

ML - Monis County San Housing Council

Feb 11, 1980

v. Boonton

Transcript of Deposition of Robert O'Grady

PS - 99

ML000917 ~~OG~~

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

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MORRIS COUNTY FAIR HOUSING :
COUNCIL, et al, :

Plaintiffs :

TRANSCRIPT OF PROCEEDINGS

vs. :

BOONTON TOWNSHIP, et al, :

Defendants :

DEPOSITION OF:

ROBERT O'GRADY

J. Crisitello
2/16/80

February 11, 1980
Monday, 10:00 A.M.

2 Valley Road
Denville, New Jersey

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

STANLEY C. VAN NESS, Public Advocate
BY: KEITH A. ONSDORFF, ESQ.
Attorneys for the Plaintiffs

MESSRS: EISMEIER & FALCON
BY: LAWRENCE K. EISMEIER, ESQ.
Attorneys for Montville Township

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I N D E X

Witness

Direct

ROBERT O'GRADY

By Mr. Onsdorff

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ROBERT O'GRADY, having been duly sworn,
testified as follows:

DIRECT EXAMINATION

BY MR. ONSDORFF:

Q Mr. O'Grady, directing your attention, once again, to your report or letter of December 11, 1979 marked for identification as ROM-6, on Page 6 I believe at the last deposition we left off on area number 11, Block 125.05, Lot 14, comprising 13 acres.

Is that correct?

A That's correct.

Q Have you identified that parcel of land on ROM-3?

A Yes, I have.

Q The next tract of land that we want to discuss would be Block 120, Lot 28, Block 122, Lots 24 and 31 comprising 46 acres.

Would you locate those properties on ROM-3?

A Yes.

These properties are located on the easterly side of Pine Brook Road. They extend to the Passaic River.

One tract does not have frontage on Pine Brook Road. It is an interior tract located north of Beverly Road and extending back to the river.

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1 The other two tracts are located southerly of that
2 and do extend from Pine Brook Road to the river.

3 Q As to the parcels, they then comprise three
4 separate tracts of land.

5 Is that correct?

6 A That's correct.

7 Q Beginning with the southerly most parcel,
8 could you describe the environmental limitations to develop-
9 ment that you have identified at these lands?

10 A Yes.

11 The southerly most parcel consists of -- entirely
12 of either flood plain, wetland soil or steep slope conditions.

13 The frontage of the property along Pine Brook Road
14 is -- contains wetland soils. Immediately beyond that is
15 a slope area dropping off to a flood plain, the balance
16 being a flood plain area.

17 Q Do you know what the present zoning is on
18 this southerly most tract in Area 12?

19 A Yes.

20 The property is located in an R-3A residential
21 district.

22 Q Have you evaluated the environmental impacts
23 that would occur were these properties or these lands to
24 be developed pursuant to that zoning ordinance?

25 A I have not evaluated the specific environmental

1 impacts that would occur.

2 Q The next parcel of land that would be the
3 center tract, what are the environmental constraints to
4 development situated at that location?

5 A Except for a very narrow portion of the property
6 which fronts on Pine Brook Road, that narrow portion being--
7 having a wetland soil condition, the entire tract otherwise
8 is in a flood hazard area.

9 Q In this instance have you done an evaluation
10 of what the environmental impacts would be of development
11 of these lands pursuant to the current zoning ordinance?

12 A No, I have not.

13 Q Again, with the northern most tract in Area
14 12, what are the environmental limitations to development
15 there?

16 A Approximately, 50 percent of the -- that tract is
17 located within a flood hazard area, essentially consisting
18 of the rear portion of the property fronting on the Passaic
19 River. The balance of the tract appears to have no critical
20 environment-- environmental drawbacks.

21 Q Do you know, approximately, the size of this
22 northern most parcel out of the total of 46 acres?

23 A I do not recall the precise size of that parcel.
24 It's actually a portion of a larger tract than is shown
25 in color on the exhibit, a portion of the property presently

1 being developed.

2 I do not have a notation in my report of December 11
3 indicating the precise acreage of that particular property.

4 Q Based on the scale of ROM-3, would you have
5 an opinion as to its being greater than 10 acres?

6 A I would.

7 Given the scale, I would estimate that it's probably
8 closer to five acres.

9 Q The northern most tract, the property which
10 is colored in yellow, or the portion of the tract colored
11 in yellow, you haven't identified any unusual environmental
12 limitations to development there. That appears to be rather
13 geometric and triangular in shape.

14 Does it not?

15 A Yes.

16 Q Would that indicate that that may have been
17 somewhat altered from its natural condition, or would you
18 anticipate a flood plain ending along a straight line that
19 is shown in ROM-3?

20 A I believe that that line -- well, the line indicates
21 the limitation -- limit of the flood hazard area.

22 I don't know of any manmade activity on that property
23 that may have altered the existing ground. The flood line
24 as shown on the exhibit extends beyond that tract of land
25 and into adjoining developed properties which are not --

1 which is not reflected on this map.

2 Q To the extent that you're familiar with that
3 site, is there a marked change of elevation along the center
4 portion there that would indicate the reason that it's so
5 abruptly -- the flood elevation line would stop?

6 A There's a considerable difference in elevation
7 between Pine Brook Road and the Passaic River, at that
8 point.

9 There are, I believe, about three residences on
10 that property.

11 You go in the property by way of a private roadway
12 or driveway down the very steep grade to the three resi-
13 dences.

14 Beyond those residences the grade levels off gradu-
15 ally until it comes down to the flood hazard area along
16 the river.

17 Q Have you done any analysis which would lead
18 you to an opinion as to the maximum carrying capacity of
19 those portions of the northern most portion of the tract
20 in Area 12 for residential development?

21 A No, I haven't.

22 That property -- and for that matter any property
23 would require an assessment at the time of development
24 to determine its capacity and determine the environmental
25 impacts as far as that particular property is concerned.

1 Based on the nature of its current development, it would
2 be very difficult, I think, to determine just exactly what
3 could be done with the property since it is already partially
4 developed. There are three homes on it, as I mentioned.

5 Certainly, the location of those existing homes
6 would have a relationship between what's there now and
7 what possibly could be done with it in the future.

8 Q When you say, "There are three homes there
9 now," are they outside the portion colored in yellow in
10 ROM-3?

11 A I'm not absolutely certain. I believe they are
12 based on the fact that we have delineated the yellow area
13 which indicates that it is a vacant area; though I believe
14 then the two or three homes that I mentioned are located
15 outside of the area designated as vacant.

16 Q Are there any other environmental factors
17 which would tend to indicate a maximum ceiling on the
18 residential units that would be constructed on the yellow
19 portion of that northern most parcel in Area 12?

20 A As far as environmental limitations, I don't know
21 of any specific environmental limitations on the area
22 located outside of the flood hazard area.

23 Q Would there be any other criteria that you
24 would feel would be relevant to establishing a maximum
25 carrying capacity for those lands shown in yellow in ROM-3?

1 A Well, there are limitations as far as the develop-
2 ment of the property is concerned in that there are no
3 sanitary sewer facilities available to that area.

4 Certainly, this would have an impact on its carrying
5 capacity.

6 Q I believe the next parcel of land you've
7 identified in your report is Block 131.03, Lots 1 and 10,
8 comprising 22 acres.

9 Is that correct?

10 A That's correct.

11 Q Could you locate these lands on ROM-3?

12 A Yes.

13 Area number 13 is -- consists of two parcels of land
14 located on the southerly side of Horse Neck Road, about
15 500 or 600 feet east of Changebridge Road.

16 Q When you say "two parcels," I only saw iden-
17 tified one.

18 Are they separate or contiguous?

19 A Two contiguous pieces of property. One is a relative-
20 ly narrow parcel of land. Both parcels extend, perhaps,
21 1,200 feet in depth from Horse Neck Road.

22 Q What are the environmental limitations to
23 development which you have identified as being located on
24 these lands?

25 A The major portion of the property consists of either

1 high water table soils or flood hazard area.

2 Q Can you give us an estimate on the acreage
3 which are identified as being unimpaired lands on ROM-3?

4 A I would estimate that at least 75 percent of the
5 property is either wetland or flood hazard area, leaving
6 25 percent that would be unimpaired.

7 Q Something in excess of five acres, then,
8 would be unimpaired lands.

9 Is that correct?

10 A Yes.

11 Part of that unimpaired land is within the site
12 which has been reserved for future church. And if not used
13 for a church, my understanding is that the will in connec-
14 tion with the estate of that property states that the land
15 must be dedicated to the Township for park use.

16 Q Is that portion on the -- in which of the
17 two parcels does that --

18 A That would be in the larger westerly parcel.

19 Q Have you done any analysis of the environ-
20 mental impacts which would occur were these lands to be
21 developed pursuant to the current zoning ordinance?

22 A We have made an evaluation. Not in precise terms,
23 as far as precise environmental impacts. But, we have
24 made an analysis since there was a subdivision or develop-
25 ment proposal for that tract of land that we did evaluate

1 the soils and the location of the flood hazard area on the
2 site as a means of determining ultimate subdivision layouts
3 and subdivision layouts that would create the least impact
4 and least disturbance of the wetland areas. And, also,
5 recognizing that the flood plain area or flood hazard
6 should not be disturbed.

7 Q What were the recommendations that you made
8 as a result of this analysis?

9 A Well, the recommendations consisted of a proposal
10 for the location of streets and property line layout so
11 that the property could be developed under the ordinance
12 but still leave the flood hazard area undisturbed.

13 Q Were these recommendations acted upon by the
14 planning board?

15 A Yes.

16 The planning board made a recommendation as a result
17 of my studies to the applicant as to how he should proceed
18 in terms of the design of the development.

19 Q What is the current status of that proposed
20 development?

21 A To the best of my knowledge, the applicant has not
22 submitted a formal proposal.

23 Q You mentioned the floodhazard of Hatfield
24 Creek?

25 A That's correct.

1 Q In what manner has this flood hazard been
2 delineated?

3 A The flood hazard that is shown on -- is it ROM-3?

4 Q Yes.

5 A (Continuing) Is taken from the HUD Flood Insurance
6 Maps.

7 Q So that the area delineated in the green
8 color is below the elevation for the 100 year storm
9 discharge.

10 Is that correct?

11 A That's correct.

12 Q Have you made any analysis as to the maximum
13 carrying capacity of the unimpaired portions of this tract
14 as far as their development for residential purposes?

15 A I have not made any precise analysis as to what the
16 maximum capacity of the unimpaired areas would be.

17 Q Would you have an opinion as to what factors
18 would limit the carrying of these lands, environmental
19 factors?

20 A Well, I don't know of any other specific environmental
21 factors that would limit the carrying capacity of the
22 unimpaired sections of the tract.

23 Q Would there be any other factors which would
24 limit the carrying capacity of these lands?

25 A Yes.

1 I think their size, shape, or configuration and loca-
2 tion in terms of the impaired areas of the tract would be--
3 create a limiting condition. But, I have not precisely
4 evaluated just how that would occur.

5 Q In the easterly most portion, which I under-
6 stand is not the area which has been reserved for church
7 use, the unimpaired portion of that tract has direct access
8 to Horse Neck Road.

9 Is that correct?

10 A That's correct.

11 Q Do those lands have access to public water
12 and sewer?

13 A They don't have immediate access. There would have
14 to be some off tract construction in order to carry exist-
15 ing sewers to that property, I believe.

16 Q Is there an interceptor running along or in
17 Horse Neck Road?

18 A No, there isn't.

19 Q Do you have any idea of the distance it would
20 be to the nearest street interceptor from that land?

21 A Well, there's no interceptor sewer in the vicinity.
22 There are sewer laterals in streets in the vicinity of that
23 particular property.

24 Now, as an example, the high school is located across--
25 on the opposite side of Horse Neck Road from this tract.

1 And, I would say the building itself is northeasterly of
2 this site.

3 If I'm not mistaken, the high school must pump
4 effluent up Horse Neck Road to tie into existing sewers
5 on Brittany Road which is the first street to the east of
6 the tract in question.

7 So, there, I believe, would be two alternatives to
8 providing sewers to that property. One would be to pump
9 up Horse Neck Road to Brittany Road; the other would be
10 possibly to obtain an easement through the property to the
11 south connecting to existing sewers on the westerly leg
12 of Brittany Road which would involve going through the
13 wetland and flood plain areas.

14 Q Are you aware of any prohibition to building
15 sewers through such areas?

16 A No.

17 Q I believe the next tract of land you've iden-
18 tified in your report is Number 14, Block 139.06, Lot 19,
19 comprising 10 acres.

20 Is that correct?

21 A That's correct.

22 Q Could you locate these lands on ROM-3?

23 A Number 14, was it?

24 Q That's correct.

25 A Number 14 is a tract of land located on the southwest

1 of Horse Neck Road at the very northern end of Conner
2 Avenue.

3 Q Have you identified any significant environ-
4 mental constraints to development of these lands?

5 A A portion of the property contains rock outcrop.

6 I'm quite familiar with the property due to the fact
7 that adjoining property has recently been developed and
8 similar conditions were found throughout the adjoining
9 tract. There was a considerable amount of shallow bedrock,
10 rock outcrop --

11 Q What portion of this tract is delineated as
12 being rock outcrop on ROM-3?

13 A I would say, perhaps, 15 percent as indicated on the
14 map.

15 Q Would those areas be presently farmed?

16 A That particular piece of property has been farmed,
17 and to the best of my knowledge is still being farmed.

18 Q So --

19 A Or part of it.

20 Q To the extent that crops are being grown and
21 roots are taking hold, that would indicate that the rock
22 outcrop is not right at the surface.

23 Would it not?

24 A Perhaps not right at the surface in other portions
25 of the tract, but it could be relatively close to the

1 surface requiring blasting.

2 Q As far as being an impediment to development,
3 you mentioned blasting was required.

4 Is that for the purpose of constructing basements
5 and other subsurface foundations?

6 A I would say that it would include only basements
7 and foundations, but also for road construction and utilities.

8 Q The portion of the tract which is colored in
9 yellow on ROM-3, does that have direct access on Horse Neck
10 Road?

11 A May I just -- off the record for a moment?

12
13 (An off the record discussion takes place.)

14
15 A (Continuing) Yes, it does. Part of it does.

16 Q Would you have an opinion as to the maximum
17 carrying capacity of these lands for residential development?

18 A I think there's a very practical limitation to the
19 carrying capacity of that land in terms of what has happen-
20 ed southerly and northerly of it.

21 The entire area to the south is already developed
22 and Conner Avenue extends to the southerly boundary of the
23 tract.

24 Another leg of Conner Avenue has since been construct-
25 ed from Horse Neck Road southerly to the northerly boundary

1 of this tract. The Township master plan has designated
2 Conner Avenue as a collector road, and there is just one
3 small intervening portion that has not been constructed
4 which extends through this tract of land.

5 Inasmuch as the properties immediately north and
6 immediately south are now developed for single family
7 residences, it's -- the only logical development of that
8 tract would be the continuation to complete Conner Avenue
9 and to complete the pattern of development that's been
10 established.

11 Q As far as environmental factors, however,
12 are there any which you would foresee limiting the maximum
13 carrying capacity of these lands?

14 A I don't know specific factors.

15 Q Does this tract have access to public water
16 and sewer?

17 A Yes, I believe it does.

18 Q In your report you mention that it's an
19 odd shaped tract.

20 How would you describe this shape as it's shown
21 on ROM-3?

22 A Somewhat L-shaped or rectangular with a rectangular
23 panhandle.

24 Q The Conner Avenue that you referred to on a
25 number of occasions, that's not shown on ROM-3.

1 Is that correct?

2 A Except for the northerly leg of Conner Avenue it is
3 shown.

4 For example, the base map on which we have reflected
5 the vacant lands was prepared in 1974. We have just complet-
6 ed an update of that base map as of last week, and the new
7 base map will reflect any streets and property lines that
8 have been added since 1974.

9 I anticipate that we will be reflecting the same
10 information that's shown on ROM-3 on the updated base map
11 which will reflect the other leg of Conner Avenue.

12 Q You mentioned certain existing residential
13 development in and about this tract of land which you feel
14 makes it logical to pursue identical single family residen-
15 tial developments on this tract.

16 Could you elaborate on what factors related to
17 public health and safety make it most appropriate that
18 these lands continue in that vein as far as development is
19 concerned?

20 A As far as public health and safety is concerned
21 there may be no limiting factor. The property in question
22 is totally surrounded by single family residential develop-
23 ment, and I believe with the continuation of Conner Avenue,
24 particularly, that the ingestion of any other type of
25 development on that type of land would have an adverse impact

1 on the character of surrounding neighborhoods.

2 Q When you say, "Have an adverse impact," is
3 that based upon your opinion that apartments or other high
4 density uses adjacent to residential single family homes
5 is incompatible uses of land?

6 A It would be, in my opinion -- in this instance the
7 access to the property would be through single family resi-
8 dential neighborhoods. There would be no way of convenient-
9 ly separating the multi-family or higher density development
10 from the single family neighborhood.

11 Q What adverse characteristics specifically
12 occur to a residential community when single family home
13 development abuts up against apartment developments?

14 A I believe it depends upon the specific circumstances.

15 I believe there would be instances where you can
16 locate multi-family residential development adjacent to
17 single family development with proper setbacks, buffering,
18 and so forth.

19 In this instance, I did not see the opportunity for
20 that.

21 Q It's a question of closeness or proximity,
22 this buffer zone?

23 Is that what your opinion is?

24 A That's one factor, the other factor being that in
25 this instance it's a situation where the property is totally

1 surrounded by single family development.

2 The continuation of existing streets would result
3 in a situation where, for example, you would come in from
4 Conner Avenue to the north to a single family development--
5 a single family lot and then suddenly you would be develop-
6 ing high density multi-family development and immediately
7 go back into a single family residential neighborhood. It's
8 an illogical land use approach, in my opinion, for maintain-
9 ing the character -- the character of the neighborhood and
10 the value of the residential properties.

11 Q The next tract of land you've identified as
12 Number 15, Block 139, Lot 2, comprising 11 acres.

13 Is that correct?

14 A That's correct.

15 Q Could you point out the location of these
16 lands on ROM-3?

17 A Yes.

18 This is a single tract of land located on the south-
19 erly side of Horse Neck Road and on the westerly side of
20 Gillens Road.

21 Q Where is the parcel situated in comparison
22 with the one we've just previously discussed, Lot 19 and
23 Block 139.06?

24 A It's located on the southerly side of Horse Neck
25 Road, but southeasterly of the previous tract, a distance

1 of approximately 1,500 feet along Horse Neck Road.

2 Q Well --

3 A 1,200 to 1,500 feet.

4 Q What are the environmental constraints to
5 development of this vacant land?

6 A At least 50 percent of that parcel of land has
7 deep slope or rock outcrop conditions.

8 Also, related to the environmental aspects is the
9 location of the property in terms of the intersection of
10 Horse Neck Road and Gillens Road which has a very extreme
11 vertical curve situation. For example, heading easterly
12 along Horse Neck Road you go over a sharp ridge just before
13 Gillens Road so that when you are heading easterly on
14 Horse Neck Road you can't see the intersection of Gillens
15 Road until you are actually on top of the ridge. And,
16 Gillens Road is located only a short distance from that
17 ridge, perhaps a hundred feet.

18 Q Is there a traffic light at that intersection?

19 A There is no traffic light.

20 Q Are there any plans to install one?

21 A There are plans to improve Horse Neck Road, and I
22 don't know exactly what those plans call for in the way
23 of correcting the vertical curvature of the road. Or,
24 I don't believe a traffic light is projected.

25 But, I believe that probably the plans will

1 incorporate provisions for improving the vertical curve
2 and certainly site distance.

3 Q As a planner would you recommend utilization
4 of a traffic control device at that intersection?

5 A Not if it could be corrected by altering the grade
6 of Horse Neck Road to eliminate the present site distance
7 problem.

8 Q There are other approaches to achieving the
9 public safety in this instance.

10 Is that correct?

11 A There may be. It's a matter of engineering design
12 and --

13 Again, I don't know precisely what the plans might
14 call for in that particular instance or precisely what
15 can be done -- or to the degree that something can be done
16 to correct the situation.

17 Q Have you formed any analysis of what the
18 environmental impact would be were this site to be develop-
19 ed in accordance with the present zoning ordinance?

20 A I have not made any specific evaluation of the
21 impacts.

22 Q Pursuant to the present zoning ordinance
23 would a developer be prohibited from building on the
24 environmentally sensitive areas of this tract?

25 A He would not be necessarily prohibited except in

1 connection with the steep slope area, recognizing the
2 critical area requirements of the land use ordinance.

3 Q Have you done any analysis of the maximum
4 carrying capacity of the unimpaired portions of this tract
5 for residential development?

6 A No.

7 Q What would be the factors which you believe
8 would limit the carrying capacity of these unimpaired lands
9 at Site 15?

10 A Well, the portion of the property that's unimpaired
11 is internal and lacks frontage on either Horse Neck Road
12 or on Gillens Road. To serve the unimpaired portion from
13 either of those roads would involve extending roads and
14 utilities through the rock outcrop and steeper slope --
15 this property has -- is similar in some respects to the
16 previous site we mentioned in that the unimpaired section
17 is best served by a new road which is being constructed
18 up to the property line from the northeast.

19 Q I believe you mentioned that it would be
20 necessary to construct a road from Gillens Road through
21 the steep slope.

22 Could not a road be constructed into the unimpaired
23 portions of this tract going solely through the rock
24 outcrop along the southerly boundary of this parcel of
25 land without having to traverse the steep slope area?

1 A That might be possible.

2 Q In what way does constructing a road through
3 rock outcrop reduce the maximum carrying capacity of the
4 lands shown in yellow in ROM-3?

5 A I didn't say that it did.

6 Q I believe you testified that it would be a
7 factor in limiting the carrying capacity of these lands,
8 the fact that access was through an environmentally sensi-
9 tive area, in this case rock outcrop?

10 A I thought I was referring to the limitations on
11 developing the property which may be in the same way.

12 As far as limiting the -- or limitations on the
13 development of the unimpaired section, once you get into
14 the unimpaired section I don't know of any specific environ-
15 mental limitations of that property.

16 Q The mere fact that access is through a rock
17 outcrop does not, in and of itself, limit the carrying
18 capacity of these lands, the unimpaired portions of that
19 tract?

20 A Perhaps not.

21 I haven't made a site specific evaluation to deter-
22 mine the carrying capacity of the unimpaired land.

23 Q In doing such a site specific analysis what
24 factors would you look at as far as constructing a road
25 through rock outcrop that would lead you to determine

1 whether or not that would reduce the carrying capacity of
2 the lands via that road?

3 A I think, as I indicated before, offhand, once you
4 get to the property that's unimpaired, I don't know of any
5 specific limitations.

6 Q What I'm trying to focus in on now is whether
7 getting to the property, in and of itself, presents limita-
8 tions to the carrying capacity of these unimpaired lands?

9 A Well, again, once you provide access up to the unim-
10 paired portion of a property it then becomes a matter of
11 making a site specific evaluation of the unimpaired portion
12 in terms of its shape and configuration and size in deter-
13 mining just what maximum development potential it might
14 have.

15 Q If you do get there, the placement of a road
16 through rock outcrop does not limit the carrying capacity
17 of those lands.

18 Is that what you're saying?

19 A I'm saying it may not limit the carrying capacity
20 of the unimpaired section.

21 Q If you say it may not, does that infer that
22 it may?

23 A No, I don't think it refers that it may.

24 I've stated that once you get to the unimpaired
25 section, presumably based on the information on ROM-3,

1 there's no environmental limitation.

2 Q Are you aware of any other limitations to the
3 carrying capacity of the unimpaired portions of this tract?

4 A Yes.

5 Going back to a previous statement, at least in terms
6 of logical neighborhood planning, that the most appropriate
7 use of that property is single family residential, since
8 the unimpaired section, I believe, would be best served by
9 way of continuation of existing streets that come up to the
10 property; that existing street not being, as yet, reflected
11 on this particular map.

12 Q This is the same type of analysis that we
13 did on the previous tract?

14 In other words, as to the incompatibility of use?

15 A That's correct.

16 Q Rather going through that series of questions,
17 we would --

18 A My answers would be identical.

19 Q Are these lands served by public water and
20 sewer?

21 A Yes, I believe they would be if -- I believe
22 the public water and sanitary sewer facilities are being
23 installed in the adjoining development to the northeast
24 of the property -- northwest of the property. Correction.

25 Q The next parcel of land you've identified as

1 Number 16, Block 139.04, Lot 40, comprising five acres.

2 Is that correct?

3 A That's right.

4 Q Could you point out that property on ROM-3?

5 A Yes.

6 This is the tract of land located on the easterly
7 side of Changebridge Road and on the northerly side of
8 Cambray Road.

9 Q What environmental limitations to develop-
10 ment are found in this location?

11 A All but the immediate frontage along Changebridge
12 Road contains high water table soils.

13 Q When you say, "The immediate frontage,"
14 what portions of the tract in acreage are shown as being
15 unimpaired lands?

16 A I would say, approximately, one acre of the five
17 is unimpaired.

18 Q Have you done any analysis which would
19 determine the maximum carrying capacity for residential
20 development of that one acre of unimpaired land fronting
21 on Changebridge Road?

22 A Not specifically.

23 It's a relatively shallow strip of land along the
24 entire frontage of the property. I would say that the
25 unimpaired portion extends to a depth not exceeding 150

1 feet from Changebridge Road. So, there would be limitations
2 in terms of the depth of the property. But, I have not
3 made a precise evaluation as to what its carrying capacity
4 might be.

5 Q Would it be feasible to construct, say, apart-
6 ments -- garden apartments on this site with a depth of lots
7 of 150 feet, realizing that the portions behind that would
8 be open spaces?

9 A It might be physically feasible.

10 Q What would be any considerations which would
11 tend you to believe that it would be unfeasible to do so?

12 A In this instance I would say, essentially, the char-
13 acter of development, particularly on the southerly side of
14 the road which is now -- the southerly side of Changebridge
15 Road which is now developed with new single family homes;
16 essentially a matter of neighborhood character.

17 Q There would not be any environmental reasons
18 which would lead you to believe that this could not be done?

19 A I don't know of any environmental reasons as long as
20 the development was contained to the unimpaired sections.

21 Q Do those lands have access to public water
22 and sewer?

23 A I believe they do.

24 I believe that public water and sewer -- well, I
25 know that water is available. I believe that public sewers,

1 if not available in Cambray Road, would be relatively a
2 short distance from the street.

3 Q The next parcel of land is identified as
4 Tract Number 17, Block 163, Lots 1, 3, 5, 6, 7, 8, 19,
5 22 and 23, comprising 70 acres.

6 Is that correct?

7 A That's correct.

8 Q Would you locate these lands on your Exhibit
9 ROM-3?

10 A Yes.

11 Area Number 17 extends southerly from Horse Neck
12 Road and lies to the easterly side of Gillens Road, in
13 part extending from Gillens Road down to Hook Mountain
14 Road.

15 Q What are the environmental limitations to
16 development which are identified as being situated on these
17 lands?

18 A I would estimate that 90 percent of these lands
19 have either very steep slopes or rock outcrop conditions.

20 Q Have you done any analysis of the environ-
21 mental impacts that would result from development of these
22 vacant lands pursuant to the present zoning ordinance?

23 A No, no precise evaluation.

24 Q In terms of development in accordance with
25 the current zoning ordinance in the Township of Montville,

1 what would be the restrictions, if any, to developing
2 those portions of the tract which you've identified as
3 being in environmentally critical areas?

4 A There are -- or a large portion of the area, perhaps
5 as much as 50 percent of the area has very extreme grades.
6 And, in my opinion, would be virtually impossible to develop.

7 Much of the steep slope areas -- there would be, of
8 course, additional environmental limitations in terms of
9 the shallow bedrock that exists throughout the area, that
10 being the ridge of Hook Mountain which extends north and
11 south through this easterly portion of the Township.

12 Q You testified just now to some practical
13 limitations. But as far as municipal limitations, could
14 a developer go in and construct, however costly it might
15 be, on the environmentally sensitive areas, or is there
16 a municipal prohibition to such action?

17 A There's no municipal prohibition to the development
18 of the lands, specifically. But, recognizing again the
19 critical area requirements of the ordinance and knowing
20 the conditions of that particular area, I would say that
21 the environmental standards established by the ordinance
22 could not be met on a large portion of the site or the
23 properties.

24 Q You've testified that, approximately, 90
25 percent of these lands are environmentally sensitive.

1 That would leave, I believe, approximately seven acres of
2 vacant developable lands.

3 Is that correct?

4 A That would be correct.

5 Q Do those lands have direct access to Horse
6 Neck Road?

7 A Part of the unimpaired areas has some frontage on
8 Horse Neck Road.

9 Q Would you have an opinion as to the maximum
10 carrying capacity of these unimpaired lands in terms of
11 residential development?

12 A Not specifically, no.

13 Q What environmental factors, if any, would
14 limit the carrying capacity of these unimpaired lands at
15 site 17?

16 A Assuming the availability of sanitary sewer facili-
17 ties, I don't know of any specific limitations.

18 Q Do you know whether or not these lands have
19 access to public sewer and public water?

20 A At the present time, I believe there is access to
21 public water.

22 There would be off tract improvements required in
23 order to carry sanitary sewers to the property, at least
24 to the northerly portion of the property.

25 Q Could you give an estimate as to the distance

1 of those off site improvements that would be required to
2 hook into the public sewer?

3 A I would say, at least, 500 feet, 600 feet.

4 Q Are there any other factors which would
5 limit the development potential of these unimpaired portions
6 of the tract for residential uses beyond the environmental
7 factors we've discussed?

8 A I think the limiting factor would be the road capa-
9 city, traffic conditions. Particularly, along Horse Neck
10 Road -- Horse Neck Road is a very steep winding road through
11 that area of the Township. It's a narrow road.

12 I believe that traffic -- or there should be limita-
13 tions on the amount of additional traffic that will be
14 imposed, particularly in that area, because of the hazard-
15 ous conditions that do exist because of the steepness of
16 the road and its narrow winding condition.

17 Q This parcel of land which is unimpaired also
18 abuts on the intersection of Gillens Road and Horse Neck
19 Road which we discussed in connection with some other vac-
20 ant tract just to the west of Gillens Road, adjacent to
21 these lands.

22 Is that correct?

23 A That's correct.

24 Q This is the same intersection which you
25 indicated there are plans to improve the roadway at that

1 location.

2 Is that correct?

3 A There are plans to improve Horse Neck Road through
4 this area. Precisely what the plan is for improvement of
5 the hazardous intersection conditions at Gillens Road, I'm
6 not aware of those, or aware of what they are.

7 Gillens Road, itself, is very narrow and unimproved.

8 Q The plans you are aware of concerning the
9 improvements to Horse Neck Road, are they intended to in-
10 crease its traffic bearing capacity?

11 A I don't know that the plans would necessarily
12 increase the capacity of the road. It might increase the
13 capacity of the road, but the road is presently over capa-
14 ciated, to the best of my knowledge, so that any improve-
15 ments that are made might only --

16 And, I don't know precisely, but might only bring
17 the road up to the capacity that it is now serving.

18 Q At the same time they might increase its
19 capacity, too.

20 Is that correct?

21 A They might, but I would be doubtful that they would.

22 Q If a multi-family housing development was
23 constructed on these premises, would that be a valid reason
24 for the municipal officials to further increase the capa-
25 city of this road to provide service to the new residents

1 at that location?

2 A That might be, the problem being that there are
3 extreme limitations on the degree to which Horse -- or
4 Hook Mountain Road -- Horse Neck Road, I beg your pardon,
5 can be improved because of the lateral slope conditions
6 along the road, it being the drop off on one side and
7 high embankment on the other.

8 So, there are limitations as to the degree to which
9 the road can be widened and straightened.

10 Q The next parcel of land you've identified
11 as Number 18 on your report encompasses Block 151, Lot 22
12 and Block 152.01, Lot 11, comprising 22 acres.

13 Is that correct?

14 A Yes.

15 Q Could you point out these properties on
16 ROM-3?

17 A Yes.

18 These properties form a somewhat L-shaped area
19 lying to the west of Gillens Road.

20 That's about it.

21 Q The dotted line which traverses Gillens
22 Road at the northerly tip at the bottom of the L on these
23 lands, what is that intended to signify?

24 A That is a large water conduit carrying -- that's
25 the Jersey City Water Pipeline which runs from the Jersey

1 City reservoir located in Parsippany and Boonton Township
2 to the Jersey City area.

3 Q There seems to be a break in that dotted line
4 at a property boundary line and then at the westerly end
5 of that property boundary line it picks up again.

6 Do you know the reason for that?

7 A Jersey City owns the property where the break is
8 located.

9 Q So the pipeline continues, but it just shows
10 on the easement through this other property.

11 Is that correct?

12 A Yes.

13 Q What environmental constraints to development
14 are found on these lands which you've just pointed out in
15 ROM-3?

16 A The property is dominated by shallow bedrock condi-
17 tions or rock outcrop.

18 Q Have you done any analysis of what the
19 environmental consequences would be of development of these
20 lands in accordance with the present zoning ordinance?

21 A No, I have not made any precise evaluation.

22 Q What portions of these tracts are shown
23 in ROM-3 as unimpaired by environmental limitations to
24 development?

25 A There are two portions, one being an extremely

1 small triangular portion of the southerly leg of the
2 L-shaped area. I would guess that that would not consist
3 of more than half an acre.

4 The other portion is an odd shaped area at the
5 westerly end of the westerly leg of the L-shaped area;
6 neither of the unimpaired sections having any road frontage.

7 Q The larger area, would you say that is great-
8 er than two acres at the northwestern corner of the L?

9 A I would say that that might consist of a total of
10 two to three acres.

11 Q What would be the environmental impacts
12 were this entire tract to be developed, say, for garden
13 apartments at 15 units to the acre?

14 A I would say that the environmental impacts would
15 be certainly related to drainage conditions and to traffic
16 in that particular area. There are already downstream
17 drainage problems in that area and the additional impacts
18 of a greater amount of traffic from the higher density
19 development.

20 Q To the extent that there is rock outcrop
21 in all but about 19 out of all those acres, do these
22 lands now absorb any water or is all the rainfall which
23 hits them running off already?

24 A I don't know precisely what the runoff is in terms
25 of the undeveloped nature of the tract.

1 Obviously, the land will absorb -- does absorb
2 some water -- some storm water.

3 Q Would you be in a position to estimate or
4 project how much additional runoff there would be were
5 this land developed for 15 garden apartments to the acre?

6 A No, that would be something, I believe, an engineer
7 would have to answer.

8 Q Would you have an opinion as to whether it would
9 be more runoff than currently occurs?

10 A In my opinion, there would be more runoff in that
11 there will be considerable -- would be considerable im-
12 pervious surface from buildings and pavement which would
13 be added to the tract of land. Thereby, you're eliminat-
14 ing the natural -- whatever natural absorption capacity
15 the property has.

16 Q Assuming it's more than nil?

17 A Assuming that it's more than nil.

18 Q But you haven't done any analysis to deter-
19 mine the extent of ground water absorption at that location.

20 Is that correct?

21 A That's correct.

22 Q Would it be possible to construct a certain
23 retention facility in conjunction to a garden apartment
24 development to hold on site any excess runoff which might
25 present problems off site?

1 A I assume that it would probably be possible to do
2 that.

3 Q The next parcel of land is identified in
4 your report as Area Number 19, Block 156, Lots 34, 35 and
5 36, comprising 52 acres.

6 Is that correct?

7 A That's correct.

8 Q Could you point out these lands on ROM-3?

9 A Yes.

10 I'll describe that as somewhat of a U-shaped
11 area of land and located on the northerly side of Change-
12 bridge Road, across the street from the Rockaway River.

13 Q What portion of this tract as shown on ROM-3
14 is found within an environmentally critical area?

15 A I would guesstimate about 95 percent is located
16 within a flood hazard area.

17 My personal knowledge of the property, I would say
18 that the flood hazard area which encompasses 95 percent
19 of the property contains surface water year round.

20 Q An area which is shown in yellow on ROM-3
21 comprises somewhat less than four acres, or just about
22 four acres.

23 Would that be correct?

24 A I would have to guess that it's less than four
25 acres, and perhaps my initial guesstimate of 95 percent

1 of the property being flood hazard area was incorrect,
2 and that it's greater than 95 percent. Perhaps, 90 --
3 well, I would guesstimate that not more than two acres
4 of the tract is unimpaired, and part of that two acres,
5 if not all of it, is really developed. There's a structure
6 on the property -- the northerly most property that comprises
7 the tract. And within the unimpaired area on the adjoining
8 property to the south, there are also -- there is also
9 a structure, I believe.

10 We indicated the entire property as being vacant
11 although there are a number of existing residences along
12 the frontage on Changebridge Road.

13 Q Your report indicates that there's a sub-
14 division application pending before the planning board.

15 Is that correct?

16 A That's correct.

17 Q In what manner is it proposed that these
18 lands be developed?

19 A Essentially, that subdivision proposal before the
20 planning board involves placing all existing residences
21 that are located on the property on individual lots rather
22 than creating new lots, and that the vast majority of the
23 property which is undeveloped is to be dedicated to the
24 Township for permanent open space flood retention purposes.

25 Q I don't quite understand.

1 New residential structures are going to be built
2 on the existing lots?

3 A No, there are several existing residences on the
4 property but not located on individual lots, the properties
5 to be subdivided so that each of the existing residences
6 will be on its own independent property.

7 It's not a question of creating new vacant lots.

8 Again, excepting those lots being created for the
9 existing residences, the balance of the property is to be
10 dedicated to the Township.

11 Q For what purposes will that property be put
12 to when dedicated to the Township?

13 A Essentially, as a water retention flood retention
14 area to maintain its current natural function.

15 Q It will be an environmental resource prohibit-
16 ed from any further development?

17 A Yes.

18 Basically, that's the intent in placing it in
19 permanent dedication to the Township.

20 Q As to the existing residences at this location,
21 have you observed any environmental harms as a result of
22 their placement in this flood hazard area?

23 A Yes.

24 There has been considerable flooding in that area.

25 As I indicated, there's surface water year round in

1 many portions of the site. I have personally observed
2 Changebridge Road flooded to a depth of about four or five
3 inches, even after the road was raised three feet.

4 The flood waters have come right up to the structures.

5 Q When were these homes built?

6 A All of the structures are relatively old. I don't
7 know exactly when they were built. But, certainly, nothing
8 has been constructed in that area within the past 25 years.

9 Q Is there any intention or plan on the part of
10 the municipality to remove these uses which are inconsistent,
11 apparently, with good environmental land use?

12 A I don't know of any specific intentions on the part
13 of the planning -- of the Township to do that.

14 I believe that it's certainly undesirable that
15 there is housing there, but it does exist.

16 Q The next area you've identified is Number 20,
17 identified as Block 159, Lots 3, 4 and 6, comprising 48
18 acres.

19 Is that correct?

20 A That's correct.

21 Q Where are these lands found on ROM-3?

22 A These lands are found on the easterly side of
23 Changebridge Road extending to Hook Mountain Road.

24 I will correct the statement in my report or letter
25 of December 11, 1979 which states that they extend from

1 Changebridge Road to Horse Neck Road. Horse Neck Road
2 should read, "Hook Mountain Road."

3 And, these properties are again located between --

4 I guess I should make a further correction. They
5 extend between Woodmont Road and Hook Mountain Road. They
6 would be located, approximately, 1,800 feet north of
7 Route 80, to give another reference point.

8 Q In this case what are the environmental limit-
9 ations to development which you've identified?

10 A Basically, this is a steep slope and rock outcrop.

11 MR. ONSDORFF: Let us take a luncheon recess.

12
13 (A short recess is taken.)

14
15 Q I believe we left off when I was starting
16 to ask about the portion of the tract which is impaired
17 by the environmental limitations which you've identified
18 as Site 20.

19 Did you?

20 A Was that a question?

21 Q Yes.

22 You were going to estimate the portion of that tract
23 which is impaired by steep slope and rock outcrop.

24 A I would estimate that at least 80 percent of the
25 tract is subject to steep slope and rock outcrop conditions.

1 Equally divided: 40 percent steep slope, 40 percent rock
2 outcrop.

3 Q Leaving, approximately, 9.6 acres of unimpair-
4 ed land.

5 Would that be correct?

6 A Perhaps as much as that.

7 Q Would you have an opinion as to the maximum
8 carrying capacity of the nine plus acres of unimpaired
9 lands for development for high density residential homes?

10 A No, I wouldn't.

11 Q Would there be any environmental factors
12 limiting the carrying capacity of these lands for residen-
13 tial construction purposes?

14 A I wouldn't know of any specific limitations.

15 Q Would there be any nonenvironmental factors
16 limiting the carrying capacity of these 9.6 acres as far as
17 residential development is concerned?

18 A I think there would be, perhaps, a limiting factor
19 as far as traffic is concerned, depending upon the precise
20 number of dwelling units that might be located in the area.

21 There's a basic -- there's no access to the area
22 from Hook Mountain Road, for example, unless you go up
23 extremely steep grades. And, the access would be from
24 Woodmont Road which is a road with somewhat limiting capa-
25 city, due to its winding nature.

1 Q The unimpaired portions of the tract has
2 direct frontage on Woodmont Avenue?

3 Is that correct?

4 A There's a small amount of frontage not exceeding
5 a half acre, I would say, with unimpaired conditions.

6 The vast majority of the unimpaired area is internal.

7 Q To the extent that traffic may present a
8 problem, is that something which often times occurs with
9 developments in communities that roadways become inade-
10 quate, and as a result municipalities then improve and
11 upgrade the traffic bearing capacity of the roads to serve
12 their growing populations?

13 A Well, it would -- possibly that could happen. The
14 municipality might ultimately improve a road as develop-
15 ment creates greater demands, or the developer might be
16 assessed a share of off track improvement costs for doing
17 that.

18 Q In the case of Horse Neck Road, you discussed
19 certain physical limitations as a result of the location
20 of that road next to two steep slopes: one falling off
21 and one rising up above the roadway to increasing its
22 traffic bearing capacity.

23 Are there any physical limitations to the further
24 improvement along Woodmont Road, or does that have poten-
25 tial for upgrading its traffic bearing capacity?

1 A I believe there are limitations to upgrade Woodmont
2 Road, primarily based upon the established development along
3 most of the length of that roadway. And, I believe some
4 improvements were already made to Woodmont Road that have
5 limited capability for any significant widening.

6 Q Does Woodmont Road have an intersection with
7 Changebridge Road which fronts upon the unimpaired portions
8 of this tract?

9 A Woodmont Road has an intersection with Changebridge
10 Road approximately 500 feet south of this tract of land.

11 Q That portion of the property which is at
12 the intersection of Changebridge Road and Woodmont, is
13 that in a different zone or is that part of this Block 169?

14 A That's in a different zone. That's in an office
15 building zone.

16 The tract of lands that we're discussing starts --
17 and I'll correct that, close to a thousand feet north of
18 the intersection of Woodmont Road and Changebridge Road.

19 In other words, the total area that's colored on
20 the map as vacant, approximately the northerly half is in
21 a residential zone, the southerly half -- or more than half
22 is in an office building zone.

23 Q What percentage of the vacant land in the
24 Township of Montville is zoned for such office and other
25 commercial uses?

1 A I don't recall the precise percentage, nor do I
2 recall if, in any of my reports, I gave a break down of
3 the percentage of the Township by zoned district.

4 Q Do you recall in any of your work, either
5 as part of this litigation or in preparing the master plan,
6 having done any studies of need for additional office or
7 commercial uses within the Township?

8 A The master plan indicated the need for additional
9 commercial shopping facilities, primarily to serve the
10 residents. Except for just a few small stores there are
11 no shopping facilities in the Township to meet ~~daily needs~~
12 such as supermarkets.

13 Q Was there any study which indicated a need
14 for additional offices within the Township?

15 A The master plan, as I recall, did recognize that
16 there would be a probable demand for additional office
17 space facilities in the Township.

18 Q Did, in either of those cases of the office
19 and shopping facilities, did the master plan project the
20 number of additional jobs that they would bring into the
21 Township?

22 A As I recall, it did not.

23 Q Did the master plan project any need for
24 additional housing for any income classes as a result of
25 the increased employment that would occur over the next

1 10 to 20 years within the municipality?

2 A The masterplan indicated desirability for providing
3 additional forms of housing other than the single family
4 residential development which dominates the character of
5 the Township. It did not make any projections as far as
6 housing needs in terms of income levels.

7 Q Were there any specific relationships to
8 growing employment within the Township?

9 A Not on specific terms.

10 I think by providing for additional forms of
11 housing the Township was recognizing the demand that might
12 be created by employment within the Township.

13 Q Was there any specific correlation made
14 between employment growth in the County of Morris and
15 housing opportunities in the Township of Montville in the
16 master plan?

17 A There were no precise or specific estimates made
18 or comparisons.

19 Q The next land you discuss in your report
20 of December 11, 1979 appears to be located in the R-3B
21 Residence District. The first site discussed is bounded
22 by Route 287, Route 202 and River Road comprising 26 acres.

23 Is that correct?

24 A That's correct.

25 Q Could you locate these lands on ROM-3?

1 A I can.

2 I don't know whether you wish to avoid any dupli-
3 cation here, but we discussed this site in previous deposi-
4 tions.

5 Q Well, just point it out.

6 A I'll be happy to describe it, again.

7 It's an area of land which is surrounded by a road
8 system including Route 287 on the south, Route 202 on the
9 east -- north -- east and north and River Road on the west.

10 Q Your December 11 report then addresses on
11 Page 8 a 10 acre site which is an R-3C residence and a
12 Senior Citizen Housing Option.

13 Is that the site comprised of wetlands?

14 A That's correct.

15 Q The next site is an R-4A zone encompassing
16 698 acres of which only 35 acres are vacant.

17 Is that correct?

18 A That's correct.

19 Q The first site is 16 vacant acres in Block 52,
20 Lots 59 and 61?

21 A That's correct.

22 Q Could you locate those parcels on ROM-3?

23 A Yes.

24 The two parcels in question are located on the
25 westerly side of River Road, immediately north of David

1 Drive.

2 Q What are the environmental limitations to
3 development of these lands?

4 A There are no specific environmental limitations
5 indicated for the northerly of the two tracts. The
6 southerly tract or property is largely unrestricted or
7 unincumbered by environmental limitations except for a
8 small steep slope portion of the rear.

9 Q Now --

10 A That particular one -- excuse me for interrupting --
11 is before the planning board for subdivision, and it's
12 my understanding that it is ready for preliminary approval.

13 Q Which one was this? The southerly one?

14 A The southerly one, correct.

15 Q Are you familiar with that subdivision
16 approval?

17 A I'm familiar with the application and the status
18 of the application.

19 Q Excuse me, the application.

20 Does it entail developing any of the steep slope
21 areas of that tract?

22 A The -- it entails doing that, but the -- there was
23 a soil removal operation on the property which has removed
24 the steep slope encumbrance.

25 Q As a result of this grading of the site,

1 there's no longer a steep slope problem?

2 A That's correct.

3 The soil removal operation was done in conjunction
4 with a future subdivision plan so that the resulting con-
5 tours of the site would be appropriate for the ultimate
6 development as a subdivision.

7 Q Were there any adverse environmental conse-
8 quences resulting from this grading of the site?

9 A Not to my knowledge.

10 Q Do you envision any adverse environmental
11 consequences flowing from the development of this site
12 pursuant to the subdivision proposal now pending before
13 the planning board?

14 A No, I don't envision any environmental consequences.

15 Q In essence, we have through site preparation
16 work, simply eliminated an environmental critical area
17 without causing any adverse consequences.

18 Is that correct?

19 A In this particular instance that's the case.

20 Q How much land was involved in this steep
21 slope which has now been removed?

22 A I don't know the precise acreage.

23 It was a relatively small percentage of the tract.
24 The steep slope area which is shown on that property repre-
25 sents 10 to 15 percent of the entire site, might be an

1 acre of land that was involved in steep slope area.

2 Q The tract to the north which is completely
3 unimpaired by its environmental constraints development,
4 how many acres are found at that location?

5 A Eight acres.

6 Q Would you have an opinion as to the maximum
7 carrying capacity of these lands for residential develop-
8 ment?

9 A I have an opinion only in terms of the relationship
10 of that property to development immediately to the north
11 and pending development immediately to the south, and the
12 manner in which I feel that property should be developed
13 as a result of its relationship to those properties --

14 Q Before getting to incompatibility with ad-
15 joining neighborhood characteristics, as far as any environ-
16 mental limitations or other physical constraints to that
17 development of that tract, are there any --

18 A I don't know, offhand, of any specific environmental
19 constraints to the development of that property.

20 Q And ---

21 A Assuming the availability of sanitary sewers, which
22 are not available in that area.

23 Q As far as traffic and road frontage, this
24 parcel has a frontage along -- is that River Road?

25 A That's correct.

1 Q Would you envision traffic access being
2 a limitation of the development of this tract?

3 A Well, potentially as far as -- depending upon the
4 density of development, there would be problems.

5 I don't know of specifically what the results
6 might be.

7 River Road does have certain limitations in terms
8 of its width, and there is somewhat of a grade on River
9 Road in front of this property.

10 I would not envision any specific or serious pro-
11 blems if ultimate densities were reasonable.

12 Q Ultimate densities? At what point do they
13 become unreasonable?

14 A This would have to be evaluated in terms of the
15 exact capacity of the road as it is now and what the
16 additional traffic burden it might be able to sustain.

17 Q You mentioned there is no public sewers
18 serving this site.

19 Is there public water available for development
20 at this location?

21 A Yes.

22 Q The adjoining neighborhoods which have been
23 developed, in what manner do they treat their sewage?

24 A Individual septic systems.

25 Q Are you aware of any reason why a garden

1 apartment complex cannot utilize septic or other onsite
2 treatment facilities at this location?

3 A No.

4 I don't have specific enough information to know
5 whether or not the property could sustain or support a septic
6 system to serve high density housing on an individual lot
7 basis. There has, apparently, been no serious problem.

8 Whether or not high densities would produce a pro-
9 blem, I would have insufficient information to know.

10 Q What would be the relevant characteristics
11 in going from half acre individual lots to high density
12 development as far as the proper functioning of onsite
13 disposal systems or septic systems?

14 A I think this would depend upon a number of factors.
15 It would have to be determined through onsite inspection,
16 soil logs, percolation tests to determine --

17 This would have to be done by engineers with the
18 necessary technical expertise to determine whether or not
19 a system can be designed with sufficient capacity to support
20 the higher density development.

21 Q As far as your professional services go,
22 you never do any design of sanitary sewers or septic
23 systems?

24 In other words --

25 A No.

1 Q -- that would take a sanitary engineer to
2 give that type of expert opinion as to whether these lands
3 would be suitable for high density residential development
4 with onsite sewage disposal facilities.

5 Is that correct?

6 A That's correct.

7 Q The next parcel of land which you address in
8 your report is Number 2 in the R-4A zone, Block 100, Lot 4,
9 comprising 14 acres.

10 Is that correct?

11 A That's right.

12 Q Where is this land shown on ROM-3?

13 A This property is located on the westerly side of
14 Barney Road which is a road located in the northeasterly
15 section of the Township extending southerly from Route 202.

16 Q What are the environmental constraints on
17 development found at this location?

18 A This property contains some slopes, some wetland
19 area, some rock outcrop area and some unconstrained land.

20 If I were to estimate, I would say that all four
21 categories were 25 percent of the site.

22 Q Twenty-five percent of the site is unimpaired?

23 A Approximately.

24 Q Would you have an opinion as to the maximum
25 carrying capacity of the unimpaired portions of this tract

1 as far as their development for residential purposes?

2 A Only to the extent that the location configuration
3 of the unimpaired area is such that it would appear to have
4 unlimited capacity for development.

5 In other words, the unimpaired area is not a concen-
6 trated area of suitable shape and configuration which would
7 appear to me to lend itself to efficient layout.

8 I believe that would be a limiting factor.

9 Q In addition, are there any other limiting
10 factors to the maximum carrying capacity of the unimpaired
11 lands?

12 A From an environmental point of view, I don't know
13 of any specific limitations.

14 Q From a planning standpoint, are there any
15 other factors which limit the development potential of
16 these unimpaired lands?

17 A I would say that there would be certain problems --
18 or potential problems in gaining access to the unimpaired
19 lands since they are located to the rear portion of the
20 property.

21 I think given the overall, somewhat complex arrange-
22 ment of critical versus noncritical areas of the tract,
23 that more in-depth onsite inspection would be needed to
24 determine precisely what problems you might be confronted
25 with.

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Q The unimpaired portions of this tract do have road frontage on Church Lane.

Is that correct?

A Church Lane being the small street running north of Two Bridges Road?

Q That's correct.

A Yes, there is access from Church Lane.

Q But for any further definitive analysis of their actual development potential, you would have to do an onsite engineering evaluation.

Is that correct?

A Yes.

Q The final parcel of land you've identified in the R-4A zone is identified as Block 144, Lot 15, comprising of five acres.

Is that correct?

A That's correct.

Q Where is that found on ROM-3?

A This site adjoins what we refer to as Area Number 18.

R-3A, residential district and Site Number 3 in the R-4A district is the rectangular piece of property having access and located just on the easterly side of Birch Place.

Q This is shown to have no environmental

1 limitations on development.

2 Is that correct?

3 A That's correct.

4 Q It also appears to have a very efficient
5 layout for development, is that correct, in terms of the
6 actual rectangular shape and absence of any environmental
7 limitations which would prevent housing from being layed
8 out.

9 Would that be correct?

10 A Yes.

11 I don't know of any specific physical or environment-
12 al problems involved -- or that might restrict efficient
13 layout in this instance.

14 Q Would you have an opinion as to the maximum
15 carrying capacity of these lands for residential develop-
16 ment?

17 A Based solely on the environmental considerations?

18 Q To begin with?

19 A No, I haven't made any site specific evaluation.

20 Q In terms of access to public water and sewer,
21 are those services available?

22 A I believe they are both available.

23 Q Would there be any other factors which would
24 lead you to an opinion that these lands have any limitation
25 on its development potential?

1 A From a practical, sound planning point of view, I
2 feel that this, being an internal tract of land in the
3 middle of an established single family residential develop-
4 ment, that its appropriate development would be a continued
5 pattern of single family lots by extension of Rand Road
6 which intersects with Birch Place.

7 Q In addition to your concerns with compatibil-
8 ity to adjacent land uses, are there any public health and
9 safety reasons why this land could not be developed for
10 multi-family uses?

11 A The only other problem I might envision would be
12 potential traffic problems and disruption of the neighbor-
13 hood characteristics, depending on the amount of traffic
14 that might be generated by the amount of development which
15 might be related to the ultimate densities it might sustain.

16 MR. ONSDORFF: Why don't we break for lunch
17 at this point.

18
19 (A luncheon recess is taken.)
20

21 Q I believe the next zone addressed in your
22 report is an R-4B residential district containing, approxi-
23 mately, 60 acres located on the westerly side of Change-
24 bridge Road.

25 Is that correct?

1 A That's correct.

2 Q Would you point out these lands on ROM-3?

3 A Yes.

4 This is the tract of land which we discussed in a
5 previous deposition, also located on the westerly side of
6 Changebridge Road, south of John Henry Drive and north of
7 Green Meadows Road.

8 Q The next area that is covered is a business
9 district presently intended for a shopping center appearing
10 on Page 9 of your report.

11 Is that correct?

12 A That's correct.

13 Q Where are these lands found?

14 A This property is located on the easterly side of
15 Changebridge Road, opposite Van Riper Avenue.

16 Q What is the planned development schedule
17 to take place at this location?

18 A The -- there is an application for development of
19 the property for a shopping center before the planning board
20 which is in the process of undergoing public hearings.

21 Q Do you know the land coverage with impervious
22 surfaces that would occur upon the construction of this
23 shopping center?

24 A No, I don't know, offhand, what that percentage is--
25 or, I don't recall what it is.

1 Q I believe the parcel in question comprises
2 12 acres.

3 Is that correct?

4 A That's correct.

5 Q In a shopping center placed on the 12 acre
6 tract, in addition to stores you have your access roads
7 and parking lots.

8 Would you believe that the impervious cover would
9 entail over 50 percent of these lands?

10 A It probably would.

11 Q What are the environmental limitations to
12 development found at this site?

13 A High water table soils.

14 Q In the development proposal, is there any
15 provision for preserving the environmental resource that
16 these high water table soils constitute?

17 A I believe the development does entail a considerable
18 amount of open space around three sites of the property
19 which would incorporate, certainly, a portion of these
20 wetland areas.

21 Q Are there any other environmental impacts
22 which you're aware of that would be caused by the develop-
23 ment of this property for a shopping center?

24 A No.

25 Q As far as drainage, are there any provisions

1 for holding runoff or otherwise preventing excessive waters
2 from flowing offsite from a shopping center at this location?

3 A I know of no provisions for any retention facilities.

4 There certainly was a drainage plan submitted in
5 connection with the development which -- and I believe that
6 the drainage plan was found to be satisfactory by the
7 Township Engineer.

8 Q In what manner will the water and sewer needs
9 for this development be taken care of?

10 A Public water and public sanitary sewer facilities.

11 Q The next zone that's discussed is an OB-1 or
12 office building district. The two properties comprise fiye
13 and six acres in this zone that are vacant.

14 Is that correct?

15 A That's correct.

16 Q Could you locate these properties?

17 A Yes.

18 These properties both are located at the intersection
19 of Horse Neck Road and Changebridge Road. One is located
20 on the easterly side of Changebridge Road just south of
21 Horse Neck Road.

22 The other is located on the northerly side of
23 Horse Neck Road and just east of Changebridge Road.

24 Q Are there any environmental limitations to
25 development of these tracts?

1 A The first site I mentioned on the easterly side of
2 Changebridge Road south of Horse Neck Road has a small --
3 or contains a small portion of wetland soils.

4 I would say that 75 percent -- as much as 75 percent
5 is unimpaired.

6 The site on the northerly side of Horse Neck Road
7 and easterly of Changebridge Road contains utility ease-
8 ments through much of the westerly portion of this site.
9 The balance of the property which falls beyond the utility
10 easements, I would say about 50 percent is wetland soils
11 and 50 percent appears to be unimpaired.

12 Q Are you aware of the coverage limitations
13 in the OB-1 zone as far as impervious surfaces which can
14 be placed on these lands?

15 A There's -- as far as I recall, in the ordinance
16 at the present time -- I'll make this subject to later
17 qualification -- but I don't recall that there is a speci-
18 fic coverage limitation in terms of the OB-1 zone. The
19 property would, of course, be subject to coverage limita-
20 tions generally which are found in the critical areas
21 regulations of the land use ordinance.

22 Q In other words, there would be performance
23 standards as to the extent of office space that can be
24 built while still preserving the environmental interests
25 identified at this location?

1 A As to the percentage of the wetland area that may
2 be covered by impervious surface.

3 Q Would that same performance standard be
4 suitable were these lands to be rezoned for high density
5 residential purposes in preserving the environmental
6 interests found at these two sites?

7 A Yes.

8 The same regulations would apply regardless of
9 use.

10 Q Would you have any opinion as to the suit-
11 ability of these sites for high density residential develop-
12 ment?

13 A From an environmental point of view, I would not
14 see -- necessarily see any difference whether it be devoted
15 to office use or residential use.

16 Q From a planning prospective, would there be
17 any reason why these lands could not be developed for
18 high density residential development?

19 A From a zoning pattern point of view, I feel that
20 the properties would best be -- are best suited to a non-
21 residential use primarily because of their location in
22 terms of the intersection of Changebridge Road and Horse
23 Neck Road; being one of the main intersections in the muni-
24 cipality carrying a considerable amount of traffic.

25 And, I believe that the traffic conditions are --

1 create sort of an adverse environmental consideration in
2 terms of development for any form of residential use.

3 Q In what sense would that create adverse pro-
4 blems for residential use?

5 A Well, I think there is a safety factor, certainly,
6 since both properties are located very close to an inter-
7 section. But, I think more importantly, the annoyance of the
8 traffic conditions and the constant flow of traffic in front
9 of the sites can result in less than desirable conditions
10 for quiet neighborhood living.

11 Q Certainly, not an ideal location as far as
12 noise is concerned?

13 A Right.

14 Q Is that intersection controlled in any manner
15 by a traffic signal?

16 A Not at this time.

17 The master plan of the Township and the master plan
18 of the County of Morris called for the realignment of
19 Changebridge Road. Changebridge Road now jogs as it inter-
20 sects with Horse Neck Road.

21 The plan calls for continuation of the leg of
22 Changebridge Road south of Horse Neck directly north and
23 back into Changebridge Road. This will then result in a
24 normal four corner type of intersection.

25 At that time, I can visualize the necessity for a

1 traffic signal.

2 Q The next zone you discuss in your report is
3 OB-2, office building district, again containing two
4 vacant properties, this time totaling approximately 12 acres.

5 Is that correct?

6 A That's correct.

7 Q What is the distinction between OB-1 and OB-2?

8 A The primary difference has to do with the minimum
9 requirements as to minimum lot size set back and yard
10 requirements as opposed to type of use permitted.

11 Q Which one allows for a greater density or
12 coverage?

13 A Well, the OB-2 zone is more restrictive in terms
14 of minimum lot size and set back requirements than the
15 OB-1 zone.

16 The OB-1 zone applies primarily to generally some-
17 what smaller parcels of property in comparison.

18 Q The two parcels in the OB-2 zone which are
19 vacant, can you locate those on ROM-3?

20 A Yes.

21 The two properties in question are located on the
22 north side of Route 202, immediately at the -- immediately
23 east of the exit and entrance ramp of Route 287.

24 Q These are contiguous parcels of land?

25 They are contiguous parcels of land. They form a

1 U-shaped parcel surrounding the municipal library and a
2 residential structure, I believe.

3 Q As far as their individual size totalling
4 12 acres, are they approximately six acres apiece?

5 A They're probably closer to five and seven acres apiece.

6 The westerly portion I would estimate is about five
7 acres, the easterly one about seven acres.

8 Q What are the environmental limitations to
9 development found here?

10 A In terms of natural limitations, the only limitation
11 applies to the westerly portion which contains a **very small**
12 amount of steep slope which is basically embankment running
13 up from the Route 287 entrance ramp on the easterly portion --
14 triangular area taking in its entire frontage on 202 --
15 is tranversed by utility easements which is more of a man-
16 made impediment.

17 Q To the extent that those easements reduce
18 the portion of the tract available for development? They
19 are actually taken out of the developable category?

20 A They would be taken out.

21 You could naturally go under the -- those are power
22 line easements. You could go under the power lines with
23 access or driveway access to the rear unincumbered portion.

24 Q To the extent that these areas are shown as
25 having no or very little environmental constraints?

1 Would you have an opinion as to the maximum carry-
2 ing capacity of these parcels for high density residential
3 development?

4 A No.

5 Q Would you know of any reason why there would
6 be a ceiling to the number of units that would be placed
7 upon these parcels without causing unreasonable environ-
8 mental damage to the Township of Montville?

9 A The basic problems that I would see in this parti-
10 cular area, assuming no problems with septic systems since
11 there are no sanitary sewers available, would be the traff-
12 ic -- potential traffic hazards inasmuch as the area is
13 located immediately -- well, fronting on Route 202 and
14 immediately at the exit ramp from Route 287.

15 It's an area which I would say, even more so than
16 the previous OB-1 site that we discussed -- it's an area
17 where I would have greater concerns over the traffic condi-
18 tions in reference to residential development.

19 Q As far as water service, do those tracts
20 have public water access?

21 A Yes.

22 I believe there is water line -- a water line to
23 Route 202.

24 Q The next zone discussed in your report is
25 an OB-3, office building district, comprising approximately

1 28 acres of vacant land.

2 Could you show us where these lands are situated?

3 A Yes.

4 The OB-3 zone lies immediately north of Route 80
5 and extends from Changebridge Road to Hook Mountain Road.

6 Q This is an area we largely discussed in conjunction
7 with the vacant areas presently zoned residential?

8 A Yes.

9 Q Is that correct?

10 In this instance there's no unreasonable incompati-
11 bility with office buildings being constructed contiguous
12 to residential development.

13 Is that correct?

14 A In this particular instance the properties are
15 located at the very southerly end of an existing residential
16 development and have frontage on Changebridge Road, for
17 example, out of the residential neighborhood and opposite
18 an industrial development.

19 Q Abutting this tract to the north is a vacant
20 area which is presently zoned for residential development.

21 Is there not?

22 A That's correct.

23 Q Would it be more or less incompatible for
24 that residential zone to the north to abut an office
25 building district or a multi-family housing development?

1 A I would say that the conditions might be equal.

2 Q Which conditions, specifically, would be
3 equal?

4 A I would feel that an office building development
5 would have no greater impact on the residential single --
6 single family residential neighborhood than the office
7 building development.

8 Q Then the multi-family --

9 A Then multi-family, yes.

10 Q In the sense of adverse impacts on traffic
11 and property values, this sort of thing -- these are the
12 conditions you're comparing.

13 Is that correct?

14 A This is partly it.

15 Also, the characteristics of the buildings that
16 would be erected and what would be envisioned by the
17 ordinance as far as the height, set back of buildings,
18 attractiveness -- which in Montville is somewhat controlled
19 by the Design Review Committee -- the office building
20 development --

21 Well, it may conceivably generate a somewhat great-
22 er amount of traffic than the residential development.

23 Again, depending on density, would be essentially
24 a Monday to Friday operation so that the residential
25 neighborhood would not be subjected to weekend traffic.

1 All things considered, I would feel that the impacts
2 would be about equal on the residential neighborhood.

3 Q In this instance you find no overwhelming
4 incompatibility between this OB-3 zone and the residential
5 zone just to the north?

6 A No overwhelming incompatibility.

7 I think that this is a somewhat of a transitional
8 area, since at this point we're getting out of the residen-
9 tial neighborhood served by Woodmont Road down into the
10 Changebridge Road area which is predominantly industrial
11 in character at that point. And, also, getting down into
12 the greater amount of activity associated with the industrial
13 development in access to Route 80, and so forth, in that
14 general vicinity.

15 Q The next zone addressed in your report is
16 I-1, industrial district, comprising about 48 vacant acres.

17 Is that correct?

18 A That's correct.

19 Q Where are these lands situated on ROM-3?

20 A Well, seven acres are located on Skyline Drive which
21 is a road extending westerly from River Road bounding on the
22 southerly side of Route 287. They would be two parcels
23 of land, a rectangular one near the westerly end of Skyline
24 Drive and a triangular parcel to the east.

25 Then, there are 23 acres located between Route 202

1 and Conrail which is, as I recall, a tract of land extend-
2 ing from Route 202 northerly to Conrail -- starting on
3 Route 202 just north of the River Road intersection.

4 The remaining 18 acres is located between Bloomfield
5 Avenue and Route 80, and that would be the area north of
6 Bloomfield Avenue extending to Route 287 lying just to the
7 east of the municipal boundary line formed by the Rockaway
8 River.

9 Q Are you aware of the land coverage limitations,
10 if any, in the I-1 zone?

11 A As I recall, the land coverage limitations in the
12 I-1 zone are approximately 30 percent for buildings and
13 a combined coverage of building and other impervious sur-
14 faces of 55 percent.

15 Additionally, critical area regulations applicable
16 to wetland soils might create further limitations depend-
17 ing upon the conditions on the site.

18 Q Would you envision any different environment-
19 al impacts from developing these vacant lands for high
20 density residential uses as opposed to the industrial
21 development in terms of onsite and offsite environmental
22 impacts?

23 A I believe that there would be much greater concern
24 if these areas were developed for residential purposes
25 as opposed to industrial purposes. Particularly, related

1 to the last site I described which is the one north of
2 Bloomfield Avenue extending to Route 287 which is largely
3 in a flood hazard area which would, I think, not only re-
4 strict the amount of development but present a flood hazard
5 condition to residences which would be -- I'm sure of great-
6 er concern than flood hazard potential on industrial develop-
7 ment.

8 There are in that particular vicinity, also, the
9 impacts -- adverse environmental impacts in terms of noise
10 and perhaps air pollution because of all of the traffic
11 on Route 80 and on Bloomfield Avenue.

12 Q Before going on it might be easier to address
13 that site and take on the other ones after I have asked you
14 a few questions on this one.

15 What portion of the site is shown in yellow as
16 indicating unimpaired land?

17 A The easterly portion is shown in yellow as unimpair-
18 ed land which constitutes about 25 to 30 percent of the
19 site.

20 Q In terms of the safety factor involved with
21 developing this Bloomfield Avenue tract or high density
22 residential development, your concern is with 24 hour a
23 day occupancy. You have greater risk to human life.

24 Is that correct?

25 A That's correct.

1 Q In an industrial development would there be
2 a different environmental concern depending on the nature
3 of the industrial operation concerning a potential for
4 water pollution should a flood occur which inundated the
5 industrial processes?

6 A I think this would depend upon exactly what the
7 industrial processes were as to whether or not they were
8 of a nature that would have a polluting effect.

9 Q That's certainly --

10 A Chemical type industrail versus dry machining or
11 packaging.

12 For example, chemical processes creating a **greater**
13 hazard to the general health and potential for pollution.

14 Q That's certainly true, that if you did bring
15 polluting industry on to the site, then if that industrial
16 operation was inundated by a flood water there would be
17 a very real opportunity for the release of contamination
18 to the water.

19 That's in essence what you're saying.

20 Is that correct?

21 A That's correct.

22 Q Is there any limitation within the municipal
23 ordinance limiting the industrial operation of this site
24 to, say, nonpolluting industry? Those involving chemicals
25 or either potential polluting matter?

1 A Well, there are performance standards for any type
2 of industrial development that would go into the Township
3 and any applicant for an industrial development must meet
4 the limitations imposed by the performance standards. And,
5 these do deal with polluting effects of -- and noise, odors,
6 ground pollution.

7 Additionally, the Township has pending and must
8 adopt if it has -- in fact, I believe just adopted last
9 week a flood hazard management ordinance in order to quali-
10 fy for federal flood insurance. This ordinance would im-
11 pose greater performance standards -- performance require-
12 ments on applicants for development.

13 Q If I understand your answer correctly, what
14 you're talking about in performance standards are regula-
15 tions which govern the formal operations of the business
16 so that they don't exceed discharge limitations or allow
17 high levels of odors to escape from the site.

18 I asked whether there were any requirements which
19 limited the type of industry which would begin operation
20 at this site?

21 A There is no specific limitation as to the type of
22 industry.

23 Q The 25 percent of these 18 acres which are
24 unimpaired, would you have an opinion as to their maximum
25 carrying capacity for residential development?

1 A I think their carrying capacity is limited for any
2 type of development, residential or otherwise, because of
3 the location configuration of the area -- the unimpaired
4 area which is a relatively narrow strip of land. Its shape
5 is formed somewhat by the limitations of the flood hazard
6 area. We'll call it a deep, narrow piece of property, for
7 the most part.

8 Q It does have direct frontage on Bloomfield
9 Avenue?

10 A It does have some direct frontage on Bloomfield
11 Avenue.

12 Q Is it served by public sewer and water?

13 A To the best of my knowledge it's served by both
14 public sewer and water.

15 Q The next parcel I believe was 23 acres
16 located between Route 202 and Conrail.

17 You were going to speak to any different environ-
18 mental impacts there would be between industrial and
19 residential development of that parcel of land and I
20 interrupted you before it.

21 A In that particular instance I think the major
22 concerns are partial flood plain or flood hazard area --
23 not a significant amount. And, there is a significant
24 amount of wetland soil and there is some steep slope area
25 within the tract, as well.

1 The property, I should mention, is partially develop-
2 ed for industrial use right now. It's a single tract of
3 land occupied by an existing industry on Taylortown Road.
4 The developed portion of the site constitutes -- perhaps,
5 not more than 25 percent of the total tract area.

6 Q What portion of that tract is noted on your
7 Exhibit ROM-3 as being shaded in yellow or unimpaired by
8 environmental limitations to development?

9 A 10 to 15 percent, I would estimate.

10 Q To the extent that residential development
11 would be clustered in the unimpaired portions of the tract,
12 would there be any other reason why these lands would not
13 be devoted for high density residential use?

14 A The basic problem that I would see, you have to go
15 through an established residential development in order to
16 get to the unimpaired portion of the property.

17 As far as making the land itself, isolating it in
18 terms of any surrounding situations, I don't know of any
19 particular or specific limitation .

20 Q As far as the compatibility of adjoining
21 uses, what is the nature of the industrial use presently
22 going on at that site?

23 A It's a manufacturing operation, I believe.

24 Q Can you specifically point out any character-
25 istics of that machining operation which would make it

1 incompatible with an adjoining high density residential
2 neighborhood?

3 A Well, recognizing the types of buildings that are
4 located in that area which is the old type of industrial
5 structures, relatively tall brick structures located right
6 immediately adjacent to the right of way of the road, I
7 believe that the industries in that area, to some degree,
8 are involved in chemical manufacturing operations which
9 have been known to create some odor problems -- not creat-
10 ing -- well, not creating a very healthy type of environ-
11 mental or residential development.

12 Q The remaining area comprises seven acres.
13 Would you envision any difference in the environmental
14 impacts from developing those lands for high density
15 multi-family uses as opposed to industrial uses?

16 A Other than the fact that the properties are located
17 in the midst of an industrial park, Skyline Drive being
18 the service road for the properties -- and it is essentially
19 an industrial park road; other than that, I would not see
20 any particular environmental limitations.

21 Either -- any particular environmental limitations,
22 I believe, with the exception of some small areas of steep
23 slope.

24 Q The next zone you discuss in your report is
25 an I-2 industrial district, comprising eight vacant parcels,

1 the first of which is identified as Block 51, Lots 19, 28
2 and 30, totalling 48 acres.

3 Is that correct?

4 A That's correct.

5 Q You also indicate in your report, I believe,
6 that these vacant lands might be appropriate for residen-
7 tial development.

8 Is that correct?

9 A That's correct.

10 Q Could you identify these lands with reference
11 to ROM-3?

12 A They are located on the southerly side of Route 202
13 opposite Taylortown Road and extend from Route 202 back
14 to Route 287.

15 Q What portion of this parcel is identified
16 as being unimpaired by environmental constraints to develop-
17 ment?

18 A Relatively small portion of wetland area to Route
19 202 and a small amount of steep slope area near Route 287.
20 Perhaps, 10 percent of the tract, at the most, that would
21 be impaired by these environmental limitations.

22 Q Would you have any opinion as to the maximum
23 carrying capacity of the unimpaired portions of this tract
24 for high density residential development?

25 A No, not specifically.

1 I think I've indicated that there are a number of
2 considerations that would have to be taken into account in-
3 cluding its remoteness from any existing sanitary sewer
4 facilities.

5 Q The Points B and C which you make deal with
6 the impaired areas. So, in developing the unimpaired areas
7 they would not be relevant to the maximum carrying capacity
8 of those unimpaired areas.

9 Is that correct?

10 A No, I wouldn't see any significant impairment here.

11 Q Your Point D is that the areas traversed by
12 the Morris Canal -- in what fashion does that discourage
13 housing arrangement?

14 A The area is in two property ownerships, to the
15 best of my knowledge. The easterly portion is traversed
16 by the Morris Canal which is owned by the Township as a
17 historic site. And, it cuts diagonally through the pro-
18 perty in the nature of two triangular areas.

19 This would pose some limitation on design and layout
20 of the property.

21 Q Is it possible to traverse the Morris Canal
22 in some fashion or is that -- does that essentially isolate
23 that portion of the tract?

24 A It may be that that portion of the tract would have
25 to be served by two other roads, one being Moore -- one is

1 Moore Road and the other is Kokora Road. These roads
2 extend westerly over River Road to the one triangular
3 portion of the property on the southerly side of the
4 Morris Canal.

5 In other words, I believe the Canal property cannot
6 be crossed unless some type of permission were gained or
7 easement granted by the Township .

8 Q As far as your concern for the sanitary sewer
9 service of this site, I see that it is bounded on the east
10 and west by existing residential neighborhoods.

11 In what fashion are those homes served by sanitary
12 sewer systems?

13 A They're served by individual septic systems.

14 Q Would you have any basis or a belief that
15 such septic system would be inappropriate for use on the
16 vacant portions between those two residential neighborhoods?

17 A I'm sorry, may I have that question, again?

18
19 (The Court Reporter reads the requested question:

20 Would you have any basis or a belief that such
21 septic system would be inappropriate for use on the vacant
22 portions between those two residential neighborhoods?)

23
24 A I think that this would be probably a matter of
25 density. Normally, septic systems are not used for high

1 density residential use. They have been found to be workable
2 in Montville for individual single family lots, not without
3 problems, depending upon the area in question, the soil
4 types and so forth.

5 Whether or not the septic system could be designed
6 and developed to serve higher density housing would be
7 certainly questionable in my mind. But, I could not offer
8 an opinion as to definitely whether or not they would be
9 workable or could be workable.

10 Q Are you at all familiar with packaging treat-
11 ment plants and their use with multi-family housing develop-
12 ment?

13 A I know that they have been used in connection with
14 multi-family development.

15 Q Would you know of any reason why a packaging
16 treatment plant could not be utilized in a multi-family
17 housing development in this vacant tract of land?

18 A I don't know if it could or could not be used.

19 Q Currently you know of no reason why it could
20 not be.

21 Is that correct?

22 MR. EISMEIER: I object.

23 I think he answered that he didn't know
24 whether it could not. I think that's the answer
25 that he gave.

1 Q Are there any factors which would lead you
2 to believe that it might be inappropriate to have a packag-
3 ing treatment plant at this location?

4 A Well, one factor, of course, is that to utilize the
5 packaging treatment plant would require approval of the
6 Department of Environmental Protection. And, my understand-
7 ing is they do not particularly favor packaging treatment
8 plants.

9 I'm not really qualified to know whether or not the
10 conditions of this site are such that any packaging treat-
11 ment plant would be workable.

12 Q You didn't mention potable water as being
13 a limitation in your report of December 11.

14 Is this area served by public water?

15 A To the best of my knowledge, it is.

16 Q The next tract comprises 124 acres and is
17 identified as Number 2 at Block 52, Lot 33.

18 Would you locate this on ROM-3?

19 A It lies on the northerly side of Vreeland Avenue.
20 It extends from the Town of Boonton's boundary easterly
21 to the residential properties which front on River Road.

22 Q Your report indicates that a soil mining
23 operation is ongoing at this location.

24 Is that correct?

25 A That's correct.

1 Q Is the area in which the soil mining operation
2 going on delineated on ROM-3?

3 A Yes.

4 It's indicated in a general way as a man-made con-
5 straint shown in a gray color.

6 Q What portions of this tract are identified
7 by the yellow color as being unimpaired by any environmental
8 limitations to development?

9 A The southerly portion and portions of the northerly
10 half are shown as unconstrained. They might be -- the
11 unconstrained areas might constitute as much as 50 percent,
12 as an estimate.

13 Q Directing your attention, specifically, to
14 that southerly portion, I believe it's fronting on Vreeland
15 Avenue -- and also, is that River Road?

16 A That's correct.

17 Q How many contiguous acres are situated at
18 that location?

19 A I would just be able to make a general estimate of,
20 perhaps, 30 acres.

21 Q Are those 30 acres, say, 99 percent free from
22 environmental limitations to their development?

23 A My estimate of 30 acres is based upon the areas
24 shown in yellow which presumably is without any severe
25 or significant constraint.

1 Q As to the layout with the two -- actually,
2 three different areas of road frontage in somewhat geometric
3 shape of this particular parcel, is this an area which would
4 be somewhat or particularly convenient for residential dev-
5 elopment?

6 A It's somewhat convenient for residential development
7 in terms of some roads on which it has frontage: River
8 Road and Vreeland Avenue, which are arterial or collector
9 roads. Essentially, collector type roads, but with some-
10 what limited capacity: River Road in terms of its width
11 and Vreeland Avenue in terms of its width and alignment
12 which is quite a curving alignment.

13 Q Are there any other factors which come to
14 mind as far as limiting the development potential of this
15 tract or this unimpaired portion of this land for residen-
16 tial development?

17 A The lack of sanitary sewers in that area of the
18 Township, and not being within a reasonable distance of
19 any existing sanitary sewers.

20 Q It appears that to the north of this tract
21 there is a residential development on single family lots.

22 Is that correct?

23 A That's correct.

24 Q These properties are then served by septic?

25 A That's correct.

1 Q The actual development potential of this
2 unimpaired portion of the tract fronting on Vreeland Avenue
3 and River Road, then the limiting factor would be the
4 disposal of the sewage generated by any development, is
5 that correct, as far as you're concerned?

6 A This would be a major limiting factor.

7 Q It has public water, then?

8 A Yes.

9 Q The next site you discuss is Block 82, Lot 11,
10 comprising 96 acres which include a zoning option for a
11 PUR.

12 Is that correct?

13 A PURD or Land Unit Residential Development, yes.

14 Q The fourth site you discuss is identified
15 as Block 123, Lots 24, 19, 20 and 21, comprising 78 acres.

16 Is that correct?

17 A That's correct.

18 Q Where is that situated on your ROM-3 map?

19 A These properties are shown on the easterly side of
20 River Road which parallels and adjoins the Rockaway River,
21 lying south of the municipal building which is at the
22 intersection of River Road and Church Lane. They extend
23 from River Road back to the power line and gas transmission
24 line easement.

25 Q It would appear from your map that this

1 entire parcel of land, the entire 78 acres is within a
2 delineated flood plain.

3 Q Is that correct?

4 A That's correct.

5 I personally observed flooding throughout that area.

6 Q Is it possible, then, that industrial develop-
7 ment could reasonably be placed on these lands?

8 A I'd say it's questionable that the property could
9 be used to any significant extent. I believe any develop-
10 ment that could take place on the property because of the
11 flooding conditions would be very limited.

12 Q The fifth site you've identified is listed
13 as Block 131, Lots 1, 4, 15, 18, 20 and 21, comprising
14 146 acres.

15 Q Is that correct?

16 A That's correct.

17 Q Where are these lands found?

18 A These lands are located south of River Road, west
19 of Changebridge Road.

20 Q It would appear that this parcel of land
21 is quite similar to the last in that it seems to be prim-
22 arily flood plain.

23 Q Is that correct?

24 A That's correct.

25 Q In addition to the flood plain, you've got

1 15 acres of a high water table.

2 Is that correct?

3 A That's correct.

4 Q In what sense, then, do you conclude that
5 a residential development would be a potentially viable
6 use?

7 A In stating that the residential development might
8 be a potentially viable use in the portion of the tract
9 which has frontage on -- a portion of the tract which has
10 frontage on Changebridge Road which is the area shown in
11 yellow west of Changebridge Road, north of Van Riper Avenue.

12 Q There is, then, a portion of this tract which
13 is identified on your ROM-3 as being totally unimpaired by
14 significant environmental constraints.

15 Is that correct?

16 A That's correct.

17 Q What is the acreage of these unimpaired lands?

18 A Let me just review my letter for a moment to see if
19 this wouldn't give me an approximate figure.

20 It appears that about 15 acres are unincumbered.

21 Q What environmental limitations would there
22 be to the density to which residential structures would
23 be built on these 15 acres?

24 A I don't know that there would be any specific
25 limitations -- environmental limitations as revealed by

1 this particular map, R0-3.

2 Q In addition to that map, I mean based on all
3 your resources which are at your disposal and your knowledge
4 of the area, what are the environmental limitations to
5 development of these 15 acres, if any?

6 A I would have some belief that there would be addi-
7 tional wetland conditions in some of this area based upon
8 my personal knowledge of the area.

9 Q Despite the fact that you delineated the
10 wetlands as ending before these 15 acres begin.

11 Is that correct?

12 A Yes.

13 Well, the limitation as shown on the map -- the
14 limitation of the wetland areas is based upon the Morris
15 County Soil Survey Mapping.

16 Q Which is not as accurate as an actual site
17 investigation, is what you're saying, then.

18 Is that correct?

19 A I would say that it's not as accurate as onsite
20 investigation.

21 Q Would there be any other limiting factors
22 to the density of residential development that can be
23 constructed on these 15 unimpaired acres?

24 A None that I know of, offhand.

25 Q The next site which you've identified is

1 listed as Block 138, Lots 8, 10 and 12, comprising 75 acres.

2 Is that correct?

3 A Yes.

4 Q Could you point out its location on your
5 ROM-3 exhibit?

6 A Yes.

7 This particular area is also located on the westerly
8 side of Changebridge Road and is immediately north of Stiles
9 Lane.

10 Q Your report seems to indicate that 20 acres
11 are outside of the flood hazard area.

12 Is that correct?

13 A Yes, that's correct.

14 Q Those are shown in yellow on ROM-3?

15 A That's correct.

16 Q Would there be any other environmental
17 limitation to the density of residential development which
18 could be constructed on these 20 acres?

19 A I don't know of any specific environmental limitations.

20 Q Would there be any other planning considera-
21 tions in limiting the density of the residential develop-
22 ment that can be constructed on these 20 acres?

23 A Well, I think there are, perhaps, planning considera-
24 tions which might even limit its designation for residen-
25 tial development were it designated for residential.

1 development.

2 I'd say that the limiting factor is the configuration
3 of the unimpaired or unincumbered area in which -- might
4 have some limitations on layout -- the property fronts on
5 Changebridge Road which is a heavily traveled road.

6 I think to give adequate protection residential
7 structures should have fairly ample set backs from the
8 road. This would have another -- replace another limiting
9 condition on potential densities.

10 Beyond those, I don't know of any specific limitations.

11 Q Are these lands served by public water and
12 sewer?

13 A They are served by public water. And if sanitary
14 sewers are not in Changebridge Road abutting the property,
15 they are probably within a reasonably close proximity of
16 the property.

17 Q As far as any planning considerations in
18 making a residential zone at this location, what factors
19 would you consider relevant in that type of a decision?

20 A I would take into consideration the adjoining
21 development pattern north and south of the property which
22 is commercial and industrial. The -- which, in my opinion,
23 establishes a pattern of industrial development in that
24 area or character of industrial development.

25 I would take into account the amount of housing

1 that might be constructed there in terms of the overall
2 size of the property as to whether or not it would produce
3 any meaningful amount of housing in terms of the amount
4 of unconstrained land that is available.

5 Q To the extent that the unimpaired portions
6 abut up on the west to a large flood plain, that appro-
7 priately should be designated for open space flood retention
8 and not be developed.

9 Would you agree, essentially, with that planning
10 decision, leaving the flood plain unbuilt on to the west
11 of these lands?

12 A Yes, I would agree that that should be -- that's
13 a desirable objective.

14 Q To the extent that the lands to the east of
15 this tract appear to be residential development, the resi-
16 dential development at this location would not be incon-
17 sistent with those uses directly to the east of this tract.

18 Would that be correct?

19 A Well, the lands directly to the east -- well, they
20 are residential. They do not front on Changebridge Road.

21 There are properties that have frontage -- we would
22 call them double frontage lots.

23 The residential structures themselves face on -- a
24 loop road called Stiles Lane which, I think, is a desirable
25 situation where you have a relatively heavily travelled road.

1 Q So the houses face the front or easterly
2 boundary of this unimpaired portion of the tract.

3 Is that what you're saying?

4 A That's right.

5 Q But to the extent that there's a pattern of
6 development that's limited to 50 percent, the north and
7 the south as opposed to the entire surrounding or adjacent
8 land development patterns on this tract.

9 Is that correct?

10 A Yes.

11 Well, the lands on the easterly side of Changebridge
12 Road have a pattern of residential development whereas the
13 land on the westerly side of Changebridge Road, with the
14 exception of this one vacant tract, have a pattern of indus-
15 trial development.

16 Q The next site you've identified is Number 7,
17 Block 167, Lots 15, 26, 29, 30, 31, 32, and 33, and then
18 Block 168, Lots 1 and 2, comprising 87 acres.

19 Is that correct?

20 A That's correct.

21 Q Would you point out the location of these lands
22 on your Exhibit ROM-3?

23 A Yes.

24 These lands are located on the northerly side of
25 Route 46 at the easterly boundary line of the Township,

1 which boundary line is the Passaic River. It extends from
2 Route 46 to the Passaic River.

3 Q Once, again, we have an area entirely within
4 the flood plain which is designated for industrial use.

5 Is that correct?

6 A That's correct.

7 Q Would it be feasible to develop these lands
8 for an appropriate industrial use at any useable density?

9 A I would say that it would not be possible to develop
10 those lands -- or the development of those lands would have
11 to be at very limited densities. Most of that area, not
12 only is it indicated as a flood hazard area, but I have
13 observed flooding on frequent occasions in the area.

14 The only development -- or way that development would
15 take place would be through some way of filling land.

16 Q Which would then display significant amounts
17 of flood retention areas.

18 Would it not?

19 A Potentially, yes.

20 Q The next area is Number 8, Block 80, Lots 1
21 and 2, et cetera, et cetera, 332 acres.

22 Is that correct?

23 A That's correct.

24 Q Where are these lands found on your exhibit?

25 A These lands are all located in the area which lies

1 south of Route 46. They are properties which front on
2 Chapin Road and extend to the Rockaway and Passaic Rivers.

3 One portion of the area is located on the northerly
4 side of Chapin Road extending to Route 46.

5 Q In respect to these lands, what portion of
6 the tract is designated on your exhibit as being unimpaired
7 by environmental constraints to development?

8 A We've indicated that 75 acres lie outside of the
9 flood hazard area of the Rockaway and Passaic Rivers.

10 Q Would you --

11 A I would just go further to say that there is some
12 portion of the area that's also wetland soils. But, I
13 would have to estimate that probably, at least, 60 acres
14 are probably noncritical vacant areas.

15 Q Do you know of any environmental reasons
16 which limit the carrying capacity of these lands for resi-
17 dential development?

18 A Mostly man-made environmental limitations inasmuch as
19 all of the properties -- developed properties south of
20 Route 46 are either commercial or industrial, including
21 a trucking terminal on Chapin Road. The area carries a
22 considerable amount of large truck traffic. It's an area
23 which has a very unfavorable environment in those terms
24 for residential uses.

25 Q Are there any other planning reasons or

1 considerations which would lead you to the conclusion that
2 it would be inappropriate to develop these lands for high
3 density residential development?

4 A Yes.

5 In the past, I believe, there was consideration
6 given to possible residential zoning in that area. But,
7 inasmuch as the area is isolated from the rest of the
8 Township by Route 46, it was concluded that the -- that
9 service considerations -- municipal service considerations
10 ruled against residential development. And, it would mean
11 extending the municipal service facilities to the southerly
12 side of Route 46 to serve residential development.

13 It would mean transporting children from the south
14 side of Route 46 to schools elsewhere in the Township, a
15 problem which the Township does not have at this time.

16 That along with the established industrial character
17 and commercial character in the area mitigate against
18 residential development.

19 Q At all?

20 A At all.

21 Q Would your opinion be that this area is the
22 most inappropriate land in the Township for residential
23 development based upon all the planning considerations you
24 just said?

25 A Based upon those planning considerations, it is

1 probably the most inappropriate area of the Township
2 that I can think of offhand for residential development.

3 Q We've discussed a large number of industrial--
4 potential industrial sites.

5 Was any specific analysis done as far as the master
6 plan establishing any correlation between industrial develop-
7 ment in Montville or Northern New Jersey with the amount of
8 land area which was zoned for this use?

9 A The correlation between the zoning for industrial
10 use in Montville versus Northern Jersey?

11 Q No, whether or not any analysis was done
12 establishing a need for the number of acres which have been
13 zoned for industrial use need either specifically existing
14 in the Township of Montville or a regional need for this
15 amount of industrial land in the Township of Montville?

16 A No.

17 I believe that the industrial zoning pattern of the
18 Township was primarily based upon the existing pattern of
19 industrial development that had already established itself
20 and the feasibility of various properties for various types
21 of uses based upon their geographic location, location in
22 terms of transportation facilities and other similar types
23 of planning considerations.

24 Q There's one additional industrial area which
25 we have not discussed. It also has been zoned as a PURD

1 zone.

2 Is that correct?

3 A That's correct.

4 Q Where are these lands situated with reference
5 to ROM-3?

6 A These lands are on the easterly side of Changebridge
7 Road, immediately south of the Morris Canal and Conrail.

8 I thought that we had discussed these to some degree
9 in a previous deposition.

10 Q I think you're correct.

11 As far as emphasizing certain points, what were the
12 planning considerations which indicated that it would be
13 appropriate for this particular industrial area to also
14 be zoned for potential residential development?

15 A The reason for the designation of the area of --
16 with a Land Unit Residential Option was the fact that this
17 was considered to be an area where the Township could apply
18 for alternate forms of housing, higher density forms of
19 housing. And, at the same time, offer an opportunity for
20 reclamation of the area which, at the present, is in a
21 very unfavorable condition due to its prior soil mining
22 operation.

23 Q As far as compatibility, is this zone in a
24 residential area or what are the adjoining land use patterns?

25 A The property is somewhat isolated in terms of

1 surrounding uses. Not by way of distance geographically,
2 but by way of its physical situation in terms of elevation.

3 It's a depressed area due to the previous soil
4 mining operation, a bowl shaped depression area which
5 isolates it somewhat from the surrounding development and
6 surrounding lands.

7 Beyond that, it was found that the property is very
8 close to Route 202, the future realignment of Route 202
9 along the Morris Canal bed which borders on the property,
10 and very close to Route 287 so that it had good accessibil-
11 ity for traffic generated by higher density use.

12 MR. ONSDORFF: I have no further questions.

13 MR. EISMEIER: No questions.

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15 (The deposition adjourns at 2:40 p.m.)
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C E R T I F I C A T E

I, Roxanne Malanga,
a Notary Public and Shorthand Reporter of the
State of New Jersey, do hereby certify that
prior to the commencement of the examination

Robert O'Grady
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