q Do you know whether any construction
23 has started on stage 1?

24 A There has recently been constructed a sewer
25 line in Sussex Turnpike going to Morris Township that

1 will, when hook-ups are made to it, will free approxi-
2 mately 200 units of allocation from the Rockaway
3 Valley.

4 Q Is that what you refer to on
5 page nine as the second major sewer project?

6 A Yes, and that's a typographic error. That
7 400,000 gallons is not correct. A figure that I am
8 told by the Director of the MUA is more on the order
9 of 60,000 a day.

10 Q You state in your report that this
11 will provide additional capacities and the Mt. Freedom
12 area. Do you have any idea how many additional units
13 will be able to tie in there?

14 A The possibility is I am told for a total of
15 200 units, all told.

16 Q And do you know when that sketch would
17 be completed by?

18 A No.

19 Q In your report you refer to connection
20 to the Jackson Brook interceptor. Do you know what
21 the status of this is?

22 A The status of it is that there has been an
23 agreement made between the Township, the Township
24 Municipal Utilities Authority and the developer there
25 for a joint construction of the kind, and that was

1 some time ago, a year or more ago; and as far as
 2 I know, to date there has been no further action
 3 on it as far as the construction is concerned.

4 Q Now, this map also refers to things
 5 listed proposed - future. Do you know if there is
 6 any timetable or any definite plans for those
 7 proposed future construction?

8 A If there is a timetable, I do not know of
 9 it specifically, what it would be.

10 Q Is there any plan in the Township or
 11 any projection as to ultimately how many residents
 12 in the Township will have access to public sewerage?

13 A No, not that I know of.

14 Q Do you have any opinion as to whether a
 15 package treatment plant can provide an environmentally
 16 safe method of disposal of waste?

17 A No.

18 Q Do you have any opinion as to whether
 19 this would be appropriate anyplace in Randolph
 20 Township --

21 A No.

22 Q -- for usage?

23 A No.

24 Q Now, have there been any specific
 25 problems with septic tanks in Randolph?

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1 A Yes.

2 Q What are those?

3 A There have been septic tank problems and
4 failures in the Mt. Fern area, which is an area north
5 of Route 10 which is not sewerred. There have been
6 problems with septic tanks and failures in the
7 Misty Mountain Road area of Randolph and in an
8 area, the Woodland area of Randolph. There have
9 been problems with septic failures in other areas,
10 and for the specifics on that I believe the Health
11 Department would have the records on repairs and
12 failures.

13 Q Do you have any idea as to the numbers
14 of problems that there's been in the Town with septics?

15 A There was a study done a number of years
16 ago on it. I don't know if that's been updated,
17 but that is something -- that information that probably
18 would be available through the Health Department.

19 MR. MEISER: I'd like to get the water
20 map now labeled if we could. I believe that
21 will be R-7.

22 (Water master plan, existing and proposed
23 facilities marked R-7 for identification.)

24 Q Do you know how many residents in Randolph
25 Township today are tied into public water systems?

1 A No, I don't, but that figure should be readily
2 available through the MUA customer list.

3 Q On this map can you delineate areas
4 served by the four different water companies in
5 Randolph?

6 A The areas serviced by Dover is indicated in a
7 dark shaded area on the map entitled Water Master
8 Plan, existing and proposed facilities, dated January
9 1980, with a stamp preliminary on it.

10 The Denville Water Company provides service
11 in the Dover Hills Development indicated in the
12 area where Denville Booster Station is shown,
13 and there are also Denville wells adjacent to the
14 Township boundary with Rockaway in the Northeastern
15 corner of the township.

16 The Morris County Municipal Utilities Authority
17 and transmission facilities emanate from the Alamatong
18 Well Fields and bear a letter designation on the
19 lines of MC. Morristown Water Department is also
20 shown in the legend and that bears a designation of
21 M on the line.

22 Q Now, do you have any knowledge of the
23 Township MUA plan to expand its water system?

24 A I have general familiarity with, you know,
25 plans as they come up, but as far as the explanation

1 of the timing of the expansion of this plan, no.
2 I think the MUA would probably be in a much better
3 position to answer those questions than I am.

4 Q Does this map indicate any of the
5 proposed areas of service?

6 A Yes. I believe it indicates all of them.

7 As far as the main lines are concerned, then
8 as developments come in, the individual lines to
9 serve the individual projects would be drawn to
10 fit the street pattern and decided at that time.

11 Q Do you have any estimation of the
12 number of new residents that will have access to
13 public water?

14 A As a general thing, I would say that probably
15 the access to public water will be easier to achieve
16 than access to public sewers, and probably be a
17 much higher percentage of future residents that would
18 have access to public water than sewer, but as to a
19 specific figure, no.

20 Q In preparing your report, did you give
21 any consideration to the soils in Randolph Township?

22 A Yes. general consideration to it.

23 Q Did you consult with the Morris County
24 Soil map in making your report?

25 A Yes.

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Q What are the major soils in Randolph Township? Are there any that predominate?

A The major soil is a gravely loam type of soil that has a number of various designations that predominate in much of the Township south of the Millbrook area.

There is Bedrock in significant areas of the Township at what's considered to be four to six feet below the surface of the ground.

There are low areas in and around the stream valleys which tend to be wet and there are significant portions of the Township that have a rock outcroppings particularly in the areas where you get into the steeper slopes and where the installation of foundations, road improvements, sewer and water lines becomes difficult and costly because of the underlying rock structures.

Q Is the gravely loam rated moderate, slight or severe for septic? Do you know?

A There are a whole series of different soil types that the soils conservation service uses in the Cokesbury loam categories that are generally moderate and severe in terms of restrictions for the community development.

1 There are the Parker and Parker-Edneyville
2 soils are generally less severe but with areas of
3 moderate severity: and there are other areas where
4 soils are better.

5 Q Are there any environmental reasons
6 in Randolph which preclude single-family homes
7 being built on lots smaller than 15,000 square feet?

8 A Yes.

9 Q Is there anyplace in the Township in
10 your opinion which single-family, detached homes
11 could be environmentally, safely built on homes
12 less than 15,000 square feet?

13 A Probably not.

14 Q What would the reason be for that?

15 A It would principally be a combination of
16 factors: the terrain, the subsoil conditions and
17 the ability to locate on-site disposal systems in a
18 manner that would be consistent with the public
19 health.

20 Q Assuming the last one you mentioned
21 was the on-site disposal system, assuming the land
22 had either public sewer or a package plant, in your
23 opinion could the lands suitably be built for single
24 family, detached homes of less than 15,000 square
25 feet?

1 A You're saying if it was served by public water
2 and sewer?

3 Q Let's go just with public sewers first.

4 A With public sewer? Possibly.

5 Q Supposing there was a package treatment
6 plant? Do you have any opinion as to whether it
7 could then be less than 15,000 square feet safely?

8 A You're saying consistent with the public health?

9 Q Yes.

10 A Well, if there is a package treatment plant,
11 you're saying to assume that this is a plant that
12 works and functions properly and is consistent with
13 other environmental conditions in the Township?

14 Q All right. Let me ask you a question:
15 Do you know if you need to get approval from the
16 Department of Environment Protection before you can
17 put in a package treatment plant?

18 A Yes.

19 Q I guess my question would be then,
20 assuming the developer did get permission from the
21 DEP to build such a package plant in accordance
22 with their requirements. would there still be
23 environmental reasons precluding housing of less
24 than 15,000 square feet?

25 A There may be other environmental reasons, yes,

1 but that would eliminate the sewage involved.

2 Q The other reasons deal with terrain
3 and the subsoil: is that correct?

4 A Yes.

5 Q When you're talking about terrain,
6 what would you need to know to see if it could be
7 less than 15,000 square feet?

8 A The topography, roads, grades, the subsoil
9 conditions.

10 Q Let's deal with one, the topography.
11 Are you referring to slopes there or something else,
12 or --

13 A Principally slopes.

14 Q All right. Let's say, assuming for
15 the moment that this land was under a 10 percent
16 slope. Would that eliminate that concern?

17 A For lots less than 15,000?

18 Q Yes.

19 A All the way down to what size? Because I
20 think you begin -- I don't think I could make a
21 blanket statement saying lots under 15,000 all the
22 way down to -- I think when you get to a certain
23 size lot, that probably is preferable to go to an
24 attached type of unit format rather than a detached
25 unit format.

1 Q Where would that be? What type of
2 square footage?

3 A That would probably occur somewhere in the less
4 than 10,000, 12,000 square foot lot range.

5 Q And what are your reasons for making
6 that statement?

7 A The cost to develop the property, the cost
8 of providing the roads, the cost of providing the
9 utilities, the cost of grading.

10 Q So your reasons are related to the
11 cost and not to any concern of health, welfare,
12 safety or environment in preferring the attached at
13 that point?

14 A I'd say that my concern -- that is one aspect
15 of my concern, yes.

16 Q Is there another aspect?

17 A It just does not appear to be the type of
18 dwelling unit that the marketplace will be providing
19 in the future, and I think it may be unrealistic
20 to think that it is.

21 Q And when you say not the type of
22 market, is that a function of cost or desire?

23 A I think it's a function of both cost and
24 desire, what people will purchase and what can be
25 built in the market.

1 Q Are you familiar with any subdivisions
2 in Morris County being built five to the acre densities
3 comparable to that?

4 A Five units to the acre?

5 Q Detached.

6 A Detached? No, I can't think of any offhand.
7 I think there are units attached at densities
8 of five and higher, but I can't think of detached.

9 Q All right. You indicated at 10,000
10 to 12,000 square feet you should have attached
11 rather than detached. What about, let's say
12 12,000? If we have a terrain with a slope
13 than 10 percent, can we safely build, just looking
14 at the slopes, at 12,000 square feet?

15 A I'd say that there is a possibility that
16 you can, but that to make a determination as
17 to whether you can safely build, I think you have to
18 have a specific site in mind and do a development
19 plan for that site.

20 Q What about subsoils? What was your
21 concern there?

22 A As far as subsoils? The ability to put in
23 the necessary utilities to serve whatever the
24 development would be. The ability to provide for
25 on-site disposal or if that is required. The ability

1 to provide for water service to the property if that s
2 required.

3 Q So would your subsoils still be a
4 concern if there were public water and public sewer?

5 A Yes, in connection with the development of
6 the property itself.

7 Q Do you mean as far as suitability for
8 foundation, things like that?

9 A Suitability for foundations, roads and
10 so forth.

11 Q Have you done any investigation as
12 towether there are lands in the Town which have
13 the terrain and the subsoils that would make them
14 suitable for construction of less than 15,000
15 square feet?

16 A Construction at less than 15,000 square
17 feet? We have designated in our zoning ordinance
18 those areas that we feel suitable for those types
19 types of residential units in a different format from
20 detached residential unit, and that's in the form
21 of townhouses and-- at a density of six units to the
22 acre, a nominal 20 by 100 lot for each unit and
23 dimension units as an alternate use in the B-1 zone
24 district along with 15,000 square foot lots for
25 single family residences.

1 Q That's the B-1 zone or where duplexes
2 are permitted?

3 A Yes.

4 Q And B-1 also allows neighborhood business;
5 there's also businesses permitted?

6 A Correct.

7 Q And the townhouses are permitted?

8 A In the CR zone.

9 Q Now, looking at the zoning map, I see
10 two sections marked R-3 in the northern part of
11 the township along the township border line
12 those the only two zones marked R-3? I see one
13 other. Why don't you just tell me how many R-3
14 zones there are?

15 A One, two, three, four.

16 Q Starting with the R3 zone in the southeast
17 part of the Township, can you tell how much of that
18 is undeveloped?

19 A From this map it appears to be about a third
20 of it, of that particular area.

21 Q Is vacant?

22 A Yes.

23 Q Do you know if there are any obstacles
24 involved, environmental obstacles, soil obstacles,
25 anything like that to building in the vacant part of

1 the R-3 in that corner?

2 A There may be some. I see a stream going through
3 that portion of it that is principally vacant, and an
4 applicant who had approval for R-3 lots in a portion
5 of that area has now come back to the Planning Board
6 and petitioned to have the lot size increased because
7 of the environmental conditions, including steep
8 slope and inability to locate septics on that
9 property.

10 Q Is there public water and sewer in that
11 R-3 section?

12 A Water, I believe.

13 Q Turning to the R-3 in the southern
14 southwestern part of the township.

15 A Southeastern part. I thought that's the one
16 I was talking about.

17 Q So for the record you were talking about
18 the southwest?

19 A Yes.

20 Q On the Chester Border?

21 A Yes.

22 Q Going to the R-3 in the far southeastern
23 corner along the township of Morris borders, how
24 much of that R-3 land is vacant?

25 A I would guess about 15 to 20, maybe 15 to 20 per cent

1 15 to 17 percent of it with a portion of that vacant
2 land now being developed.

3 Q At R-3?

4 A Yes.

5 Q Is there public water and sewer
6 accessible to that R-3 zone?

7 A Yes, there is in part of it, and that is the
8 area planned to be served by the Morris Township
9 sewer connection.

10 Q Excuse me. Did you say that there were
11 plans to, or that there is now existing?

12 A There is existing service within that area
13 and also within that R-3 area is a need or is the
14 area where there is going to be provided some
15 additional service by the line to Morris Township.

16 Q Moving to the northeast, there seems
17 to be a very small R-3 strip just about the Borough
18 of Victory Gardens.

19 A Yes.

20 Q Is that vacant or developed?

21 A It's developed.

22 Q That is developed?

23 A Yes.

24 Q Then the final R-3 is south of the
25 Town of Dover. How much of that is empty?

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1 A There are some vacant backlands, probably not
2 more than 10 percent of that.

3 Q All right. Now, you indicated that
4 duplexes are permissible in the B-1 area; is that
5 correct?

6 A Yes.

7 Q And how many different sections of
8 that town are zoned B-1?

9 A Looks like five.

10 Q Are those all along the main roads?

11 A Generally, yes.

12 Q Now, if I want to build a duplex
13 in a B-1, how many units can I build within an

14 A You may build two units on a 15,000 square
15 foot parcel, so that is equivalent of one unit
16 for 7,500 square feet.

17 Q Do you know how many acres there are
18 within the B-1 zones?

19 A I don't have a specific acreage figure, but
20 the principal B-1 area is the Mt. Freedom area along
21 Sussex Turnpike.

22 Q Do you have any idea how many duplexes
23 could be built within that district if there was
24 full use of the district for duplexes?

25 A Probably something on the order of 200.

1 Q Is that 200 units or 200 duplexes?

2 A 200 units.

3 Q By the way, do you know how many duplexes
4 exist in the Township right now?

5 A There are no new ones that I'm aware of.

6 This designation for duplexes is relatively
7 new in town. There-- have been some inquiries to
8 constructing them in that Mt. Freedom area, but we
9 have not received any plans for the construction
10 of them. There are a number of two-family homes
11 in the town based on prior two-family zoning.
12 I don't know the exact number of those.

13 Q When you say this relatively new,
14 this zoning, when was it enacted?

15 A This was 1978.

16 Q Before that there was no duplex
17 option within B-1?

18 A That's right, except for the prior earlier
19 zoning which went back, I believe, to the 1950s or
20 maybe even the early 1960s when there were two-family
21 duplexes in other zone categories.

22 Q How much of this B-1 district is
23 presently occupied or being used?

24 A In the main portion there may be 25 percent --
25 35 percent.

1 Q Remaining land is vacant?

2 A Yes, there are some large parcels there that
3 for example, have one structure on them; so it's
4 vacant. If you say the piece if occupied, yes,
5 it's occupied; but there's a lot of back subdivided
6 off or old units demolished, which is generally what
7 happens in the older central areas.

8 Q Now, does this area presently have
9 public water and sewer?

10 A It has public water. It has potential for
11 public sewer via an extension of the sewer line
12 from the Shongum lake area into Mt. Freedom.
13 line has not been constructed and there is the
14 possibility, I gather, with additional gallonage
15 being available at some point in the future for
16 additional sewer service in Mt. Freedom; but what
17 is required is the extension of that line to make
18 the tie into the system feasible.

19 Q Now, are there B-1 zones outside the
20 Mt. Freedom area or are they all within that Mt.
21 Freedom area?

22 A Yes, they are generally located along
23 the Sussex Turnpike access and there is the Ironia
24 Center area, which is on the western border of the
25 Town.

1 Q That small square?

2 A Yes.

3 Q Is that small square presently developed
4 now?

5 A Most of it is.

6 Q Now, when you were talking about
7 the possibility of 100 units or of 100 duplexes
8 in the B-1, that was the one main tract?

9 A It would be principally in that area, yes.

10 Q So you were not referring to the
11 B-1 -- that 100 units does not include the B-1
12 tract further north up to Sussex?

13 A Are you referring to this tract here (indicating).
14 And I'm referring to the area generally referred to as
15 Central Mt. Freedom or the area located between,
16 designated B-1 and located between Church Road and
17 Millbrook area, which is the bulk in terms of
18 land area of B-1 category in the Township.

19 Q Is there one smaller one -- there
20 are two smaller ones to the south of it and two
21 smaller ones to the north of it. I believe- The
22 one immediately south of it, what type of capacity
23 does that have? Do you know?

24 A Immediately south of it? Could you show me
25 on the map?

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1 Q I'm referring to this one just north
2 of the PBO zone.

3 A That would probably have limited capacity,
4 perhaps a few units in there, but essentially that
5 area has a number of business uses in it at the
6 present time.

7 Q I see. And the two to the north and
8 the one to the far south also have very little
9 capacity for duplexes; is that correct? I'm referring
10 to this one along --

11 A Yes. That merely is a zone line around
12 two existing business uses.

13 Q I see, and the two to the north of
14 it are --

15 A Similar type situations. The principal
16 land resource for that type of use would be in
17 that central Mt. Freedom area.

18 Q Now, turning to the townhouses for
19 the moment, what is the townhouse zone?

20 600 units to the acre.

21 Q And that's TCR. How many TCR zones
22 are there in the township?

23 A Three.

24 Q And where in the township are they
25 located?

1 A They are located again in the central Mt.
 2 Freedom area, one on Millbrook Avenue approaching
 3 Mt. Freedom, another on Brookside Road approaching
 4 Mt. Freedom from the south, and another one on
 5 West Hanover Avenue approaching Mt. Freedom from
 6 the east.

7 Q So all three of these are in the Mt.
 8 Freedom section?

9 A Yes.

10 Q Do you have any idea what the future
 11 capacity of townhouses would be within these
 12 three zones, the maximum?"

13 A Possibly 300 units.

14 Q And what other uses are possible in
 15 this TCR zone, anything besides townhouses?

16 A No.

17 Q That is the only use?

18 A That is the principal use. That is correct.

19 Q Was there a reason why there was a
 20 maximum density of six to the acre established for
 21 that?

22 A Yes It was felt that that was the maximum
 23 density given the land use context of the area and
 24 given the type of other requirements for the development
 25 of a property in that area, that would be practical

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1 and that you could design a site to fill those
2 requirements.

3 Q What were the land uses' characteristics
4 you're referring to?

5 A I'm referring to the location of the properties
6 generally in a transition category between business
7 uses and single family detached residential areas,
8 the size of the properties selected for the townhouse
9 zoning designation and the ability to meet setbacks,
10 parking coverage and open space requirements.

11 Q Would these townhouses have public
12 water and sewer?

13 A They are required to have public sewer as a
14 matter of ordinance, and also in the case of the
15 one townhouse development which has already been
16 approved, as a matter of requirement in this
17 condition of approval.

18 Q What about water, public water?

19 A Public water is available in the area, so
20 should not be a problem.

21 Q What about garden apartments?

22 Is there any possibility of building additional
23 garden apartments in Randolph Township?

24 A The area is zoned for garden apartments is
25 in my opinion at its capacity.

1 Q And that zone is the --

2 A R-4.

3 Q So there's no possibility of building
4 any additional in there?

5 A Not in that area. That has been totally
6 developed over the past 15 years.

7 Q Within the context of Randolph
8 Township, what type of housing would you consider
9 to be least cost housing as the Supreme Court has
10 defined it? Do you have any opinion on that?

11 A Probably some type of housing attachment on
12 semi-detached unit capacity.

13 Q So that would be the duplex and the
14 townhouse?

15 A Yes.

16 Q So under this zoning ordinance, the
17 maximum possibility is 100 units of duplex and
18 300 units of townhouse is that correct?

19 A If you accept my opinion of what constitutes
20 the least cost housing, those are the areas and
21 these are the estimates of the units that could be
22 built.

23 Q Is there a reason why the township
24 has limited the TCR zoning to those three districts?

25 A There are several reasons. The centrality

1 of the place in Mt. Freedom, the ability and potential
2 to access to public sewers and the desire on the
3 part of the township to create a township center in
4 accordance with longstanding plans to develop this
5 center, both at the county level and at the township
6 level.

7 Q North of the TCR zone is R-1; is that
8 correct?

9 A Yes.

10 Q Is there any reason that that TCR
11 zone could not be extended further north into
12 areas now zoned R-1?

13 A The reason those areas were designated as they
14 were designated on this map is that the study by
15 the Planing Board and the governing body of those
16 individual sites was felt that those were, from a
17 land use point of view, the ones most appropriate
18 for that type of development.

19 Q Assuming those are the most appropriate,
20 is there still environmental reasons why the TCR
21 zone, for example, could not be extended out into
22 lands presently zoned R-1?

23 A I don't know with respect to those individual
24 properties whether it would make sense or not. I can
25 only speak for what's been shown on this map.

1 Q What about lands south of the TCR
2 zone zoned R-2?

3 **EU** Any environmental prohibition against
4 expanding the TCR into that R-2 zone?

5 A Basically the same comment. I don't know.

6 Q Do you know how many acres in the
7 township are zoned either I-1 or I-2?

8 A No, I don't have that figure.

9 Q How many sections in the township
10 are in industrial segments?

11 A The industrial land uses are located **primarily**
12 in the northwestern corner of town in one, **two,**
13 three areas. In the northeastern corner of the town
14 and two limited areas along Route 10.

15 Q Do you have any idea of those areas
16 zoned industrial in the western part of the town,
17 what percent of that land is being used for industry
18 and what percent is vacant?

19 A In the western part of the town the I-1
20 **designated** area south of Route 10, a large part of
21 **that is** industrially used now. One of the principal
22 land users being Westinghouse, which has a very
23 large tract there. There are some small industrial
24 uses south of Westinghouse. The I-2 zone adjacent
25 to the Alamatong Well Fields, those lands that are

1 available for industrial use are vacant and constitute
2 a very small portion of that area.

3 The third area is partially developed along
4 Route 10 in industrial -- insome industrial uses.
5 Again, principally that area would be principally
6 vacant. The I-1 area in the central portion of
7 the-town opposite County College is about, I would
8 estimate 60 percent developed in industrial and
9 industrial park uses.

10 The I-1 area south of Route 10 and opposite
11 the B-3, K-Mart shopping area, the frontage is
12 developed in an existing industrial uses. The
13 part is not developed and is part of that flood
14 plain area that we discussed earlier; and the I-1
15 area north of Route 10 and the northeastern corner
16 of the town is developed industrially, I would say,
17 to probably a 40 percent extent in that area.
18 Again, with some other -- the vacant parcels again
19 lying in that flood plain area.

20 Q Do you know how many businesses are
21 presently in Randolph Township?

22 A Commercial?

23 Q Yes.

24 A No.

25 Q Do you know how many people work at

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businesses in Randolph Township?

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A Randolph residents working at businesses in Randolph?

Q How many people are hired that work in Randolph, whether they live in Randolph or not.

A No.

Q Do you know how many employees Westinghouse has at its plant?

A I think something on the order of 500.

Q Is the Westinghouse plant a factory or office building, or what do they do there?

A Both. It's the elevator division and they have limited office space now which they are expanding.

Q Is there any other major employer in Randolph Township?

A Not on that scale, no.

Not unless you count County College, County College of Morris.

Q That would be the second biggest?

A That's a guess, but I would think it might be. That might be even bigger than Westinghouse.

Q Is there public water and sewer to these industrial sites?

A As a general rule, no.

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1 Q What does Westinghouse do?

2 A Well and septic.

3 Q As a planner, do you have any thoughts
4 on the desirable planning development as a means of
5 development of a township, planned community
6 development?

7 A I think if you have a large enough tract
8 and the ability to properly service that tract,
9 that a planner unit development can be an acceptable
10 way of proceeding.

11 Q Do you feel that there are any sites
12 in Randolph Township which could be suitable for
13 Randolph Township planned unit development?

14 A Not at the present time no.

15 Q And the reason for that?

16 A Size and availability of essential services
17 such as water and sewer.

18 Q When you say size, what do you feel
19 is a necessary size?

20 A I would think for a planner unit development
21 probably something on the order of 100 acres.

22 Q There are no tracts of that size in
23 the township?

24 A No There may be some tracts that size, but
25 I don't think they're located in an-area where they can

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1 be served for that kind of intensive development.

2 Q As a planner, do you have any thoughts
3 on the suitability of mobile homes in a mobile home
4 park as a means of providing decent, adequate
5 housing?

6 A No, and I have not had any experience
7 one way or the other with them.

8 Q Have you, as a planner, given any
9 consideration to a need for senior citizen housing
10 in Randolph?

11 A Yes.

12 Q What are your conclusions?

13 A The township is working actively to develop
14 senior citizen housing and I am presently studying
15 alternate sites, and have just completed a preliminary
16 site report for HUD on one property.

17 Q So your conclusion is there is a need
18 for senior citizen housing in the Township?

19 A Yes.

20 Q How many units would you say are
21 necessary?

22 A The current thinking calls for an initial
23 start of 100 units.

24 Q What type of housing would this be?

25 A Probably low rise, multi-family.

1 Q There's no land in the township presently
2 zoned for that or vacant for low rise multi-family?

3 A Not presently other than the garden apartments,
4 and if you consider the town center residential as
5 low rise multi-family, that would also qualify.

6 Q Would your proposed site be within
7 the TCR zone?

8 A The site that we have under present consideration
9 is a property that the township already owns, although
10 it is possible and one other site that is being
11 considered would be in the TCR.

12 Q Do you feel, as a planner, that
13 middle-rise apartment would be appropriate anywhere
14 in the Township?

15 A No.

16 Q And your reasons?

17 A I don't feel that they fit in with the character
18 of the development of the Township.

19 Q What about for senior citizens? Do you
20 think that would be an appropriate form of housing
21 for the senior citizens?

22 A Generally, no.

23 Q For the same reason?

24 A Yes, and for the type of units that they would
25 prefer to live in.

1 Q Would the senior citizen housing, would
2 you apply for federal subsidies for that?

3 A Yes.

4 Q Section 8?

5 A I don't know exactly what the category is.
6 We're in the process of discussing this with
7 HUD right now.

8 Q Is there presently any substandard
9 housing in the township?

10 A Yes.

11 Q Do you know how many units?

12 A As far as the year-round housing is concerned,
13 probably very few. As far as some of the seasonal
14 and bungalow type units, I think that's where the
15 problem is.

16 Q Who does the code enforcement inspections
17 in this township?

18 A Housing inspections are done by the Health
19 Department.

20 Q Is there any program of regular
21 inspection?

22 A Yes.

23 Q Has the Township ever caused anyone to be
24 displaced by condemning or forcing any unit to be
25 closed down?

1 A There may have been scatter declarations
2 of units being unfit for human habitation, but
3 they've been very limited in number.

4 Q Does the Township have a relocation
5 officer?

6 A No.

7 Q Have they ever provided to your
8 knowledge relocation assistance to anyone who has
9 been displaced?

10 A I don't know.

11 Q Is Randolph part of the countywide
12 Public Housing Authority?

13 A Yes.

14 Q How long has it been a member of
15 that?

16 A Three -- four years.

17 Q Now I want to ask you briefly. have
18 you reviewed the reports that Mr. Lynch did? Did you
19 receive a copy of those?

20 A Bill Queale.

21 Q Have you received his reports?

22 A Yes about nine months ago, or so.

23 Q I believe they were on various properties.

24 Can you tell me if these are the reports which you

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received?

A Yes. They appear to be those reports.

Q Now, these refer to several properties, the Raskin property, the Hawthorne Gardens property, the Nitti property and the Zudick property. Are those all located in one zone?

A Yes.

Q What zone is that?

A RLD-3.

Q Are those in all one part of the town or various RLD-3 zone?

A Can you call the Raskin as one of those? The Raskin property is in one area of the township and that is RLD, not RLD-3. The Zudick, Nitti, Hawthorne Gardens properties are located in the RLD-3 zone in the Millbrook Valley area.

Q Going back to the zoning map, north of the Mt. Freedom area is a large section of R-1 land. Do you know if there is an environmental reason which requires all of that land to be zoned at 45,000 square feet?

A Are you referring to this area (indicating)?

Q I'm referring to the area north of TCR and going all the way up.

A Yes. There are several reasons why that

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is.

Q And they are?

A They are the lack of sewers in the area, the fact that there are three streams, all of which lead ultimately to water shed areas. There are steep slopes, rock outcroppings in that area, and there is a high tension power line easement which traverses the area.

Q Are the three streams which you referred to marked on this zoning map?

A Yes. You can see the ends of them.

Q What are those two streams?

A Two of them -- one of them is the headquarters of Den Brook, another one is an unnamed brook that feeds ultimately to the lake. The other is a head water stream of the India brook that ultimately feeds to the Morristown Water Shed.

Q In the area east of Millbrook Road, which of the streams are located in there?

A The Den Brook and the unnamed brook.

Q Is the unnamed brook the one that finishes up in the TCR zone?

A No. That's the headquarters of the Den Brook.

Q What's the head waters of the Den Brook?

A Yes.

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Q And that goes into the edge of the TCR zone?

A Just about touches it, yes.

Q And the other unnamed brook is the one further north of that and east of Millbrook. is that correct?

A Correct.

Q Now, when you talk about the easement where is that easement located?

A It's shown as a broken line traversing in a dog like fashion. the area that you referred to, generally moving in an east to west direction.

Q And what is that for, again?

A It's a power line easement of transmission powers.

Q Is any of this R-1 area served or to be served by public water and sewer?

A There is a water line in the area. The sewers are not in the area and it would be a difficult and lengthy process. I would imagine, to bring them to there.

Q Now, the southern part of the town along the Mendham Township border. there seems to be a relatively large R-2 area. Was there an environmental reason for opposing R-2 restrictions there?

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1 A Yes, the areas is traversed by a couple of
 2 streams one of which flows to the -- the west of
 3 the stream flows to the Clyde Potts Reservoir in
 4 Mendham, which is a public water supply; and
 5 the other stream which starts in the County Park
 6 land and traverses the R-2 area further east in
 7 the first stream also goes into Mendham Township
 8 and feeds into a brook system that ultimately goes
 9 to the Whippany River.

10 Q And those streams are the reason that
 11 there is a 25,000 square foot restriction in your
 12 mind?

13 A Yes, in addition to steep slopes and terrain
 14 in parts of that area.

15 Q Which parts?

16 A The area to the east of Brookside Road,
 17 the area -- part of the area to the west of Brookside
 18 Road extending up into -- further west toward
 19 the stream.

20 Q How much land does the Township own
 21 at this point?

22 A How much land does the Township own?

23 Q Yes. Publicly owned lands. Do you
 24 know how much that is?

25 MR. BUREAU: Well it's two different ones

Wambert-direct
Township or publicly owned.

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MR. MEISER: Let's start with township.

A Including the Board of Ed?

Q All right. for the moment.

A I would guess, including the Board of Education, including the municipal parks, including the municipal, other municipal facilities 300 to 350 acres, most of which is park.

Q Is any of this land appropriate for development?

I know you mentioned with the senior citizen that there was a possibility of public land.

MR. BUZAK: You want to define appropriate for development? Development by the township, development by other people?

MR. MEISER: Appropriate for residential development.

MR. BUZAK: By other people?

MR. MEISER: By either the Township or if they sold it by other people.

A First of all, as I said, most of it is dedicated park land.

Q Where is that land which might be appropriate for senior citizen housing?

A It's this site here (indicating.)

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1 Q When you say this site here --

2 A Yes. It's a parcel of land containing approxi-
3 mately 9½ acres located on the south side of
4 Calais Road and is generally referred to as the
5 former Ackerman's Hotel site.

6 Q It's presently vacant?

7 A Presently predominantly vacant if the old
8 hotel building hadn't been demolished by the town.

9 Q Now, I want to ask you about the R-2
10 site which is west of the RT site and in this
11 square with an PLD to the south of it.

12 It's in the southwest part of the Township.
13 Is there a reason why that is zoned 25,000 square
14 foot minimums?

15 A On the south side of the road, which is Calais
16 Road there are two existing developments there.
17 In the north side of the road there was an old
18 bungalow bungalow colony which was demolished
19 within the past couple of years on that site.

20 The alternate zoning for that R-2 designation
21 was an R-2T zone and designation, and then when the
22 property -- when the units were demolished, it
23 merely reversed to the R-2, which was an alternate
24 use.

25 The property next to it is the Raskin property.

1 which was a settlement of the zoning. one of the zoning
2 cases where part of the property was put into the
3 R-2 designation and the back part of it remained
4 in the large lot and the other reason is that the
5 surrounding development to the north of that is
6 principally on 25,000 square foot lots; both north
7 and south you have existing developments.

8 Q Is that served by public water and
9 sewer?

10 A Water. No sewer.

11 Q1 I want to ask you about the R-2 near
12 the Chester border next to the R-3 area, and I wanted
13 to ask if there are reasons for requiring 25 000 square
14 foot lots there.

15 A About half of it is developed in that and it
16 is consistent with the character of the development,
17 both to the north and to the south.

18 Q Are there environmental reasons
19 that would require it to be developed at 25,000?

20 A Are you referring to the area south of the
21 road?

22 Q I'm --

23 A I'm sorry. We're talking about this R-2 area?

24 Q Yes.

25 A That is an area that is presently being developed

1 in the major subdivision of R-2 characteristics
2 and this is the area to which I referred earlier
3 where, for environmental reasons, the back portion
4 of the property which is zoned R-2 and R-3, the
5 applicant has come in and requested that we increase
6 the lot size for environmental reasons: again, steep
7 slopes and stream valley.

8 Q You started to answer my question
9 with R-2 earlier.

10 Were you referring to a different R-2 site?

11 A I thought you were referring to this
12 (indicating:)

13 Q To the R-2 further south?

14 A Yes.

15 Q What is permitted in the OL, office
16 laboratory? What type of buildings are permitted
17 there?

18 A Office laboratory. Office laboratory type
19 structures

20 Q What percentage of the OL zone is
21 presently occupied, what percent is vacant?

22 Do you know?

23 A Most of it is vacant.

24 Q How long has that OL been there?

25 A Since this ordinance.

1 Q What was it previously zoned as?

2 A Residential.

3 Q At what type of density?

4 A One acre, I believe.

5 Q Was there a reason for switching
6 from residential to OL there?

7 A Yes.

8 Q That was?

9 A That the governing body considered that to be
10 an area that was appropriate for future office laboratory
11 use by reason of the large tracts available and
12 the topography and the accessibility of the land
13 by three major roads.

14 Q When you say topography, what are
15 the topography factors?

16 A Well I answered this one already. Relatively
17 general terrain, road characteristics.

18 Q Is there access to water, sewer there?

19 A Water, I believe. I'm not certain. No
20 sewers.

21 Q All right There were several R-2
22 zones in the northern part of the Township and the
23 first one is south of Mine Hill. How largely developed
24 is that?

25 A The area on this map that's shown where there's

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a surface linear street pattern shown?

Q Yes.

A There are approximately 19 homes of an approved plan of 142 homes, which was stopped for environmental reasons because of septic failures.

Q When did that happen?

A In the early -- the plans were approved in the early '70s. Approximately 19 homes were built and further approvals were withheld pending the ability to serve that area with sewers.

Q Now, there's an, an R-2 zone just south of a B-2 zone, regional business zone along, I believe the main highway. The B-2 zone along the main highway and the R-2, what are the reasons for zoning that R-2?

A Principally because the area is about 50 to 60 percent developed in that category and it was not a significant amount of residual land and again, it's a situation where the development pattern essentially has been established.

Q Now, there's an R-2 zone on the Denville border. Is there an environmental reason why that is in an R-2 south of the B-2 zone, immediately on the border of Denville?

1 A Right here?

2 Q Yes.

3 A Again, that area is principally developed.

4 MR. MEISER: No more questions.

5

6 CROSS-EXAMINATION BY MR. BUZAK:

7 Q First, in regard to your experiecn
8 or studies in hydrological soils, geology items.
9 just to make it clear, it was your testimony, was
10 it not, that you covered those topics and others
11 in connection with your general planning courses
12 and planning education; and therefore used data
13 supplied from sources that we've already given
14 the Public Advocate of which you have a list to
15 prepare your report?

16 A Yes.

17 MR. BUZAK: Secondly, with respect
18 to documents, I assume there's not going
19 to be any limitation on the documents other
20 than those that have already been placed
21 that is, Mr. Humbert testified that he gave
22 his best recollection of the documentation that
23 he used. We have supplied you with much more
24 documentation, or at least listing of other
25 documentation.

1 We will not go outside of that list,
2 but we're not going to be limited simply by
3 what he said.

4 The other items relate to the master
5 plans for water and sanitary sewer, just
6 that the order should make it clear that the
7 MUA in Randolph does have an executive
8 director, does have consulting engineers,
9 all of whom were listed as experts in this
10 case who have an imminent knowledge of most
11 of the areas you discussed concerning the
12 locations and proposed plans: and that Mr
13 Humbert, as the planning director, has knowledge
14 of those plans from his review: but obviously,
15 did not prepare them or does not work imminently
16 with the sewer and water systems.

17 Another item also related to sewer
18 that had to do with the building ban.
19 There were numerous questions asked concerning
20 water and sewer availability, and the discussions
21 with respect to that did not, in all cases,
22 take into effect the statements that had been
23 put in our interrogatories with respect to
24 the building ban where we do not have any
25 right at this point to connect one house, one

1 additional so dwelling unit to the Rockaway
2 Valley Regional Sewerage Authority Treatment
3 Plant. Again, that's something that the MUA
4 has much more imminent knowledge of, but
5 with respect to any discussions for availability
6 of sewerage, I think that's a caveat that
7 Mr. Humbert will agree to, that you will
8 understand.

9 With respect to code enforcement
10 and habitability questions were asked.
11 The testimony was that the health officer
12 enforced health ordinances; and I believe
13 the building inspector enforced the building
14 ordinance and the zoning ordinance and it
15 should be made clear that Mr. Humbert's
16 knowledge of that is general knowledge being
17 in this building on a daily basis and not
18 from a particular case; and I assume that's
19 true is that correct?

20 THE WITNESS: Correct.

21 HP. BUZAK: And finally, with respect
22 to the maps, we do have this zoning map, and
23 as was testified that at this time Mr.
24 Humbert does not have any other maps that were
25 prepared specifically for this litigation.

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although we did refer to a number of documents
which might be used, and again, for which
you have already been notified.

That's all I have. I just want to
make those things clear.

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C E R T I F I C A T E

I, DOROTHY M. PONTE, 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

ADRIAN HUMBERT

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.



Notary Public of the State of New Jersey