

CN - Origo Farms + Greenhouses, Inc.
Twp of ^v Colts Neck

5/16/79

transcript of proceedings: Deposition of
William Queale

P 113

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SUPERIOR COURT OF NEW JERSEY
LAW DIVISION - MONMOUTH COUNTY
DOCKET NO. L-3299-78 P.W.

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President

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ORGO FARMS & GREENHOUSES, INC., : CIVIL ACTION
a New Jersey Corporation; and :
RICHARD J. BRUNELLI, : DEPOSITION OF:

Plaintiffs, :

-vs-

WILLIAM QUEALE

TOWNSHIP OF COLTS NECK, a :
Municipal Corporation, :

Defendant. :

FILED
MONMOUTH COUNTY
MAY 24 1979

John R. Ferraro
County Clerk

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T R A N S C R I P T of the stenographic notes
of the proceedings in the above-entitled matter as taken by
and before FRANCINE RUDD, a Shorthand Reporter and Notary
Public of New Jersey, at the offices of FRIZELL, POZYCKI &
WILEY, ESQS., 312 Amboy Avenue, Metuchen, New Jersey 08840,
on Monday, April 30, 1979, commencing at one-thirty o'clock
in the afternoon.

A P P E A R A N C E S

FRIZELL, POZYCKI & WILEY, ESQS.,
BY: DAVID JOSEPH FRIZELL, ESQ.,
For the Plaintiffs.

STOUT, O'HAGAN & O'HAGAN, ESQS.,
BY: ROBERT W. O'HAGAN, ESQ.,
For the Defendant.



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I N D E X

NAME OF WITNESS

DIRECT

WILLIAM QUEALE

By: Mr. Frizell

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E X H I B I T S

NUMBER

DESCRIPTION

FOR IDENTIFICATION

P-1

A Document.

5



1 W I L L I A M Q U E A L E, Sworn.

2

3 DIRECT EXAMINATION BY MR. FRIZELL:

4 Q Mr. Queale, you've been Deposed before and
5 understand what a Deposition is; is that correct?

6 A Yes.

7 Q And do you know that anything you say can be
8 taken down and used for any purpose at a later time by
9 the -- by my client --

10 A Yes.

11 Q -- On his behalf. Okay. Would you tell us,
12 Mr. Queale, I'm going to start by asking you your
13 educational background, where were you raised and as a
14 child, where you went to school, Grammar School?

15 A Winona, New Jersey.

16 MR. FRIZELL: Off the record.

17 (Whereupon there is a discussion
18 off the record.)

19 BY MR. FRIZELL:

20 Q Mr. Queale, where did you go to High School?

21 A Woodbury.

22 Q Your college?

23 A Rutgers.

24 Q Was that Rutgers College?

25 A Rutgers University, New Brunswick.



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Q What degree did you get there?

A A Bachelor of Arts degree in Economics, Minor in City Planning.

Q Did you do any Graduate work anywhere?

A No.

Q What was the Minor, City Planning Program?

A Well, that was the only course work that they offered for a degree in City Planning at that time. Subsequent to my graduation, they have converted that program into a Masters Program.

Q What year did you graduate from Rutgers?

A '59.

Q And subsequent to your graduation -- graduation from college where were you employed?

A For two years with the New Jersey Division of State and Regional Planning. That was until 1961. From 1961 through '71, with Gershen Associates in Trenton and then in 1971, I set up my own practice with Mr. Lynch.

Q Now, in the preparation of Master Plans, what other towns can you tell me you've done and I'm saying which led to the adoption, formal adoption, of a Master Plan by the Township, what other towns did you represent or serve?

A Well, since 1959?

Q I assume since 1961.



1 A I have a list of towns as part of my qualification.
2 Would that suffice?

3 Q Did you bring that with you in writing?

4 A Yes.

5 Q Could I see it please?

6 MR. O'HAGAN: Is there more than
7 one copy?

8 THE WITNESS: Did I give you one?

9 MR. O'HAGAN: You gave me two.

10 MR. FRIZELL: We'll have this marked.

11 (A document is received and marked
12 P-1 for identification.)

13 BY MR. FRIZELL:

14 Q Mr. Queale, on D-1, which has been marked P-1,
15 Mr. Queale, on the second page of that document, there is
16 a list of towns over which is the heading "Planner in
17 Charge". Do I understand that to be a list of towns for
18 which you have acted as the prime planner in the prepar-
19 ation of a Master Plan or does that mean something else?

20 A You are correct.

21 Q All of these towns adopted Master Plans
22 pursuant to recommendations or studies in which you were
23 the principal planner?

24 A No, not necessarily. Some of them are counties.
25 Others are not municipalities and some of the municipalities



Queue - direct
1 listed are not ones which did Master Plans.

2 Q Can you tell me which of these you prepared
3 Master Plans for?

4 A Would you also like the ones that are adopted or
5 did adopt them?

6 Q Yes.

7 A Okay. It may -- some of these I'm just not going
8 to recall but we'll do the best we can. Allamuchy
9 adopted. Blairstown, I don't recall. The Bronx was not
10 a Master Plan Program. Carlstadt, I don't recall.
11 Chesterfield is adopted. Colts Neck adopted. Deptford
12 was fairly well complete when I left Gershen Associates
13 and I don't recall whether that advanced to a full Master
14 Plan Program and whether there was adoption. Dover
15 adopted. East Amwell adopted. East Rockhill adopted.
16 Frankfurt adopted. Fredon, I don't recall. Glassboro
17 adopted. Hammonton, I don't recall. Hillside adopted.
18 Hillsborough adopted.

19 MR. O'HAGAN: What borough?

20 MR. FRIZELL: Hillsborough.

21 THE WITNESS: Hillsborough, Holmdel
22 just adopted. Hopewell adopted. Jersey City
23 was not a Master Plan. Knowlton adopted.
24 Linden adopted. Loch Arbour adopted. Mansfield
25 I don't recall. Montgomery adopted. Mount



1 Ephraim adopted. North Hanover continued after
 2 I left Gershen's firm and I don't know that.
 3 Ocean City adopted. Pitman was not a Master
 4 Plan. Princeton was not a Master Plan.
 5 Ridgefield Park adopted initially and we have
 6 just completed a revised plan. That's coming
 7 up for public hearing in May.

8 Rocky Hill adopted. Roselle, I don't
 9 recall. Sea Girt, I think adopted but I'm
 10 not sure. Tewksbury adopted. Tinton Falls
 11 adopted.

12 Union, I don't recall. Wildwood
 13 adopted and those are all the municipalities.

14 BY MR. FRIZELL:

15 Q Is Hillsborough Master Plan a printed document?

16 A Yes.

17 Q How many pages is it, roughly?

18 A 80 to 100.

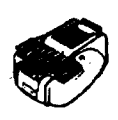
19 Q Holmdel, is that -- has that been printed?

20 A No, it's being drafted now. When the drafting
 21 comes back, it will be sent out to the printer.

22 Q Being drafted by whom?

23 A The draftsman who does the base maps is doing the
 24 art work for the maps.

25 Q Has the text been written?



1 A Yes.

2 Q It's complete?

3 MR. O'HAGAN: Was that approved by
4 the Planning Board?

5 THE WITNESS: Yes.

6 MR. O'HAGAN: What?

7 THE WITNESS: It's been adopted.

8 BY MR. FRIZELL:

9 Q Would you send me a copy?

10 MR. O'HAGAN: Mr. Frizell asks
11 can you send him a copy? Is that something
12 you would be able to do without getting the
13 permission of the municipality?

14 THE WITNESS: I would seek their
15 permission. I don't know what their policy
16 is. Frankly, some of our towns get the
17 documents and they handle all the distribution.
18 Other towns, we may have one or two copies.

19 BY MR. FRIZELL:

20 Q That adopted Master Plan, assuming Holmdel
21 has no objection or right to object to the distribution
22 of the adopted Master Plan, you have a copy yourself and
23 could physically make me a copy, either send it through
24 Mr. O'Hagan or directly to me; couldn't you?

25 A I have the text. The mapping, as I say, is currently



1 out at the draftsman. I'd have to recall that, get it
2 back to make copies of it.

3 Q When, Mr. Queale, was your first contact with
4 the Township of Colts Neck?

5 A I would say in the late 60's.

6 Q And what was the nature of that contact
7 initially; do you recall?

8 A I was working for Gershen Associates at the time
9 and it was a matter of developing a revised Master Plan.

10 Q And in general terms, what did you then do?
11 Did you enter into a contract with them of some kind?

12 A Yes.

13 Q Gershen Associates did?

14 A Yes.

15 Q And in the preparation of the Master Plan --
16 well the Master Plan does speak for itself.

17 Subsequent to the initial Master Plan, were
18 you then recontacted for the purpose of doing revisions
19 or did you say on some kind of a contract basis, subsequent
20 to the adoption of the original plan?

21 A It was about the time, I guess, of the original
22 adoption in early 1970 or 1971 that I opened my own
23 consulting firm and subsequent to that, the Township was
24 in communication with me and I'd been retained to do
25 some particular assignments since 1972, I guess it was.



1 Q Is it on a per assignment basis or is it on
2 a continuing or are you paid on a retainer type of basis?

3 A Both. We've had contracts, for example, when we
4 updated the population report, that was on a fixed fee
5 arrangement, a contract.

6 Q When did you update the population report?

7 A 1973.

8 Q Did you do it more recently?

9 A No.

10 Q Was -- all right.

11 I'd like to, if you would, chronologize the
12 different amendments to the original plan that you have
13 worked on and submitted and which have been either added
14 to the plan or have revised the plan formally so that
15 we have -- we can make reference to those documents.

16 A Well, the report entitled "Population and Housing
17 Study" was in June of '73. Then in November of '73, at the
18 request of the Board, we prepared Memo 3-73 entitled
19 "Population Saturation Estimates Based on Present Zoning."
20 Then in December, '74, we submitted a physical character-
21 istics analysis and in in May of '77, we submitted an
22 updated report on existing land use. Then in November
23 of '76 --

24 MR. O'HAGAN: Wait a minute. This
25 was May of '77, you said existing land use --



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THE WITNESS: Yes.

MR. O'HAGAN: Okay.

THE WITNESS: Then in November of '76, we did a Memorandum 1-76 on adopting a Master Plan under the Municipal Land Use Law and currently, that is for the calendar year 1979, we will be updating the public facilities study and the traffic study. And to date, I've sent out questionnaires to various municipal agencies requesting data on public facilities, but have not received any response yet and we have not initiated any of the analysis under the population report.

BY MR. FRIZELL:

Q In the population study, June of '73, did you estimate at that time the future populations of the Township?

A Yes.

Q And could you tell us what those were?

A We've -- can I ask or just mention or suggest something with respect to your question? I can answer your specific question but there have been population estimates in different phases, and I could give you all those phases or if you want, I can just answer the question as you asked it.



1 Q Well, I'm not interested in any population
2 estimates in general or anything like that. I'm only
3 interested in officially adopted Master Plan documents.

4 A Well --

5 Q Now --

6 A -- For example --

7 Q -- If you're going to refer to the official
8 Master Plan documents that have been adopted by the
9 Township, then, yes, I would prefer that you go through
10 the different phases. If there is something that has
11 not been adopted by the Township, I'm not interested in it,
12 if that helps.

13 A Okay. I think then we're talking about a sequence
14 of events because the 1971 Master Plan had estimates.

15 Q Correct.

16 A The 1973 Master Plan had revised estimates that
17 are referred to in the readoption of the Master Plan, 1976,
18 as an updated study. That population report in '76 per se
19 was not adopted as a document other than to recognize its
20 existence when the plan was readopted.

21 Then in the 1977 land use survey, we had an actual
22 count of dwelling units and I had then related that to
23 changes in school enrollment to give an estimate of
24 population in 1977. So I have those three figures: The
25 '71, the '73 and '77.



1 Q Oh, I see. Perhaps you misunderstood. I'm
2 more interested in population projections for the time
3 being.

4 A In 1971 and 1973, there were projections.

5 Q Yes?

6 A In 1977, it's an estimate of what existed at that
7 time.

8 Q Okay.

9 A We've related to those projections.

10 Q What is the most recent projection that you've
11 done; was that in 1973?

12 A That has been submitted to the Board, yes.

13 Q And were the 1973 projections adopted by the
14 Board as part of the Master Plan or incorporated into
15 the Master Plan?

16 A Gee, I'm really not sure how to answer that. There
17 was an acknowledgement when they readopted the Master
18 Plan in '73 that that study was done - I don't recall
19 the specific language - that we hereby adopt this study
20 or these projections.

21 Q What was the population projection study for
22 the year 1985 and the year 2000 in that study?

23 A There were two ranges: A high and a low estimate
24 for 1985 and for the year 2000. For 1985, the estimates
25 in 1973 were a low of 9,300 up to 10,150. For the year



1 2000, the range was 12,300 to 14,350.

2 Q If you recall, Mr. Queale, did you anticipate
3 at the time that those estimates were done that this
4 population would be housed essentially pursuant to the
5 Master Plan recommendations with respect to density and
6 types of housing and the -- the land use regulations,
7 which have been adopted pursuant to that Master Plan?

8 A The report basically recognizes the density number
9 one, but as you may be aware, the 1973 projections were
10 lower than the ones done in 1969 or '70 as the base for
11 the 1971 Master Plan. And the 1973 report recognizes
12 the lower numbers and has assumed that the population for
13 household will drop -- would drop and in fact that has
14 happened and also assumes that the only way the higher
15 numbers could occur would be for -- with an increased
16 rate of development.

17 Q All right. The rate of development is not
18 my immediate concern. That's not my question. If I
19 can go to the question again, in adopting these numbers
20 and projecting the populations, did you anticipate all
21 of this population increase would occur pursuant to the
22 land use regulations - that is basically vacant land;
23 I think we're both aware in Colts Neck being zoned
24 essentially for two acre lots - did you anticipate that
25 population increase would occur with that pursuant to that



Queale - direct
1 land use regulations -- those land use regulations?

2 MR. O'HAGAN: I would object. When
3 you use the term "vacant land", it might mean
4 something different to the three of us. I
5 think you had better be a little bit more
6 definite in your question.

7 MR. FRIZELL: Vacant land has
8 nothing to do with the question, you under-
9 stand?

10 MR. O'HAGAN: But you based your
11 question upon the extent of vacant land.

12 MR. FRIZELL: I'm only postulating
13 what I understand the land use report to be.
14 Whatever they are I think is a matter of
15 public knowledge. I think Mr. Queale knows
16 what they are.

17 BY MR. FRIZELL:

18 Q Whatever the land use regulations are, did
19 you anticipate that these increases of population would
20 be housed pursuant to those recommendations or did you
21 anticipate in the alternative that those regulations would
22 either be changed, modified or whatever in making those
23 projections?

24 A My recollection is that the basic assumption was
25 that they would be single-family homes because we were



1 aware that there were not water and sewer facilities and
2 other types of infrastructure that would encourage other
3 types of housing. The range in that density gives some
4 latitude as to the size of the home and actually how many
5 units might be constructed to reach those levels.

6 For example, you can have a smaller number of five
7 and six bedroom homes to achieve a certain population.
8 You'd have to have a greater number of homes, if they
9 were smaller use to achieve that number. The basic
10 expectation for the foreseeable future, there would be
11 single-family homes as a unit type being constructed in
12 the Township.

13 Q Would the basic expectation be that the
14 single-family homes would be at a density of less than
15 .5 units per acre?

16 MR. O'HAGAN: Less than?

17 MR. FRIZELL: Yes.

18 THE WITNESS: The basic assumption
19 would have been again, I don't recall any
20 specific discussions, but I can't think of
21 anything at the moment that would cause me
22 to think otherwise, that the density that
23 existed in the Ordinance at that time was
24 expected to continue and it was roughly at
25 the basis of two acre lots, whether it's



1 clustered or not, it's still the same density.

2 BY MR. FRIZELL:

3 Q Is it your testimony that the clustering
4 provisions of the Ordinance achieve the same density as
5 the Ordinance without the clustering provision in the A-1
6 Zone?

7 A Yes.

8 Q All right. Now, in working in Colts Neck
9 for -- since 1971, Mr. Queale, am I correct to assume that
10 you've made countless -- you couldn't possibly count the
11 number of visits that you made to the Township and personal
12 observations you've made there; you've made dozens per
13 year?

14 A No.

15 Q How many per year would you normally make, for
16 instance?

17 A We had very -- a very limited meeting schedule with
18 the Township. Basically, if we were under contract to do
19 a study we visited the town or had communications to pick
20 up whatever data was necessary in order to produce the
21 study. We would then forward the study down on and in
22 some situations, we would meet with officials to go over
23 it. In other instances, there might be communication by
24 phone or letter regarding questions on the record. We did
25 not have a heavy meeting schedule with the officials and



1 most of our visits to the town were intended for data
2 collection.

3 Q All right. In your report, Mr. Queale, you
4 make reference and -- to the various different types of
5 uses?

6 A Which report?

7 Q The -- in the report you prepared for this
8 litigation.

9 A Okay.

10 Q And I wonder if you have with you the notes
11 or the data on which you based those numbers so that I
12 could determine from that how much of the Township is
13 dedicated to a particular land use at the present time?

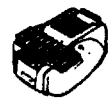
14 A Well --

15 Q Do you have those notes?

16 A I don't have the notes. I do have a map that was
17 prepared to show land use patterns and I was intending to
18 prepare a map that also showed or specifically showed
19 qualified farmland.

20 Q Do you have that map with you?

21 A No, the actual relationship of all that has not
22 been done yet. I'm waiting for the maps to come back
23 from the printer. One of the considerations that I had
24 was to plot this data on the critical areas map that
25 was submitted as part of the physical characteristics



1 study. So then all this data would be on one map.

2 Q What data did you bring with you with respect
3 to existing land use patterns?

4 A Only a copy of my report.

5 Q The existing land use report?

6 A Yes, the 1977, I believe it was.

7 Q Could I see that?

8 A You have a copy of that.

9 MR. FRIZELL: Off the record.

10 (Whereupon there is a discussion
11 off the record.)

12 MR. FRIZELL: Back on the record.

13 BY MR. FRIZELL:

14 Q Mr. Queale, how was this particular report
15 prepared? I'm referring to the existing land use report,
16 May, 1977.

17 A I conducted a lot by lot survey throughout the
18 Township, plotted the results on a map, calculated the
19 land areas for different land use categories and then
20 wrote the four or five page analysis based on my inter-
21 pretation of the patterns and the extent of development.

22 Q Now, referring to the last page of that report,
23 which is a map, and it says "Land use changes", do you --
24 I'm going to refer to the map and also I will refer back
25 to page 2, it says here, for instance, the second



1 paragraph, "Other scattered uses including the auto
2 wrecking yard and the Colts Neck Airport."

3 A What page? I'm sorry.

4 Q Page 2, second paragraph or actually the first
5 full paragraph, the bottom line, "Colts Neck Airport."

6 A Okay.

7 Q Based on this report, where would, for instance,
8 the airport be placed in terms of land use, what category?

9 A If you wanted to put an X on the map?

10 Q No, I know where the airport is located. The
11 airport is located - I believe - east of Airport Road?

12 A Yes.

13 Q On that large lot?

14 A Yes, and west on the stream, which is west of 34.

15 Q Correct.

16 A Yes?

17 Q Do you know how big that airport is?

18 A Not offhand, normally the category of an airport
19 would be one of two possible categories: Either commercial
20 or industrial. In the instance of Colts Neck, I would
21 assume for the moment that I categorized it as commercial.
22 Industrial classifications may occur where you have an
23 industrial park that surrounds it, for example.

24 Q Can you roughly tell me how big that airport
25 is by looking at it? You have - I note - the Orgo Farms



1 incidently sort of outlined, darker -- the lot lines are
2 outlined?

3 A Yes.

4 Q That lot is 214 acres. You've been advised;
5 I assume?

6 A Yes.

7 Q Can you tell me roughly how big the airport is?

8 A Well, the site on which the airport sits appears to
9 be perhaps slightly larger. The airport use itself is
10 considerably smaller.

11 Q So it's something slightly over 214 acres,
12 probably based on the observation of the map?

13 MR. O'HAGAN: You're talking about
14 the size of the lot?

15 MR. FRIZELL: The total tract.

16 THE WITNESS: I would expect that
17 the actual airport uses may be in the neighbor-
18 hood of 10 or 15 acres.

19 BY MR. FRIZELL:

20 Q Well, in categorizing existing land use, is
21 part of that plot farm -- excuse me. Let me state that
22 as an affirmative statement.

23 There is no farming occurring on that lot;
24 isn't that correct?

25 A I can't say that for certainty and I don't know



1 whether all or a portion of it is under qualified farmland.
2 I have the data in the office but I don't recall offhand.

3 Q In categorizing different lots throughout the
4 Township, did you separate, for instance, a lot which was --
5 which was primarily devoted to a certain use, in this case
6 airport use, would you -- is it possible in doing your
7 calculations or doing your study that you would dedicate
8 or allocate the balance of that lot to vacant land or
9 would you simply put the whole lot in a commercial or
10 industrial use?

11 A No, in this instance, I would have put a circle
12 at the approximate location of the airport use and the
13 rest would be appropriately classified vacant, agricultural
14 or wooded, depending on the categories.

15 Q Okay. Do you know who owns the airport?

16 A No, I don't.

17 Q Have you ever been consulted with respect
18 to development proposals for that airport?

19 A Yes.

20 Q And what were the nature of the proposals?

21 MR. O'HAGAN: I'm going to object
22 to this, if you're prepared to say that it's
23 something that has been approved, if you're
24 prepared to say that the Planning Board has
25 taken official action on it, that's one thing.



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The mere fact that there has been an application made on it, if it has, doesn't advance your cause in this proceeding one iota, and I think it's completely irrelevant.

MR. FRIZELL: Are you instructing him not to answer the question with respect to applications made by planners with respect to developers in Colts Neck?

MR. O'HAGAN: If you tell me the relevancy of it, if you tell me the purpose --

MR. FRIZELL: I'm not prepared to make a full explanation. I want to know whether or not he's going to be allowed to answer. I can tell you my preliminary opinion, the relevance of it is we're attempting to determine whether this particular Township is subject to or experiencing development pressures from developers and land owners. In that context, I'd like to know whether Mr. Queale, in his capacity as Township Planner or Planning Consultant, has been consulted with respect to development applications or proposals with respect to a very large piece of property in Colts Neck Township.



1 MR. O'HAGAN: The problem I'm having
2 with it is that applications can be presented
3 to a Planning Board and withdrawn at any time.
4 Some applications might be submitted merely
5 to test the water, to see how the view is. So
6 I think it's irrelevant and I would instruct
7 him not answer the question because I don't
8 see an probative value in the question whatso-
9 ever.

10 MR. FRIZELL: All right.

11 BY MR. FRIZELL:

12 Q How many -- how many of these consultations
13 have been made over a period of time, without telling me
14 the nature --

15 A On this tract?

16 Q -- The nature of the communications?

17 MR. O'HAGAN: The Orgo or Airport?

18 MR. FRIZELL: The Airport tract.

19 THE WITNESS: Two.

20 BY MR. FRIZELL:

21 Q Now, in your report you indicated that these
22 proposals made were residential in nature?

23 A Yes.

24 Q Okay. Now, do you know who owns the tract of
25 property, if I can refer again to your existing land use



1 map, the map with the existing land use report, do you
2 know who owns the piece of property adjacent to Orgo Farms,
3 that is to the east of Orgo Farms through which Slope Brook
4 travels?

5 A No.

6 Q If I told you Mr. Michael Stavola is the
7 owner of that property, would that name ring any bells for
8 you?

9 A Well, I've heard the name locally. I don't know
10 who he is. I understand he has a horse farm.

11 Q If I told you he was one of New Jersey's
12 largest builders, would that refresh your recollection
13 in any way?

14 A I've never heard his name mentioned in that
15 context.

16 Q Okay. The property adjacent to the Orgo
17 Farms, Mr. Queale, on the south side of Route 18 near the
18 Clover Leaf intersection, which I think you have a black
19 mark near of some kind, I can't see from here, do you
20 know who owns that property?

21 A That's an identification of, I believe, it's the
22 Township Garage.

23 Q Okay.

24 MR. O'HAGAN: Off the record.

25 (Whereupon there is a discussion



1 off the record.)

2 BY MR. FRIZELL:

3 Q All right. The lot adjacent to Route 18 and
4 between Route 34 and the Orgo Farms, do you know who owns
5 that tract? This lot in here (indicating).

6 A No, I don't.

7 Q Would -- does the name Zimmer ring any bells
8 for you?

9 A I don't -- well, there is a name. It's either
10 Zimmer, Zimmerman, who's a developer of single-family
11 homes in the Township. That rings a bell.

12 Q In your connection as Planner for Holmdel
13 or Colts Neck or Monmouth County Municipalities, did you
14 ever encounter a builder, a Mr. Zimmer?

15 MR. O'HAGAN: In what respect?

16 BY MR. FRIZELL:

17 Q As someone who was proposing an application for
18 development?

19 A I don't think I ever met him. I only know the name,
20 I guess, through the maps I reviewed or **I heard** it being
21 spoken.

22 Q Now, Mr. Queale, do you know of your own
23 personal knowledge of any other large tracts of land which
24 might be owned by developers in Colts Neck Township, that
25 is people who are professionally engaged in real estate



1 development?

2 A No, I just have not had access to that and I'm not
3 privy to it. The Board doesn't use my services in the
4 context of submitting a list of projects or each project
5 that comes into the Board to me for review.

6 Q Now, have you been contacted as a Planner with
7 respect to any other besides the airport property, any other
8 large development proposals besides the Orgo property?

9 MR. O'HAGAN: When you say "large",
10 I think you will have to describe large.

11 MR. FRIZELL: Okay.

12 BY MR. FRIZELL:

13 Q I can describe large as anything over a 50 acre
14 parcel of land on a plat with an A.

15 A Only two things that I can think of. They're not
16 really current. One was some years ago and Mr. O'Hagan
17 may be able to recall the date better than I. It was
18 some type of proposal on the property that has been
19 subsequently purchased by the County for the Hominy Hill
20 Golf Course.

21 Q Was the nature of that proposal residential?

22 A As I recall, yes. The second was at the eastern
23 end of the Township, south of Phalanx Road, on the south
24 side of Phalanx and that was probably around 1972 or so,
25 and as you can see from both the maps that's in the land



1 use report, that has been developed. The lots that show
2 on the base map, the street map and lot configuration are
3 occupied. Then you see the dots in the cross hatched
4 areas that indicate new homes that have been developed
5 since 1969.

6 MR. O'HAGAN: Off the record for a
7 minute.

8 (Whereupon there is a discussion
9 off the record.)

10 BY MR. FRIZELL:

11 Q With respect to other than residential
12 developments, Mr. Queale, can you tell me any development
13 applications or proposals which you became aware of in
14 your capacity as Township Planning Consultant?

15 A Yes, we did review the site plan for Delicious
16 Orchards' expansion. That was done, I guess, in con-
17 junction with the bank that was added just south of
18 537.

19 Q Approximately a year for that?

20 A 1972 or 3 and in 1977 or perhaps '78, I reviewed
21 a site plan for the commercial tract north of 537 located
22 south of the hardware store, which, I understand, will
23 be the site for Perkins Pancake House or some type of
24 restaurant. But the review of that restaurant location
25 was done in the context of the total tract. So if there



1 is any expansion, it will be tied into a total parking
2 scheme. Beside that there was an expansion to the tennis
3 courts.

4 Q Any other non-residential?

5 A None that I can recall.

6 Q Were you consulted on the shopping center at
7 the intersection of Routes 537 and 34 by Mr. Gesarch
8 (phonetic)?

9 A Yes, I did a review. The question was with respect
10 to, I think, it was just buffers and perhaps the esthetics,
11 but I seem to recall that when that came to me, that the
12 plan had already been approved as far as the layout of
13 the site was concerned.

14 Q Was that a small neighborhood shopping center?

15 A It certainly wasn't much larger than that. It
16 looks like the area of the site is something like 10
17 acres.

18 Q Do you recall, did it include a supermarket?

19 A I don't recall any of the particular uses. The
20 plan I had as I recall, didn't specify who the occupants
21 would be.

22 Q Were you contacted with respect to an appli-
23 cation by McDonald's Corporation for a restaurant at that
24 site?

25 A Yes, I spoke to the Township but we did not pursue



1 it. That was part of the site plan that I also reviewed.

2 Q Do you recall anyother non-residential site
3 plans or development applications of any kind that you were
4 asked to review or comment upon in any way with your
5 meetings with the Township?

6 A There was an issue some years ago and I can't
7 recall whether it was before or after I went into my own
8 business, when the Happy Apple wanted to do some interior
9 expansion and the question came up about expanding the
10 parking for the area around the restaurant.

11 Q Have you ever testified in court on behalf
12 of Colts Neck?

13 A Once on a condemnation matter.

14 Q Is that the only time that you recall?

15 A I think so.

16 Q Mr. Queale, there's some terms used in your
17 report which, before I go too much further in asking
18 questions about it, I'd like you to try to explain to me
19 a little better what the terms mean.

20 A Which report, the land use report?

21 Q No, the expert report you've prepared in
22 preparation for this litigation. Let me back up just a
23 second. When were you first contacted in connection with
24 this litigation by the Township or any representative of
25 the Township?



1 A I just don't recall. I'd have to look in my
2 records.

3 Q What was the nature of the contact? Were you
4 contacted by Mr. O'Hagan, by the mayor, by a councilman?

5 A Frankly, I mean I heard of it, that such a litigation
6 had been initiated prior to the time of any formal request
7 to participate. I would -- normal routine would be to
8 hear from the attorney. I can only assume for the moment
9 that the first request came from Mr. O'Hagan.

10 Q And was this -- were your services in
11 connection with this litigation included in your normal
12 retainer services or did you enter into a separate agree-
13 ment with respect to this litigation?

14 A All of our services with any town in matters of
15 litigation are over and above any contract.

16 Q Are they contracted on an hourly basis?

17 A Yes.

18 Q It would just simply depend on how long you
19 spent in connection with this litigation, the amount of
20 money you receive?

21 A Yes.

22 Q In testimony in court, is that a separate
23 category?

24 A No.

25 Q The same?



1 A Straight hourly.

2 Q Straight hourly basis?

3 A Uh-huh.

4 Q Is that subject -- is that pursuant to a
5 standard contract that you have with your clients? I
6 know when I deal with Plaintiffs, for instance, they have
7 a long sheet that tells me how much the principal planner
8 is going to cost, how much the secretary's time is going
9 to cost and the assistant planner, et cetera. Is that
10 pursuant to that sheet?

11 A We only have a two man operation and one secretary
12 so it's very simple, yes.

13 Q Now, to get back, Mr. Queale, to the first
14 term I want to ask you about, if you could tell me in your
15 own words what it means, because it's used in the report.
16 What is the term "sprawl" in your definition of sprawl?

17 A Well, I think depending on what level you're addressing
18 the question, it might have different connotations. I
19 think normally most people would think of sprawl at the
20 regional level. The advancing of development out into
21 rural and suburban areas typical of the patterns that
22 we've all seen in maps and heard about in the Metropolitan
23 Area, the widening of that Metropolitan Area, that's
24 sprawl.

25 Q What land use types are characteristic of



1 sprawl, if I can try to get in my mind what you're talking
2 about so that I would know it when I saw it. What land
3 use types are you talking about?

4 A Well, I think it really encompasses all land use
5 types and the ones you become most familiar with are those
6 that are the greatest amount of land area and so to the
7 extent that most development in the region has been
8 residential, that has the largest impact. But to the
9 extent there are industrial parks or individual sites
10 of industries that result from the decentralization of
11 old industries in the center city, that's part of the
12 total picture also. But there's been less land occupied
13 by industrial expansion than residential. So the total
14 land consumption for that type of use is less than the
15 same for commercial. The extent to which commercial land
16 presents an individual picture is intensified in large
17 part because most of that has occurred on the major
18 highways and people see it because that's the route they
19 travel to and from work on or whatever their destination
20 is. It's highly visible.

21 Q Is that what you refer to as **Strip**
22 Commercial Development?

23 A Yes.

24 Q With multiple access points in and out of
25 a given highway point, you're talking about?



1 A Again, I think there are two different types of
2 strip commercial development. The most difficult one that
3 most people recognize is the small lot, individual stores,
4 each with a couple of driveways, usually accompanied by
5 intense parking or not enough parking and it creates
6 safety and congestion type problems up and down the high-
7 way.

8 Q On the other hand, in a broader sense you
9 take something like a Route 22 up in the North Jersey
10 area, there is strip commercial development along it
11 but it happens to be a concentration of continuing,
12 running shopping centers, an intense type of development,
13 but each store is served by a fewer number of access
14 points or driveways to the road.

15 Q All right. In terms of residential land
16 uses being included in sprawl, what type of land uses
17 would you say would be included in sprawl, all types?

18 A Sure.

19 Q What -- are there any types that are more
20 characteristic than other types?

21 A Well, depending on where you are in the State, the
22 further out you get in terms of distance from the
23 Metropolitan core, the more you're going to see single-
24 family homes. Those are the areas that traditionally
25 have an absence sewer and water supply so you run into the



1 single-family home that would be characteristic of the
2 overall pattern. As you get into some of the more
3 developed communities, but still where there might be
4 significant land areas, there is a pattern of town houses,
5 garden apartments, from say 10 years ago. Currently
6 we're seeing applications for duplexes in some of the
7 smaller lots that are infilling and so forth. So it
8 becomes part of the pattern.

9 So I think again the overall sprawl pattern
10 is different depending on where you are within the region
11 and what point in history they develop.

12 Q You use in conjunction with sprawl the term
13 "leapfrog development". Could you please explain what
14 leapfrog development means?

15 A If you visualize the New York Metropolitan Area
16 as being most intensely developed closer to New York and
17 Newark, and decreasing in intensity as you move out and
18 then time proceeds, the intense center also increases,
19 you have kind -- or have had this way of development
20 that's been moving out. The logical extension of that
21 would be a continuation of that wave in the next step
22 out. Leapfrog would be something that would extend
23 significantly beyond that fringe of development and
24 create a new nucleus beyond the fringe.

25 Q So when you say "leapfrog development", you're



1 not talking -- you don't refer to it in the context, for
2 instance, of skipping lots. You're talking about it on
3 a much higher scale in terms of perhaps skipping miles.

4 A Yes.

5 Q And that's how you use it in your report?

6 A I'm using it in -- in that context perhaps not
7 in terms of specific miles but more within the regional
8 context, yes.

9 Q All right. In your planning educational
10 background and your experience, did you ever come across
11 a term "garden cities"?

12 A As a specific city or a design concept?

13 Q As a design concept.

14 A Yes. It's been a number of years ago.

15 Q Do you know what it means?

16 A Well, I can't offer a specific definition. To
17 me it would imply a planned unit development approach,
18 which would be the more current phrase. Some places have
19 called it Green Belt Designs, garden cities. They're
20 all basically the same concept.

21 Q So a planned unit development -- just planned
22 unit development, would you tell me what a planned unit
23 development is?

24 A Well, under the Municipal Land Use Law, it's a
25 form of planned development which then has a list of - I



1 guess - five or six different terms: Planned unit resi-
2 dential development, planned unit development, planned
3 unit industrial development and so forth. I have experienced
4 planned unit developments in two contexts. One would be
5 a mixture of housing types designed on a large tract. The
6 second would be those housing developments with some kind
7 of non-residential development, normally a small shopping
8 facility. I personally have not seen an application that
9 was large enough to have an industrial park together with
10 shopping center, together with houses, but that would
11 also be a concept for a planned unit development.

12 Q In the context of sprawl, is urban sprawl the
13 same as sprawl? Are they more or less synonymous terms?

14 A I would say so.

15 Q In the context of discussion of that, what
16 as a Planner -- sprawl you would regard, from your report,
17 I take it, as a negative -- having negative impact on
18 the quality of life in the given area where it occurs
19 as opposed to alternative perhaps forms of development?

20 A Well, again from the -- I think it can have and
21 I think in a very broad sense, it has had significant
22 impact on the State as a whole and I tend to think of it
23 in the negative sense particularly from coming into the,
24 say, 1980's of just what kind of land have we consumed;
25 what kind of transportation patterns are we requiring to



1 serve these people; what sense or what logic is it that
2 we jump out into the middle of nowhere for sewers, where
3 more logical sequence, if we're going to have continued
4 expansion at all, would be not to do so. I'm not so sure
5 it's a given but if we were to have continued that, it
6 would take place in the extension of existing systems on
7 the fringe areas.

8 Q Are there land uses which you have recommended
9 or you have considered that would be an alternative to
10 the urban pattern that you described?

11 MR. O'HAGAN: Under what circum-
12 stances, where and when?

13 BY MR. FRIZELL:

14 Q I'm talking about obviously those areas where
15 development has not yet occurred. I'm not talking about
16 redevelopment and I'm talking about these areas which are
17 not already dedicated fully to the suburban sprawl pattern.
18 If that's a description for you, an alternative form of
19 development is what I want.

20 A In Chesterfield, which is Burlington County, and
21 a strong agricultural town --

22 Q Right.

23 A -- We developed to my knowledge the first ordinance
24 that permits developing transferring of the development
25 from one site to another. The specific purpose was to



1 preserve agriculture.

2 Q Was the TDR in conjunction with any kind of
3 PUD or planned development proposals?

4 A I don't know how far you want to get into this.
5 Let me correct. It was distinct from TDR, which is
6 transfer of development rights.

7 Q Oh?

8 A It's referred to in the Ordinance as Transfer of
9 Development Credits.

10 Q All right.

11 A Basically because we felt and had supporting advice
12 from attorneys that the transfer of development rights
13 would need legislation in order to provide it in the
14 Ordinance. So our concept of transferring credits dealt
15 with the manner in which land was owned rather than
16 purchasing separate rights. In the final analysis, the
17 ultimate development and preservation of tract for
18 agricultural purposes would be the same under our concept
19 as under the TDR concept. The process would be a little
20 different. Now, I forgot the question.

21 Q I asked you if whether or not that -- well,
22 let's forget what I asked you before. I'll ask you a
23 little bit more about that.

24 When you say "concentrating development",
25 what physically happens is resident -- are you talking



1 about residential development to begin with mostly?

2 A In Chesterfield?

3 Q Yes.

4 A Predominantly, yes.

5 Q And would those by concentrating that develop-
6 ment would resulting densities be increased by virtue of
7 these credits?

8 A Yes.

9 Q And the development that occurred would be
10 at a higher density than would otherwise be permitted under
11 the existing zoning?

12 A Yes -- well, under the existing zoning without
13 using that concept, in other words, the maximum density
14 is still in accordance with the Ordinance.

15 Q That's what I meant. I'm sorry.

16 Did you -- did you use any -- other than that
17 particular -- incidently in Chesterfield Township, there's
18 generally two small communities in it, Crosswicks --

19 A Yes.

20 Q And the other one is?

21 A Chesterfield.

22 Q Chesterfield itself?

23 A Yes.

24 Q Were those -- were those areas -- were those
25 the designated areas, if there were any, to which



1 development was directed, the -- if I -- were they the
2 recipients of the credits? I don't know if that's a
3 correct term.

4 A There is some history here and it did not finally
5 emerge in quite that pattern. Our initial recommendations
6 included about a quarter of the Township, which was
7 designated to receive development and maybe two-thirds
8 or three-quarters of the Township that was set aside for
9 an agricultural preserve under the transfer concept.

10 At the time it was being discussed, it was the
11 time the transfer of development rights legislation was
12 introduced in the legislature, and at that time did not
13 pass. And there was concern locally that this was the
14 first town to try this concept and how far should the
15 go.

16 We had several special meetings with the citizenry
17 particularly the farmers, because it was a farmlands
18 preservation effort. The upshot of the farmers' concerns
19 were that they would be willing to proceed on a transfer
20 of development credits concept but because it was new,
21 they were afraid to specify a preservation district and
22 requested that the transfer be permitted to go in any
23 direction. If anyone wanted to buy more land, they could
24 do so.

25 My advice was sought on that and I suggested, yes,



1 to proceed if that was the only way it could go through,
2 let it go through that way. The follow-up question to me
3 was: Well, why? And in that particular town my answer
4 was because the drainage patterns in the whole town go
5 toward the northwest, which was the area we had designated
6 for the receiving of credits, and if there's ever going to
7 be sewers, it's going to be the west or northwest anyway.

8 So that the practical impact of removing
9 the agricultural preservation district was that any
10 transfer that would take place would be from the east to
11 the west, not the other way around. You wouldn't be
12 moving the units further away and have to run the sewer
13 lines a greater distance. So that in order to get the
14 concept adopted, we felt that we were not really changing
15 the ultimate development pattern in the Township, as had
16 been anticipated, to a district, a preserve and receiving
17 development district. It's almost by accident that
18 Crosswicks on the one hand is on the fringe of that
19 development, as is the Village of Chesterfield. Those
20 two villages per se were not focal points towards which
21 we were trying to direct additional development.

22 Q So that by concentrating the development in
23 this area, your recommendation was that by concentrating
24 development in this given section of the town that you
25 could provide a better alternative to the urban pattern



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and also achieve or also have a better opportunity to preserve prime agricultural lands?

MR. O'HAGAN: I object to the form.

You can ask what his purpose was in making that recommendation but you're perhaps assuming something that he hasn't said and isn't yet in evidence. If you want to ask what the purpose for his recommendation was, fine.

MR. FRIZELL: I want to ask the question that I asked. Would you read it back.

(Whereupon reporter reads back pending question.)

MR. FRIZELL: I don't see anything wrong with that question.

MR. O'HAGAN: I'm not telling him not to answer it, if you want to proceed with it.

BY MR. FRIZELL:

Q Is that a fair summary of what the purpose of that recommendation for the transfer of development credits was?

A The primary intent of the township was to preserve agriculture. They were not really subject to and have not been subject to a sprawl type development. It seems



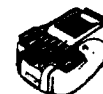
1 to have pretty well stopped in that area of the State,
2 along the New Jersey Turnpike. It hasn't yet quite yet
3 jumped over into Chesterfield. Certainly, their intent
4 was to preserve as many major tracts of prime farmlands
5 as possible.

6 Q Other than what you did in Chesterfield and
7 I think you perhaps did not mention it in this specific
8 context of Chesterfield, but that series of answers was
9 in response to a series of questions I asked about
10 alternative forms of development to sprawl. Other than
11 those recommendations that we discussed in Chesterfield,
12 have you ever attempted to grapple with the question of
13 how to suggest alternative forms of development to sprawl
14 development and if so, where and what were they?

15 A Well, in Hopewell we again approached through
16 the public hearing process the possibility of transfer
17 of development credits concept there. They have different
18 patterns of development, but they do have a strong
19 agricultural base in the valley. They have some
20 mountainous terrain which is a different question all
21 together.

22 But they have some logical areas in the historical
23 development. The two holes in the doughnut, if you will,
24 are Hopewell Borough and Pennington Borough.

25 Q You're referring to the Township?



1 A To Hopewell Township.

2 Q Yes?

3 A We could not get any support for the transfer
4 concept in Hopewell. We did end up designating areas
5 of higher density development on the qualification that
6 water and sewer facilities would be provided and that the
7 valley was in essence low density for agricultural purposes
8 and the lot size there was two acres.

9 Q Those --

10 A I would anticipate, frankly, that over the period
11 of time maybe it's going to be another decade or two, that
12 a transfer type approach might be seen to be more popular
13 by the populace and might get adopted.

14 In Hillsboro, we have a transfer concept which
15 provides for a transfer from the lower density area into
16 the central core, where water and sewer is available.

17 I would say by and large in our rural communities,
18 that the basic thrust to the agricultural issue is to
19 provide for one or two or three acre lot sizes.

20 Q In -- transfer development credits is
21 something that doesn't physically affect? You can't
22 see them anywhere? It's a paper transaction, right?

23 A Well, it's not even -- I guess it's paper in that
24 sense.

25 Q Right.



1 A I mean there's no document that anybody deals out,
2 three pieces of paper for three credits.

3 Q Well, see, my questions are dealing with
4 physically. I think you've attempted in some degree to
5 describe what sprawls look like. I want to know what the
6 alternatives would be to sprawl development physically in
7 the landscape. Is the PUD concept, the large PUD concept,
8 an alternative that you have suggested in the past to
9 sprawl development of tract subdivisions?

10 A I think there are two ways of looking at it. One
11 would be, yes, on a given site a planned unit design -
12 without for the moment talking about what the density of
13 that tract would be --

14 Q Right.

15 A -- But the design itself, to encourage open space
16 and so forth would give the individual appearance of less
17 sprawl. The second and perhaps broader aspect of the
18 regional sprawl pattern and how do you contain it, I think,
19 would come from beyond the Municipal Zoning jurisdiction.
20 Although that will play a part and have responses from the
21 State and perhaps National levels to funding for water and
22 sewer systems, improving mass transit, lower interest
23 rates or some kind of financial assistance to rehabilitate
24 existing units in the urban centers and taking smaller
25 parcels that are near these units of infrastructure and



1 putting in pockets of townhouses or apartments or things
 2 of that sort, but in essence expecting that there would
 3 be an intensification of the already intensified suburban
 4 area or urban area, rather than a continuing march into a
 5 broader and broader urban area.

6 Q And in the context that you talk about, you,
 7 for instance, more or less conclude, so that we can
 8 summarize quickly, I can ask you this question: To permit
 9 the proposed development of the Orgo Farms would be
 10 suburban sprawl; is that negative in your view in that
 11 regional context that you just spoke about?

12 A Yes.

13 Q As opposed to a -- you said there were two
 14 contexts. One was the context of preventing or lessening
 15 the appearance of sprawl. You weren't referring to that
 16 particular concept at that time in your report; isn't that
 17 true?

18 A Which concept now?

19 Q You said that there were two --

20 ~~Two contexts.~~ --
 21 ~~Two contexts.~~ -- Two contexts. One was the immediate
 22 context of the property with which sprawl can be prevented.
 23 One was the immediate context in which PUD lessens the
 24 appearance of sprawl and the second was the original
 25 context in that sprawl, being a -- an expansion of the



1 Metropolitan Area, okay? I -- I just want to know when
2 you're talking about sprawl in here, you're talking about
3 the second; aren't you?

4 A I'm really talking about both. Certainly, the
5 second from the regional point of view and even just within
6 Colts Neck --

7 Q Yes.

8 A -- If you look at the development pattern of the
9 single-family homes in the Township, the homes for the
10 most part are concentrated to the north and northwest.

11 Q Yes?

12 A This particular site then jumps down perhaps a
13 mile to two miles below that existing pattern of develop-
14 ment within Colts Neck. There is a leap out or a leap
15 south which I think also applies to the region as a whole.
16 But within the context if what I understand to be proposed
17 or the request by the Applicant to go to something like
18 8 units to the acre with an office complex and 150,000
19 or 130,000 square feet of commercial space, those are
20 densities that you know, no matter how you design it, on
21 the site it is significantly different from what is not
22 only in the Township but what is within the region, you
23 know, of contiguous municipalities and what has advanced
24 out so far from the Metropolitan Area.

25 Q Is there density that would be more compatible



1 with the surrounding areas that you're talking about? You
2 say 8 units an acre would not be compatible, I assume?

3 A I don't think it's appropriate for that area.

4 Q What --

5 A Again, I think if you look at where the development
6 has come from --

7 Q Yes?

8 A -- The levels of density that exist in the coastal
9 areas, Asbury Park, it's quite high --

10 Q I don't want to interrupt you. I asked you
11 a question and I'm beginning to get lost. Are there
12 densities that you would regard to be appropriate there?
13 If you're responding to that question, please continue.

14 A I was just going to say, the basic pattern is the
15 most intense on the coast line. It progresses down as you
16 move toward Colts Neck --

17 Q Uh-huh?

18 A -- In adjoining Tinton Falls, the densities are
19 1, 2, 3 or 4 units the acre and there are developments
20 basically at that level, and then you move to Colts Neck,
21 which is not really developed on the portion adjacent
22 to Tinton Falls. If coming from the north you have higher
23 development in Holmdel, then you come down over the ridge
24 in the southern two-thirds, which adjoins Colts Neck,
25 it is for the most part undeveloped or developed on lots



1 of 1 or 2 acres.

2 To the west, you hit Freehold where they have
3 expansion of some apartments and townhouses. You come up
4 basically to the ridge line of the sewer service, which
5 flows away.

6 Q Talking about at the time appropriate density,
7 that 8 was not appropriate, is there any density higher
8 than .5 that is appropriate?

9 MR. O'HAGAN: In what context?

10 MR. FRIZELL: The same way he
11 answered the previous question, however he
12 answered it.

13 MR. O'HAGAN: Viewing it in the
14 context of this case or this specific location
15 or the way the area has developed? I'm not
16 sure that I understand the question. Maybe
17 Mr. Queale does, but I don't.

18 BY MR. FRIZELL:

19 Q Do you understand the question?

20 A You're looking for a number of what the density
21 should be?

22 Q If 8 is not appropriate, I wonder if you have
23 an opinion as to what is or if you can form one?

24 A I really wish we had a little clearer picture as
25 to absolute agricultural preservation because I think



1 that's an extremely appropriate use for this corridor on
2 both sides of 537 and several of the township has responded
3 to the agricultural issue with this low density, which is
4 again consistent with the County and State and Tri-State
5 objectives.

6 Q Yes?

7 A So at this point in time, whether a transfer
8 provision were used or straight zoning were applied to
9 the tract, I think you would have to be to the low level
10 of density as exists in the Ordinance as being appropriate.

11 Q If transfer development credits were available,
12 would that change the appropriate density of this
13 location; could it?

14 A No, because basically all you're talking about
15 is calculating rough acreage on how many units it would
16 generate and then moving them somewhere else.

17 Q Is your response then there is no density
18 higher than .5 units per acre that is appropriate for
19 this location?

20 A I think basically, no, in view of the character of
21 the area and what the region has anticipated for develop-
22 ment in that area or the lack of development.

23 Q Now, in terms of talking about decreasing
24 densities from the shore area out, is -- is that
25 characteristic of urban sprawl?



1 A Yes.

2 Q When you talk about logical continuation of
3 the existing patterns of development, isn't that talking of
4 continuing that urban sprawl?

5 A Well, I don't think anyone can ever just draw a
6 line and say this is -- this is the end, no more. I
7 think as Planners, we can say, "Here is a logical
8 boundary through which it would be desirable not to go
9 further." Whenever you draw that generalized line, you
10 have pockets of undeveloped land, which are within the
11 area that you anticipate to be developed, what's normally
12 referred to as the infilling process on the remaining
13 land.

14 So I mean there's bound to be continuation of
15 development in Colts Neck even if we were to draw the
16 line and say, "This is agricultural and this is residential,"
17 simply because there's vacant land available.

18 Q If Colts Neck Township were fully developed
19 under its current development regulations, even assuming
20 that the cluster provisions were opted for 75% of the
21 time or more, would the resulting pattern of development
22 be characteristic of urban sprawl?

23 A Yes.

24 Q Would a PUD provision as indicated in your
25 Master Plan - that was a 600 acre PUD discussion; was it



not?

A Yes.

Q - Would a PUD provision of that type be an alternative to development in Colts Neck, which would lessen the impact or - excuse me - lessen the appearance of urban sprawl in the Township in your opinion?

A Well, okay. You corrected your question so the answer is yes.

Q Yes?

A It would definitely offer the opportunity to improve the appearance. It does not necessarily mean that the appearance would be altered. Certainly with respect to other considerations of sprawl, it does nothing to change the number of units or the number of people or the number of cars or anything else.

Q Right. The difference between the opportunity and actually achieving that objective is something that, for instance, you as a Professional Planner would want to have input in controlling; wouldn't you, as a Professional Planner for the Township, you and other Professionals on behalf of the Township? Am I stating that correctly?

A Presumably, we would be involved in reviewing the application and offering comments.

Q You would review the design?



1 A The site plan design, not necessarily. The
2 architecture, whether it was a highrise or mid-highrise
3 or below the crest of a hill and hidden or right on top
4 of it --

5 Q But at that site plan review stage, you would
6 in fact have in other municipalities reviewed the PUD
7 site plans in order to hopefully achieve the objective
8 that you talked about for which the opportunity is made
9 but which are only achieved by careful design, among other
10 things?

11 A Yes.

12 Q Okay.

13 MR. FRIZELL: Off the record.

14 (Whereupon there is a discussion

15 off the record.)

16 BY MR. FRIZELL:

17 Q The term in your report "high density", you
18 talk about this proposed development being high density.
19 Could you tell me what high density is?

20 A It's a relative term. Certainly 8 units to the
21 acre is high in the community of Colts Neck, which again
22 is consistent with the County and Regional Plans, which
23 speak of no more than a half unit per acre. You're
24 at 16 times that density. If you go 8 units to the
25 acre in Jersey City, you're low. But I think in --



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Q Is there --

A -- In establishing it in traditional, rural and suburban areas --

Q Yes.

A -- We are seeing in the developing portions of suburban areas density in proportion to three and four units to the acre. Isolated sites in some of the more developed sections might be for garden apartments at 8, 10 or 12. Back in the early '60's, the garden apartments were 14, 16, 12 to the acre. Here you're talking about something else, rather than as I referred to in my report, this leapfrog. This community has been at lower density, rural. It suddenly will have an 8 to 10 unit per acre project.

Q Would you consider the existing zoning to be low density?

A Yes.

Q Is there a middle range -- is there a range at which you would call middle density in this type of suburban area and I don't mean only Colts Neck?

HEMLO

MR. O'HAGAN: The problem I have in that question is that there are questions peculiar to Colts Neck that might not apply.

BY MR. FRIZELL:

Q Absent those considerations, I mean for the



1 purpose of when Planners discuss things, I can understand
2 that Planners use terminology such as low density, middle
3 density, high density. Throughout the report, you use
4 high density and you tell me it is a relative term, which
5 I can accept. Given this type of area, is high density
6 8 units an acre? Is there a range which I can call middle
7 density?

8 A Again, my discussion to this point has been based
9 on density meaning some number of units per gross acre of
10 land. I would assume that's been your understanding in
11 my discussions.

12 Q Yes.

13 A Correct, because you're aware that there are net
14 densities, which come as a result of how you design a
15 tract and those net densities shouldn't be confused with
16 a gross density.

17 Q That's correct. No, gross density is what
18 I'm talking about. I think we both understand what that
19 means.

20 A For example, if you take a 200 acre tract and
21 actually compute it, you could produce 100 plus or minus
22 units based on the current density and design the units
23 in some clustered arrangement. Each cluster would be
24 at a higher density. That would be the net density.

25 Q Yes?



1 A Well, I think the initial question now was --

2 Q What range middle density is.

3 A What is a middle density?

4 Q In all terms, I mean talking about what I
5 call gross density.

6 A I would say that in most of the rural areas where
7 I have worked, the traditional density, which would be a
8 low density, is something less than two units to the acre.
9 When you get into suburban areas that might have cluster
10 PUD provisions, you'll range from one to two units to the
11 acre, perhaps up to four, five or six to the acre and then
12 perhaps within those same suburban communities, you will
13 have a portion where you have water and sewer and some
14 established density that might then be a little higher.

15 Q Are you familiar with Tri-State's different
16 recommendations for density, recommendations in new
17 developments?

18 A Not specifically, I have the publications. I don't
19 recall the table.

20 Q Do you have it with you?

21 A No.

22 Q I'll show it to you. I'm going to show you
23 a document entitled Regional Development Guide, 1977-2000.
24 Is this the same document you referred to as Tri-State's
25 material?



1 A Yes, that's one of them.

2 Q On page 32, there is a chart and among one of
3 the headings is Recommended Densities for New Developments,
4 and I wonder if that can refresh your recollection in any
5 way about my previous questions concerning Tri-State's
6 categories for low, middle and high classifications?

7 A They have here five classifications. They don't
8 identify them as low, middle or high, but they are not
9 too dissimilar from what I just mentioned.

10 Q Right.

11 A They have up to half unit per acre as green on the
12 outermost fringe and then they increase as you get closer
13 to the Newark and Jersey City areas. The next range being
14 between two to 6.9, seven to 14.9, then 15 to 29.9 and
15 in the inner core, 20 or more.

16 Q Speaking of Tri-State, Mr. Queale, since we're
17 here on the point, you indicated that one of the means
18 which you have recommended in the past to prevent loss of
19 agricultural lands to the concentration of development
20 in certain areas, and I wonder if you are familiar with
21 Tri-State's recommendations on that same point?

22 A Again, I haven't reviewed that for a while and I
23 don't recall their specific comments on agricultural
24 preservation.

25 Q Would you accept generally that the principle



1 that concentrated development better serves the preser-
2 vation of agricultural land than not concentrating develop-
3 ment?

4 A Again, yes, I generally accept it but I think there
5 are two ways in which that can be used. In the regional
6 context from which Tri-State is coming, it might be
7 appropriate to term that remark of concentrating develop-
8 ment within the urban core. Your questions have been
9 directed to individual sites and concentrated development
10 in a PUD type design, which would not be concentrating
11 those units in the urban core. There are two ways.

12 Q I understand that.

13 A How do you handle your design on site? The other
14 option is, don't put it there, put it in the inner city
15 portions.

16 Q Do you know how Tri-State deals with the
17 two different --

18 A I've discussed it with them and I don't recall.

19 Q If I told you to a certain extent that they
20 recommend both --

21 A It would not be inconsistent. Then they can't
22 be wrong.

23 Q Are the two policies inconsistent? Is there
24 only one way to preserve agricultural land?

25 A The best way to preserve agricultural land is not



1 providing that ring of protective or buffered area around
2 the home, you might actually take a portion of the site
3 and continue it as agricultural.

4 Q Right?

5 A That's the second way.

6 Q Okay. Are you saying that clustering on, for
7 instance, 10 acre parcels preserves agricultural land as
8 opposed to when I refer to clustering on a larger scale,
9 as you refer to it as the PUD alternative, which is better
10 in your opinion to preserve agricultural lands?

11 A Well, you're not giving me enough assumptions to
12 allow me to answer the question. Let me respond a couple
13 of different ways. Any land that's going to have the
14 houses on it and any land that's --

15 Q Well, excuse me.

16 A -- Dedicated to open space is not going to be
17 left for agricultural land.

18 Q Right.

19 A The next best thing is that design, is how to
20 design the home so that if it's going to be next to an
21 agricultural operation that uses sprays, manure or other
22 types of fertilizers and dust and so forth from the
23 tractors, you increase the distance to the homes so it's
24 not an annoyance.

25 Q Right.



1 A In that way, you encourage the open space.

2 Q How does that encourage agriculture?

3 A Only by minimizing the impact, the nuisance impact,
4 from one use to the other.

5 Q How does that encourage the agricultural use?

6 A Because the tract that adjoins the single-family
7 home has a greater likelihood of not being subjected to
8 a whole series of nuisance complaints by the new owners.

9 Q Okay.

10 A That has been the real downward trend in the agri-
11 cultural community. You get the new subdivision that
12 comes in and the people who move from Philadelphia or New
13 York thinking it's nice and green find they don't like the
14 smell or something.

15 Q Have you reviewed your population predictions
16 in Colts Neck?

17 A Only with respect to what I will expect to happen
18 in preparation for this case.

19 MR. O'HAGAN: Off the record a
20 minute.

21 (Whereupon there is a discussion
22 off the record.)

23 BY MR. FRIZELL:

24 Q Could you tell me what the -- what you mean
25 by the term "Fringe of a newer suburb"? You use "Newer



1 suburb" when you describe Colts Neck as the fringe of the
2 newer suburbs. What's the newer suburb and what makes it
3 the fringe?

4 A Colts Neck does join Marlboro and Freehold to the
5 west and northwest. These Townships have considerable
6 land yet to be developed but have also been receiving more
7 development, more intense development than Colts Neck.

8 Q Which towns?

9 A Marlboro and Freehold. Then if you go to the east
10 and to the north, some of that development is a little
11 further removed than Colts Neck, Tinton Falls, for
12 example. There are some developments along the Colts
13 Neck boundary but most of the more intense development
14 is further east, east of the parkway. When you go north,
15 Holmdel is similar to Colts Neck until you get up over
16 the ridge and Route 35 and the Parkway. When I speak
17 of the "Fringe of Newer Development", I'm really talking
18 about the -- it's removed from the older corridors.

19 Q Newer suburbs, so I have the term straight --

20 A What's that?

21 Q The term was "Fringe of Newer Suburbs", which
22 you used in the report. I'm not sure if it's the
23 same. If it is, please continue.

24 A Newer suburbs being the towns receiving more
25 residential development is what I mean. Then you come



1 into Colts Neck and the density is lower and there are
2 larger areas of large tracts that are agricultural in nature.

3 Q Among the newer suburbs you described were
4 Freehold and Marlboro. I assume parts of Holmdel and
5 Middletown -- did you mention Middletown? I notice that
6 adjoins it also?

7 A Yes, but Middletown development is similar to
8 Holmdel. It basically follows the curve of Route 35 and
9 the Parkway.

10 Q Are those newer suburbs you are talking about
11 like Tinton Falls?

12 A Anytime you get near the Parkway, Middletown, Holmdel
13 or Tinton Falls, a lot of that development is only newer
14 if you consider developments since the 50's or middle 60's.
15 It's fairly well established at this time.

16 Q I want to know what you mean by it so that
17 when I read it, I can understand it. What about Howell
18 Township?

19 A Howell Township is, you know, basically -- well, it's
20 so large but there are some new developments in it. The
21 commercial corridor follows Route 9 for the most part. Of
22 course, it's interceded by Earle with respect to its
23 relationship to Colts Neck.

24 Q What did you mean by "fringe"? What is
25 "fringe"?



1 A I was trying to coin a term, I guess, to leave an
2 impression that this advancing wave of development that's
3 moving into what is now known as a suburban area and on
4 the fringes of semi-rural and being further out. The
5 rural community of Colts Neck is right on that fringe. The
6 north end of that town has received single-family develop-
7 ment. You might logically be part of that fringe that
8 has pushed down; when you get to the middle and southern
9 portions of the town, it's not part of that.

10 Q All right. Is the fringe occurring from
11 Freehold and Marlboro as well as Tinton Falls or is the
12 fringe at the north? Is it a three-sided fringe that
13 you're talking about?

14 A If you look from the regional point of view, I
15 think it is and it's really the northern parts of Tinton
16 Falls.

17 Q That's actually, say, part of the fringe?

18 A Yes.

19 Q I see. Okay. Another term in your report
20 such as -- that I confuse -- there's two terms, for instance,
21 that I confuse at different times and I'd like to clarify
22 them and maybe this is in the same connection with what
23 you testified before about the possibility of farming
24 the open space. Let me start with the question about
25 that.



1 That possibility isn't realistic unless there's
2 a fairly substantial open space, isn't that right, the
3 possibility for continuing to farm open spaces? You
4 couldn't farm an open space of five acres, for instance,
5 or three acres commercially; could you?

6 A Not in isolation. What we see around, when you get
7 a tract that small, they're usually leased to farmers who
8 do larger tracts in the same immediate area.

9 Q Close by?

10 A Yes, when they're that small, you can expect them
11 to fall to development.

12 Q The larger the open space, which is preserved,
13 the more realistic the opportunity is for continued
14 farming; isn't that correct?

15 A Yes.

16 Q If you had adjoining tracts, that would make
17 it more -- give you greater opportunities to preserve it?

18 A Yes.

19 Q Okay. In that connection, the term "open
20 space" and I think you've basically told me what that
21 term is - as I understand it and the term "rural". Now,
22 what is the connection between open space in the develop-
23 ment context that you use it throughout here, that is
24 open spaces, dedicated open spaces, as opposed to some
25 general term and "rural", let's start with "rural". What



Queale - direct

1 is "rural"?

2 A Well, you can take them both at once. I don't
3 know if I can present how I used them without --

4 MR. O'HAGAN: Would you want to make
5 reference to a specific portion of the report
6 to phrase your answer?

7 THE WITNESS: Unless Dave could
8 point it out.

9 BY MR. FRIZELL:

10 Q I'm not sure I can. Maybe you start talking
11 about rural and maybe I can find open space.

12 A Rural is more a term that I might identify the
13 character of an area where you would have open spaces,
14 again in the broad sense of the term open space that might
15 either be actually used for or --

16 Q I understand --

17 A -- But rural certainly establishes a tone to an
18 area where you would expect to see agricultural uses or
19 open land. The term "open space" in the sense of a
20 development is normally thought of as that portion of the
21 tract that would be set aside under a clustering concept
22 normally dedicated to either the community or to a
23 homeowners' association. My experience has been that
24 while several towns attempt to get that open space or
25 they give the option to have that open space used for



1 agriculture, it's normally not done. It's normally a park
2 or open area. It serves the residents from a point of
3 view of providing recreation space or as a buffer between
4 the residents and other uses, agriculture, industry.

5 Q Are you aware of any places in Colts Neck
6 where there are open spaces left over currently leased
7 to farmers or currently commercially farmed?

8 A I don't know of any.

9 Q So that open spaces can have two meanings.
10 One is in the sort of narrow, legal meaning that I
11 referred to as dedicated open space pursuant to the Land
12 Use Act and like with small opened spaces, which would
13 include agricultural tracts, woodlands, et cetera?

14 A Yes.

15 Q Okay. Now, would you -- if there is open
16 space in a narrow, legal sense that is dedicated tracts,
17 dedicated to the municipality, grasslands, woodlands, or
18 combination, would you characterize that, in classifying
19 that, would you characterize that land as rural land in

20 connection with this development or would you not
21 characterize it as rural?

22 Q Again thinking of the term rural as a broad term
23 that would conjure up a vision in someone's mind as to
24 what the community looks like --

25 Q Right?



1 A -- I think it depends on where that residential
2 development is taking your tract. For example, if a
3 significant and obvious, visible portion of the site were
4 left in this open space and adjoined a farm that was being
5 actively farmed, it could give someone driving the road
6 an experience of the continuation of the farm and, there-
7 fore, possibly leave in their minds an impression that
8 there is more agricultural land than actually exists,
9 because they can't see where that fine line is that divides
10 the property ownership. That same amount of open space
11 if provided between two single-family developments would
12 not conjure up that same vision. Somebody would look and
13 say, "Well, they have a park right in the middle of the
14 residential area."

15 Q I think I understand. So if it was viewed
16 in the context of the residential development, it would
17 be --

18 A More recreational.

19 Q -- More recreational and appurtenant to the
20 residences more than appurtenant to the agriculture, which
21 you would definitely regard as rural?

22 A Yes.

23 Q Let me ask you a question about Route 18.
24 Would you regard -- have you seen Route 18 recently?

25 A I've never traveled. I've driven under it on



1 Route 537.

2 Q How many lanes is it; do you know?

3 A Having not seen it, I'm not sure. As I recall the
4 plan, it was to be four.

5 Q Two in each direction?

6 A Yes.

7 Q And with a median in the middle?

8 A Well, it's divided. Whether it's a median, I don't
9 know.

10 Q Do you know whether they're now working on
11 the highway?

12 MR. O'HAGAN: At what point?

13 MR. FRIZELL: Somewhere between
14 Colts Neck where it now ends and the Garden
15 State Parkway.

16 MR. O'HAGAN: You mean repairs,
17 construction?

18 MR. FRIZELL: Construction.

19 THE WITNESS: To complete it, they
20 are -- well, they were, whenever, '77, '78.

21 BY MR. FRIZELL:

22 Q Do you know when it is estimated to be
23 completed?

24 A I've heard some dates but I don't recall that.
25 If they're still actively constructing it, I would say



Queale - direct

1 it's in process.

2 Q Would you consider that highway to be a major
3 highway?

4 A Yes.

5 Q You talked in the report, Mr. Queale, about
6 the population, the rate of population increase being on
7 the decline and I wonder if you have any information or
8 knowledge about the rate of formation of households? Could
9 you tell us the difference between those two terms; do
10 you know the difference?

11 A I could offer an opinion but if you could clarify
12 your question, it would help me in responding.

13 Q I understand population increase being pure
14 numbers of people, number of births, exceeding deaths.

15 A Right.

16 Q That a population increase at a certain rate,
17 whether it is a percent a year or half in a formation
18 of households is a different statistic which deals with
19 the rate at which new households in a given census area
20 are being formed. This year we had 100 new households
21 formed. If there's 1,000 households, that's a 10%
22 increase in formation of households.

23 A Okay.

24 Q Do we understand?

25 A Yes.



1 Q Did you -- do you have available information
2 about the rate of formation of households in the Colts
3 Neck Region, the Monmouth County Region or the Tri-State
4 Region?

5 A No, nothing that would specifically say, "Here's
6 what's happened," listing specific numbers. My experience
7 is - and I expect that from other data it's happening in
8 Colts Neck as well - that the household size is declining
9 due to the drop in the birthrate over the past decade or
10 more.

11 Q Well --

12 A Then there's the phenomenon of young, singles and
13 so forth that are going out to buy so that if you're talking
14 an absolute number, for example, if a new community is
15 going to increase by 1,000 people, you can expect that in
16 order to achieve that population level, you will have more
17 households because there are fewer people per household.
18 The alternative is to view the number of households and
19 what the average family size is expected to be, and cal-
20 culate then what you would expect the population to be.
21 This is an alternate way of making projections or at
22 least confirming your own projections.

23 Q Do you know where or how I would obtain
24 information about the rate of formation of households
25 in Monmouth County or the Tri-State Region?



1 A Well, it's easy to get the number of households
2 from building permit data.

3 Q Yes?

4 A But I don't know of any convenient source that
5 would tell you what the trend is toward in household size.

6 Q I don't mean household size. I mean popu-
7 lation is obviously a number. We only count one for each
8 head. Doesn't the United States Census also use the
9 term "household" as a defined term meaning a living group,
10 whether it's a single person or 14 people?

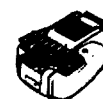
11 A Yes.

12 Q The number of households, isn't that a
13 figure that is available?

14 A Not that I know of. I think the census together
15 with some other Federal -- maybe it is the census. I
16 know the State of New Jersey does publish the number of
17 units built. I think that's the easiest way to figure
18 out how many household formations there have been, and
19 you have to assume on that that each building permit
20 issued has been constructed.

21 Q Do you have any opinion or have you ever
22 formed an opinion about whether or not the -- what would
23 be the minimum recommended size of Colts Neck for
24 individual, on site septic systems?

25 A You mean like one acre versus two acres versus an



1 acre and a half?

2 Q Yes.

3 A My experience in not only Colts Neck but the broader
4 area leads me to the fact that it really can vary. Probably
5 one acre is the minimum but at that lot size, I think you
6 have to anticipate that not all lands can be developed -
7 and that is saturation development. That two acres gives
8 you a greater opportunity to anticipate that most lands
9 can have some development design on them if that's what's
10 going to happen to the land, and the biggest item that
11 would, you know, possibly vary what could happen on one
12 site to another is the depth to which there is either
13 marl that does traverse a significant portion of Monmouth
14 County or--

15 Q I'm not sure if you answered the question as
16 far as the minimum size that you would recommend in Colts
17 Neck.

18 A Based on my experience, I feel comfortable with a
19 septic system for a unit for two acres. There is a point
20 where you're going to find some failures, if you go down
21 to one acre lots. As they allow under the cluster
22 design, you're going to find some additional problem
23 areas unless the sites for the septic systems are located
24 in conjunction with the adjoining open space so that the
25 open space itself serves as a buffer in the field for the



1 septic system.

2 Q Is that to say that properly designed, the
3 gravitational flow sub-surface from the septic system would
4 utilize the percolation areas in the open spaces?

5 A If designed that way and the slope of the terrain
6 were that way.

7 Q Is that -- do you know, is that a criteria
8 presently being used by the Colts Neck Planning Board?

9 A I don't know that that's a criteria. That's
10 assumption on my part that there's raw land that might
11 serve that function.

12 Q Okay.

13 A I wouldn't expect that you would actually place
14 the septic system in that open space. It's outside the
15 property that you own.

16 Q I'm going to ask you a few questions about
17 the report itself. I'm going to start on page 4 since
18 the beginning of the report is, I take it, summary of
19 what is contained in the body of the report, which starts
20 at page 3.

21 A Yes.

22 Q Okay. You may -- if you have to refer to
23 notes, perhaps we can -- on some of the questions, per-
24 haps you can jot down and you can send them to me. I
25 don't really need all the answers today.



1 Page 4, the last paragraph -- last sentence
2 of the first paragraph, if the rate of growth were 80%,
3 what were the different rates? Do you know offhand roughly
4 or what were the absolute numbers?

5 A I don't know it offhand. I do have the raw data
6 of the absolute figures.

7 Q Could you send that to me for that one sentence?
8 I'd like to see that calculation.

9 A For each County or just the three?

10 Q For each County. I assume you have each County
11 broken down: Monmouth, Morris, Somerset?

12 A The three, not the nine from the whole region.

13 Q No, that sentence, "The rate of growth was
14 80%," I'd like to know the absolute numbers and the calcu-
15 lation. In the -- excuse me. Third sentence of the
16 second paragraph, "The development pattern within Monmouth
17 County was similar to the overall regional pattern,
18 followed major transportation routes and established high
19 density corridors." Is this a pattern which you would
20 expect to continue? You talk about that pattern as
21 development?

22 A Yes, if there's going to be continued development,
23 that is the pattern I would expect to continue, yes.

24 Q In light of that, how would you expect Colts
25 Neck to develop in light of the -- upon the completion of



1 the Route 18 Freeway, would you expect that to be -- to
2 experience pressure to become a high density corridor?

3 A I think any town that has a corridor like that
4 can -- I think the question is, what is the reasonableness
5 of preserving the agricultural districts.

6 Q Well, I'm talking from a straight prediction
7 point of view, which is not a policy question but simply
8 as a planner among your duties that you have exercised in
9 the past, you have predicted what is actually, physically
10 going to happen despite the fact that you might not like
11 what's going to happen. Given the statement "What has
12 occurred in the past" and given the statement "That is
13 what you would expect to occur in the future", I ask
14 you if that is what you would expect to find in Colts
15 Neck Township?

16 A That was a different question than I understood
17 you to ask the first time. I expect within Monmouth
18 County that the basic pattern for any continued develop-
19 ment will be along those transportation and utility
20 corridors, and intensification of the transportation
21 or corridor system already established. Whether or not
22 that extends to Colts Neck, I think is a separate question.
23 Route 18 without any other indications might lead someone
24 to say, "Hey, a new four lane highway has pushed through
25 this virgin territory. Let's go after it." I could see



1 where someone would be led to that conclusion.

2 THE REPORTER: I need to change my
3 paper now.

4 MR. FRIZELL: Okay. Off the record.
5 (Whereupon there is a recess.)

6 BY MR. FRIZELL:

7 Q Mr. Queale, on the bottom of that page 4, the
8 density of 184 persons per square mile, that was in 1970;
9 is that correct?

10 A Yes.

11 Q Have you calculated the density as of today?

12 A I have an estimate of 1977 but I haven't calculated
13 it on a square mile basis.

14 Q Okay. Could you tell me, Mr. Queale, on page 5,
15 what source you use for the number of jobs in Colts Neck
16 Township?

17 A Labor and Industry's current employment.

18 Q Were you aware of the Monmouth County Economic
19 Base Report of 1972 at the time that you did these calcu-
20 lations?

21 A I knew that they had done several reports but I
22 didn't consult them.

23 Q Have you since become aware of it?

24 A Yes.

25 Q Through Mr. O'Hagan?



1 A Not only through him but through my own, you know,
2 looking at the copies of the reports that we have in the
3 office.

4 Q Do you have any reason to doubt the figures
5 in those reports?

6 MR. O'HAGAN: Which reports?

7 MR. FRIZELL: Economic Base Reports.

8 BY MR. FRIZELL:

9 Q If I can refresh your recollection perhaps,
10 it says that there were 2,500 jobs in Colts Neck Township
11 in 1972. I can get it for you. Do you have a reason to
12 believe those figures are inaccurate?

13 MR. O'HAGAN: Don't you have to
14 tell him how it was calculated?

15 MR. FRIZELL: I'm asking if he
16 has any reason. If he can tell me it was
17 inaccurately calculated, that's what I'm
18 asking him.

19 THE WITNESS: In 1972? I have
20 not gone back to justify their figures. As
21 of today, I think it's a very high number.

22 BY MR. FRIZELL:

23 Q Do you?

24 A Our --

25 Q Excuse me. Go ahead.



1 A Our figures on relying on covered employment was
2 used to get a comparison with other either County or
3 Municipal -- Municipalities within the region. I recognize
4 that it does not include Government jobs and I do have
5 some numbers from Earle. As part of our facilities study
6 from Colts Neck, I would expect to get the number of
7 teachers, for example.

8 Q How many people are employed by Earle?

9 A Well, it's an interesting set of figures. There
10 are civilian and military and military on ships.

11 Q Do you know what the total number is within
12 Colts Neck Township?

13 A Well, they don't -- there's no breakdown within
14 Colts Neck.

15 Q Do you know if anyone has broken that number
16 down?

17 A No, when I did speak with somebody from their
18 Public Relations Department - I forget who it was now -
19 they don't carry the numbers that way. But it does
20 cover five municipalities and I do have figures for the
21 employment as of March.

22 Q Is that on that sheet there?

23 A Yes.

24 Q Could I have a copy of that?

25 A Yes.



1 Q Do you know how many people were employed as
2 teachers in Colts Neck Township?

3 A Not at this time. They have three Elementary Schools,
4 no High School.

5 Q Do you know how many people are employed as
6 Patrolmen within the Township?

7 A None.

8 Q There's no one employed as a Patrolman within
9 Colts Neck Township?

10 A There is State --

11 Q Not by the Township, in the Township.

12 A There are State Police. I don't know how many are
13 stationed at the Earle -- Colts Neck Barracks.

14 Q In your analysis, can you tell me how many
15 retail jobs there are in Colts Neck Township; do you have
16 that anywhere?

17 A The survey that was done by the Planning Board pro-
18 duced some figures that I did not break down in terms of
19 commercial versus industrial. Most of the jobs that were
20 identified were of a commercially-related nature, whether
21 it was office or retail or service station or that kind of
22 thing. Laird's Applejack Distillery has a significant number
23 of employees but I don't recall what that number was.

24 Q On page 6, Mr. Queale, you make a statement
25 at the end of the first paragraph, second sentence up from



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the bottom, that "Colts Neck is not projected to be a major employment center." Projected by whom?

A The Township, the County, I would --

Q Let me --

A -- If not in fact, I know Tri-State doesn't go down to municipal levels just by virtue of the densities they projected, they don't anticipate it as a major employment center either.

Q You don't know if a major employer might not be thinking of Colts Neck as an employment center; do you?

A I have not been made aware of any inquiries along those lines.

Q Are you familiar, for instance, with the A T & T Longlines installation?

A In Bedminster?

Q Yes.

A Not specifically, only that it's there.

Q You did work in Somerset County prior to its being installed?

A Yes.

Q That was not projected by the County?

A When you make the projections, you're not necessarily thinking in terms of how many jobs you expect over the next decade. The fact that something like that A T & T Longlines installation goes into a region, it



Queale - direct

1 helps to fulfill that projection. If it doesn't go in,
2 you might have overshoot the mark to the extent that they
3 are there providing major employment. It might lower the
4 expectations of someone else expecting to move into the
5 area because the people already have jobs.

6 Q On page 7 of the report, on number 1, paragraph
7 number 1, is the source of that information the land use --
8 existing land use report that you gave me earlier?

9 A Yes.

10 Q What is, Mr. Queale, in reference to number 2,
11 what is "qualified farmland"?

12 A This is the property which has been shown on the
13 tax service records as meeting the Farmland Assessment Act.

14 Q Now, you used the word active in front of the
15 words qualified farmland. I wonder what's the difference --
16 that is number 2, page 1 of the report. I assume para-
17 graph number 2, active qualified farmland, is that
18 different from qualified farmland?

19 A No, the comma after the word "active", by using
20 it my intent was to indicate it's qualified farmland and
21 it's not fallow. It's being used.

22 Q Did you separate out fallow land, which is
23 qualified farmland, from your calculation?

24 A No.

25 Q Isn't it possible for fallow land to be



1 qualified farmland, that is farmland not under active
2 cultivation?

3 A Yes, the specific answer is yes, because you said
4 cultivation.

5 Q Does it have to be farmland to qualify for
6 farmland assessment?

7 MR. O'HAGAN: Off the record.

8 (Whereupon there is a discussion
9 off the record.)

10 BY MR. FRIZELL:

11 Q Mr. Queale, what -- can farmland which is
12 not in active cultivation be qualified for farmland, to
13 your knowledge?

14 A Yes.

15 Q Can woodlands be qualified under the Farmland
16 Assessment Act?

17 A Yes.

18 Q Can wetlands be qualified un the Farmlands
19 Assessment Act?

20 A Yes.

21 Q The dedicated open space and public streets --
22 excuse me. Let me back that up.

23 The residential uses that you describe in the
24 Township, they are not primarily -- those would not be
25 included in what you would define as rural uses; is that --



1 do I read that report correctly?

2 A You mean the 13% we referred to?

3 Q Yes.

4 A Those are the individual single-family lots.

5 Q Those, I take it, would not be among the uses
6 you classify as rural, which I take it, you classify farm-
7 land, for instance, as rural; is that a fair statement?

8 A Yes.

9 Q The streets, I assume, are not -- would not
10 be what you would include among rural uses of land?

11 A Well, streets **are** streets.

12 Q Okay.

13 A You know.

14 Q Yes. Okay. What about dedicated open space?

15 A Dedicated open space, as identified in the tax
16 maps and so forth, are classified here as part of the
17 public and quasi public category.

18 Q Okay. Would land in the public and quasi
19 public categories, in your view, be rural uses as opposed
20 to urban uses?

21 A You're giving me such extremes, it's difficult
22 to answer.

23 Q I'll withdraw the question then. I would
24 agree with you.

25 On page 8, Mr. Queale, the second sentence



up from the first full paragraph on there, you state, "The low density of the development is compatible with agricultural uses." Do I understand that to be an opinion by you or is that -- or is that something that requires no opinion and is in the form of a fact? I would like explanation of that for my own purposes.

A It's both. I see it as a fact but I guess it is a form of interpretation, therefore, my opinion. Also basically, when you get into agricultural areas, you don't have high density development.

Q Is the current form of development and has the current form of development in the past 20 years in Colts Neck, that is the subdivisions in Colts Neck, with the usual A-1 or A-2 or A-3, those portions of development, are those compatible with agricultural uses?

A I think in Colts Neck, they have been emerging in a compatible way. They obviously are not agricultural uses so that land is lost to agriculture. But in the sense of there being fewer people to be subjected to the nuisance of agriculture and with the clustering that has helped to set off the residential uses from the agricultural uses, there has been an emerging of new development in a compatible way with the agriculture that has continued.

Q Well, this form of development is absorbing land, isn't it, at the rate of roughly two acres per



1 household?

2 A Yes.

3 Q And most of that land that is being absorbed
4 is or was formerly agriculture land; is it not?

5 A Certainly in the long view of the history of the
6 Township, it was. It might have been qualified farmland
7 before it developed; I don't know.

8 Q If the same number of houses had been developed
9 at densities of, say, four or five dwelling units per
10 acre in Colts Neck Township, isn't it true that less
11 agricultural land or less previously vacant land would have
12 been absorbed by the same of development?

13 A It would be true but up to this point in time, as
14 far as I know projecting into a reasonable foreseeable
15 date, it wouldn't be possible.

16 Q Why do you say "It wouldn't be possible"?

17 A Well, if you're going to take those numbers of
18 units and cluster them at four or five to the acre, you're
19 going to need at least off site sewage treatment, if not
20 some kind of water distribution system.

21 Q So the thing that does make it impossible is
22 the lack of a utility installation system?

23 A Yes.

24 Q But aside from that, if there were higher
25 densities on given net acres, it would have absorbed less



1 land given the same amount of development.

2 A Applying the same density for gross acres and
3 allowing it to be clustered down tighter, logically it
4 would consume less land.

5 Q That's true, retrospectively, in terms of
6 Colts Neck but would apply prospectively in Colts Neck;
7 would it not?

8 A Yes.

9 Q On page 9, Mr. Queale, you say that Route 18
10 skirts the Township and I wonder what you mean by "skirts"?

11 A That's basically on the fringe of the Township
12 although it cuts through the Township with respect to the
13 outside boundaries. It comes along the western periphery
14 then cuts east along the Earle property. The skirting
15 in essence referes to the privately held land.

16 Q Well, it has an intersection at Route 34;
17 does it not?

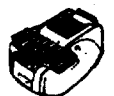
18 A And also at 537.

19 Q And also at 537, correct, those are both
20 full intersections?

21 A Yes.

22 MR. O'HAGAN: Do you know what he
23 means when he says "full intersections"?

24 THE WITNESS: You can get off and
25 on in any direction.



1 BY MR. FRIZELL:

2 Q Now, you refer to the bus service, Mr. Queale,
3 on page 9 in the second to the last sentence. Is that
4 a bus service that runs Route 35?

5 A Yes.

6 Q And it goes from Freehold to Eatontown?

7 A No, it goes to Red Bank. That's a --

8 Q Typo?

9 A -- An error, yes.

10 Q Which should be removed, Red Bank?

11 A No, it's between Freehold and Red Bank. Eatontown.

12 Q Eatontown should be removed and Red Bank
13 substituted?

14 A Yes.

15 Q That's a public bus; anyone can get on it?

16 A Yes.

17 Q On page 10, Mr. Queale, the paragraph about
18 horses. I note that you don't have a figure in here for
19 the number of horses in Colts Neck. Do you have that
20 number; do you know that number?

21 A Not at the present time.

22 Q Do you have it in your records anywhere? I
23 just wondered why it's not included here.

24 A No, it's very hard data to get. I would hope to
25 be able to get it. I'm not certain I will by the time we



1 get to trial.

2 Q I find it interesting, Mr. Queale, that the
3 average number of horses per farm in Burlington County
4 was something like - I think it was - 450 and the average
5 number of horses per farm in Colts Neck was much lower,
6 something like 200. I wonder if you have any explanation
7 for that?

8 MR. O'HAGAN: He didn't say how
9 many there were in Colts Neck. I think you
10 mean in Monmouth County; isn't that what you
11 mean, Monmouth County?

12 MR. FRIZELL: Correct.

13 THE WITNESS: The information or
14 rather the data that reflects this material,
15 I guess, can best be described as being
16 extremely conservative. They are based on
17 responses to questionnaires and these are
18 the total responses received. The Department
19 of Agriculture knows that there are more
20 horses and more farms.

21 BY MR. FRIZELL:

22 Q That's not --

23 A This is their estimate.

24 Q -- That's not the question. I'm wondering
25 about the number of horses per farm, if that means anything



1 to you?

2 A Based on this data, it does not because both the
3 total estimated horse population and the number of farms
4 can't really be put together and one divided into the
5 other.

6 Q What is the source of this data?

7 A The Department of Agriculture.

8 Q Are those documents current?

9 A Yes, they have a 1971 survey and then they have a
10 current estimate.

11 MR. FRIZELL: Off the record.

12 (Whereupon there is a discussion
13 off the record.)

14 BY MR. FRIZELL:

15 Q All right. Mr. Queale, at the bottom of
16 page 10 you refer to the individual contracts for
17 municipal garbage collection. Is that a significant
18 point? Was that important in your conclusion, the fact
19 that there were individual contracts as opposed to
20 municipal garbage collection?

21 A From pages 10 to 11, the list of items, that was
22 merely a recitation of those things that I'm aware of
23 that seem to reflect the rural nature of the Township
24 that these services are not really formalized as you would
25 expect to find in a suburban community.



1 Q You know of urban communities, do you not,
2 that do not have municipal garbage collection?

3 A I'm sure there are.

4 Q I can tell you one that I live in, Westfield.
5 Entire Union County has no municipal garbage collection.

6 A All right.

7 Q On the top of page 11, you describe the road
8 system as a "rambling, two-lane rural system." I wonder
9 where you put Route 18 in that characterization?

10 A In that paragraph, once off the through roads of
11 Routes 34 and 537?

12 Q We can include that as one of the through
13 roads as opposed to one of the rambling roads?

14 A Yes.

15 Q The State Police Barracks that you refer to
16 in the next paragraph, is that barracks in Colts Neck? Is
17 there a barracks?

18 A I believe they do reside there.

19 Q Would you be able to tell me -- I don't know
20 many parcels myself in Colts Neck Township. I know very
21 few. Would you be able to tell me, based on your notes
22 going back, whatever you have in your office how you broke
23 down the Colts Neck Airport in terms of land use, how many
24 acres you allocated to commercial and industrial uses and
25 how many to other uses?



1 A Precisely, I could not; in a general sense, I could.
2 I could explain the method of calculation if that would
3 help you to understand it. In my notes when I was doing
4 the calculation, I did not have a line that said "Airport,
5 X number".

6 Q I don't want the general method. What is
7 puzzling me is you came to a conclusion that 2% of the
8 Township is vacant, non-agricultural land. That airport,
9 for instance, is something over 300 acres, which itself
10 is almost 2% of the Township. Among other things, I'd
11 like to know how you classified that airport, my client's
12 property and other properties similarly situated.

13 Okay. I don't want to testify on that point,
14 Mr. Queale. On page 14, number 5, you talk about areas
15 in the --that follow the stream of the Hockhockson Brook
16 having swamp-like characteristics. For instance, did you
17 ever calculate how many areas in that area are swamp-like?

18 A The only calculations we have are the breakdown
19 of total critical areas. I'd have to go back to see whether
20 or not I actually broke it out into individual categories
21 and then combined them to come with - I think it was - 75%
22 of the Township, but I don't think I did.

23 Q Mr. Queale, on page 14 down below number 1,
24 "No sewers exist now" you say, "are any planned". By whom
25 again?



1 A Either the Township or the County extensions or
2 any Governmental Agencies, any development other than the
3 inferences made in your application.

4 Q You don't know if there are any other private
5 individuals who might be planning sewers.

6 A I don't know of any.

7 Q The same with number 2, I take it?

8 A Yes.

9 Q You say in number 3, there are no major
10 mass transit proposals. Is there -- is major mass transit
11 different from mass transit?

12 A No, mass transit is mass transit but in terms of
13 major, you have the bus line on Route 537 which is a
14 form of mass transit. But the extent to which it is
15 available in Colts Neck is negligible. Major mass transit
16 routes are thought to be the corridor of Route 35 and
17 the railroad corridor that generally parallels the parkway
18 where you have an overlapping of different kinds of services,
19 bus and rail.

20 Q On page 15, the last sentence which carries
21 over to page 16, "Limited growth areas are viewed as a
22 land reserve". What is the source for that character-
23 ization, "Limited growth areas are viewed as a land
24 reserve"?

25 A The State's guide plan.



1 Q Is that your own plan, land reserves, or is
2 that the State's term?

3 A Well, the specific term of reserves, I don't know
4 whether that term is theirs or mine. They speak of the
5 limited growth areas being held for future.

6 Q How many categories do you recall are in the
7 State Development Guide Plan?

8 A Either four or five. You have the growth. I guess
9 they have maybe even six --

10 Q Could you --

11 A -- Growth areas, limited growth areas, agricultural,
12 public, I think it's the State Guide Plan that has urban
13 centers.

14 Q Do they also have open space; does that refresh
15 your recollection?

16 A I was thinking of that in the public sense.

17 Q Is it your understanding that that report
18 would anticipate that growth would occur in the limited
19 growth areas in the near future?

20 A The limited growth areas are very broad terms and I
21 would respond to **the** question by saying that the portions of
22 limited growth that are woven in and close to the growth
23 areas would be expected to develop. Those that are in
24 the outlying or adjacent to outlying rural areas probably
25 would not.



1 Q I don't know if you answered my question. I
2 asked you whether the report itself anticipates growth in
3 the limited growth areas, not what your interpretation of
4 the limited growth -- what will happen in the limited
5 growth areas but does the report itself anticipate growth
6 in the limited growth areas?

7 A Generally, yes.

8 Q The same report calls for allocation of
9 agricultural preservation; does it not?

10 A Yes.

11 Q And the allocation of certain areas for open
12 space preservation; does it not?

13 A Yes.

14 Q The Regional Development Guide, has Mr. O'Hagan
15 supplied you with what I call a blow-up, a small blow-up
16 of the Regional Development Guide recommended densities
17 for new developments, which was obtained by our client?

18 A Produced by whom?

19 Q Produced by Tri-State. It's a small blow-up
20 showing where Colts Neck fits in the Regional Development
21 Guide.

22 A This is the enlargement of that map we were looking
23 at earlier.

24 Q Yes, but it would only show Colts Neck Township.

25 A No, I haven't seen that.



1 Q If I were to tell you that -- let me rephrase
2 that.

3 In the Regional Development Guide, of which I
4 think you have my copy, without marking my book, in the
5 Regional Development Guide, Mr. Queale, I'm now referring
6 to page 32, which is a map which shows recommended density
7 for new developments, can you show where Colts Neck is
8 in that map; do you know?

9 A Well, I know generally where it is but all Monmouth
10 County is about two inches by three inches and the map is
11 fairly well central. They have Freehold designated so
12 it's east of Freehold. It's pretty much geometrically
13 centered in the Township.

14 Q Do you know for a fact if any parts of Colts
15 Neck are expected to have density of two to .69 units
16 per acre?

17 A It is like -- like perhaps this little square, the
18 one to the right of the square with the black dot?

19 Q What about the L-shaped square?

20 A That might be questionable. I'm not certain.

21 Q If those four squares, that is the L-shaped
22 square and the isolated individual square were located
23 within Colts Neck Township, would that change the con-
24 clusion you have on page 16 that Tri-State Regional
25 Planning Commission with respect to the recommendations for



1 densities in Colts Neck Township, you state to be fully
2 clear, you state in the first paragraph that Tri-State
3 recommends densities at zero to 0.5 per acre in the second
4 paragraph?

5 A Yes, Colts Neck is generally recommended for zero
6 to 0.5.

7 Q Would that statement be the same if I were to
8 demonstrate to you that those four squares were within
9 Colts Neck Township?

10 A I would leave that statement the same because I think
11 frankly they've made an error, and also it's pointed out
12 they're talking about up to .5 units per acre net acre.
13 The Township is .5 per gross so their density is even
14 lower.

15 Q Do you understand -- do you understand the
16 term of net acre as Tri-State uses it?

17 A I've never looked for their definition. The only
18 definition of net acre I've ever heard of is how you
19 design the State --

20 Q That's the only one I ever heard until I read
21 the Tri-State Report. Okay. On page 17, Mr. Queale,
22 the statement in the last sentence of the first paragraph,
23 that these densities would comprise 48% of dwelling units.
24 Does that density assume that these dwelling units or
25 this project would be built all at once, immediately, in



1 1979? I know even -- I don't want to say '77, because
2 that's the figure you based it on.

3 A No, that obviously -- a project such as you're
4 proposing couldn't be built. I would be surprised if it
5 were built in five years.

6 Q Right.

7 A The only comparison I was trying to put it in the
8 context of the character of the town to the extent there
9 is development there.

10 Q This is for the purpose of a general type of
11 comparison as opposed to what you would expect to happen?

12 A Yes.

13 Q Mr. Queale, do you know where the project is
14 located? You do know where it is located; do you not?

15 A I know the site. There's no project yet.

16 Q Proposed project. The tract -- the piece of
17 property south of Route 18, the property adjoins Hockhockson
18 Brook, doesn't it?

19 A It's north of it, yes.

20 Q It's bordered by the brook?

21 A Yes.

22 Q What did you mean by the statement in the
23 middle of that paragraph, second paragraph, "Away from
24 Hockhockson Brook"?

25 A The point at which the property abuts the Hockhockson



1 Brook is really in the headwater area almost like the
2 beginning of the stream. I have perhaps loosely worded it
3 here, but I always think of Hockhockson Brook as being
4 that significant body of running water that's the eastern
5 body of the stream after several tributaries have merged
6 in there.

7 Q Is it called Hockhockson Brook at that point?

8 A It's known both as Hockhockson and I think Pine
9 Brook.

10 Q When you said at the bottom of that paragraph
11 that the pedestrians' convenience is unrealistic because
12 of the distances involved, what distances were you talking
13 about?

14 A In terms of your site and the location of the
15 commercial uses on Route 34 --

16 Q Yes.

17 A -- And the scattered pattern of commercial uses.
18 It's true that your property comes up to the rear property
19 line of the uses fronting on 34 --

20 Q Yes?

21 A -- But by the time you get to either end of your
22 property or to the eastern boundary of the property and
23 you wanted to walk, let's say, to the travel agent that's
24 in that little group of stores --

25 Q Yes?



1 A -- The vast majority of your tract would probably
2 be anywhere from a half to three-quarters of a mile as
3 the crow flies, and in some cases, depending on the street
4 configuration, could be significantly longer. Once you
5 get to that one use, if you're looking to walk to the
6 other types of services, you then have to walk up and
7 down Route 34.

8 Q Is there any site in Colts Neck Township, which
9 is more convenient to those facilities for pedestrian
10 access?

11 A The most convenient? Yours is probably the most
12 convenient in that sense. I don't consider it really
13 convenient in the sense that you could look for the vast
14 majority of residents in that project to walk to the
15 commercial uses. I don't think it will happen.

16 Q If it can be demonstrated that every resident
17 could walk to the commercial uses within 10 minutes, would
18 that affect your opinion in that respect?

19 A It's not whether they could. It's whether the
20 pattern is attractive to the point that they would. I'm
21 sure distance-wise it would be reasonable to expect that
22 you could walk that distance in 10 minutes.

23 Q You say the "pattern", you mean --

24 A You could walk over a mile in 10 minutes or
25 approximately a mile.



1 Q You could? I can't.

2 A I can run it in 8½ so you really walk it in --

3 Q That's what I was about to say. The pattern
4 you talk about, that's the existing pattern that you're
5 talking about, is it not an existing pattern of commercial
6 uses, the pattern that's not conducive to pedestrian access?

7 A When you're talking about pedestrian access, you're
8 talking two things. One is proximity of commercial tract.
9 Two is the commercial zone. Once you reached that commer-
10 cial area, how you're going to move along it, are you going
11 to walk or drive and so forth?

12 Q What stops people from walking along this
13 commercial area presently?

14 A It's scattered. It's not the mixture of uses that
15 normally one would go to for shopping outing. It's the
16 type of uses where someone knows they're going to buy a
17 dress and go to the travel agent. They drive there, do
18 their business and go someplace else. There are no side-
19 walks along 34. The cold commercial character of the
20 Route 34 section is not conducive to pedestrian traffic.
21 The strung out design, it's not a shopping center.

22 Q There is an approved shopping center on the
23 corner; is there not?

24 A I'm not sure of the current status. I know there
25 was a site plan reviewed and I believe it had preliminary



1 approval. Whether it got final approval, I don't know.

2 Q Do you know why that has not been built?

3 A No.

4 MR. FRIZELL: Off the record.

5 (Whereupon there is a discussion
6 off the record.)

7 BY MR. FRIZELL:

8 Q I want you to explain to me, Mr. Queale, the
9 clause in the sentence in the last paragraph where you
10 said --

11 A What page?

12 Q 17 -- the goals of the various bodies for low
13 density are identified in Colts Neck for development, if
14 any development at all. What was the -- what does "If
15 any development at all" mean?

16 A In the County's and Tri-State's plans, they say
17 zero to .5. Now, zero implies no development in terms
18 of either density of units or density of population, and
19 continuation of agricultural use.

20 Q Well, Tri-State's plan, to follow up on that,
21 does recommend densities of two to 6.9 at selected
22 locations in order to concentrate development in those
23 rural, semi-rural or semi-suburban areas; does it not?

24 MR. O'HAGAN: I object to the
25 form of the question. You're testifying as



1 to why, if indeed, Tri-State does name such
2 recommendations, you're testifying to the
3 purpose.

4 MR. FRIZELL: I'm asking him whether
5 or not Tri-State recommends concentrated
6 development in those areas, if I may, what they
7 refer to as middle densities of two to .6 in
8 those areas. Isn't that what Tri-State did?

9 MR. O'HAGAN: You can ask him that.

10 THE WITNESS: The map that's
11 presented in the book does indicate that and
12 there would have to be an interpretation as
13 to where, if at all, whether that's in Colts
14 Neck --

15 BY MR. O'HAGAN:

16 Q Okay.

17 A -- My understanding is that was intended for a
18 specific purpose. That's no longer valid.

19 Q Regardless of whether or not it covers this
20 particular property, I'm simply asking you whether that
21 isn't the general notion of the Tri-State plan for
22 preserving those semi-rural areas to take when you say
23 zero development in a given area, they mean, do they not,
24 aren't they talking about zero development in certain
25 areas and concentrating in other areas within the



1 geographic location?

2 A That would happen in any event whether or not there
3 is a transferring provision or not.

4 Q Okay.

5 A I mean, it's not a situation where you're going to
6 actually have zero development.

7 Q Mr. Queale, do you believe, is it your opinion,
8 that the current development ordinance of Colts Neck
9 Township, do you recall that that ordinance will, based
10 on past experience over the past, since 1971, that that
11 development ordinance will preserve agricultural lands,
12 one, and secondly, is it the best available alternative
13 to preservation of agricultural lands in Colts Neck
14 Township?

15 A Given the total picture of the Township and what
16 is happening with the horse farms and continuing agri-
17 culture, I would say that the ordinance recognizes the
18 agricultural uses and permits it to continue. That's on
19 the one hand. And it does so in a manner that is con-
20 sistent with past zoning practices in the State.

21 The second issue of -- on the assumption that you
22 would have total development up to the limits of the
23 ordinance, would it be the best way to preserve agri-
24 culture, I think the answer has to be, no, in view of the
25 other options such as transfer provisions that seem to be



1 picking up such as in actual interest in and around the
2 State. Historically, we're right in the trend of agri-
3 cultural type preservation zones. I would dare ~~say~~ other
4 than the Chesterfield Ordinance, none of the other 560 some
5 towns in the State have that provision. Certainly if you
6 look at this, taking two acre lots and spreading it across
7 the Township, you're not preserving agriculture, but with
8 that type of zoning, it is consistent with that type
9 of agriculture that exists.

10 Q That's what I don't understand.

11 A I'm looking at compatibility. You -- my statement
12 appears contradictory in the sense that if you assume
13 total development of the town, you're not preserving
14 agriculture. I don't have any question with that.

15 What I'm saying is, if you're going to have devel-
16 opment where you don't have water and sewers and all the
17 other things we've talked about, two acre lots, clustered
18 or unclustered, are a low density that can be designed
19 so that there is compatibility from the developed tract
20 to the farm next door.

21 Q If your population projection of 1973, that
22 I understand is the most recent adopted one, were
23 achieved by 1985 or even if it were achieved by 1990, at
24 the present -- under the present development regulations,
25 how many acres of land would be consumed by that popu-



1 lation?

2 A I think in our 1973 memo on saturation development,
3 it was something like 4,000.

4 Q Acres?

5 A Yes.

6 Q Would you anticipate in your capacity that
7 that would occur on the agricultural lands presently
8 qualified?

9 A If you're really going to consume 4,000 acres,
10 there's no way that you could not impact on existing
11 qualified land. It would not necessarily mean 4,000
12 acres of existing farmland because you have some acreage
13 that is non-farmland at the present time. I'm sure some
14 if not all would be developed.

15 Q Are you referring to qualified land not being
16 farmed or vacant land not qualified?

17 A Approximately 2% addressed in the report as vacant
18 land that is also not qualified farmland.

19 Q That 2% is something like 200 acres?

20 A Yes.

21 Q That would be absorbed quickly. Of the
22 4,000 acres, you projected at least 3,600 would be
23 probably qualified farmland?

24 A Yes, if developed at all.

25 Q How do you know on page 20, Mr. Queale, that



1 the existing steet system is not designed for the con-
2 venience of a gravity flow sewer system?

3 A This is up in the northern part of the Township
4 and I'll go back some years ago. Now, probably in the
5 late '60's, I guess it was the late '60's, there was some
6 talk of possibly sewerling an area up there and it just
7 became a horrendous design problem because the industries
8 were laid out for esthetic purposes, recognizing the
9 terrain and laying out the single-family homes.

10 Q So it was in reference to that memory or
11 recollection that you made that statement?

12 A Yes, and to my knowledge any of the subsequent
13 developments that have occurred were not laid out with
14 sewer lines in mind. It's not to say that none weren't.
15 It's just that I don't know of any.

16 Q You can't state with any degree of certainty
17 how many were not?

18 A That's correct.

19 Q On page 20, Mr. Queale, you indicate that
20 there were three criteria which might affect the intro-
21 duction of a sewer interceptor to serve what you refer to
22 as the Village of Colts Neck, which is at the inter-
23 section of 537 and Route 34. Those were land use
24 considerations which I assume would be a change in the --
25 am I correct to assume that means a change in the planning



1 policies of the Township?

2 A Either that or the design of a particular project
3 that may come in that area. This is leading up -- the
4 drainage corridor there is leading up to the airport site
5 and there's tremendous water problems on a large portion
6 of that site. Along that stream, there are a lot of flat,
7 swamp-like lands.

8 Q So that the development of that site, for
9 instance, among others, might have affected the possibility
10 of a sewer interceptor being recommended at that site in
11 that area?

12 A Yes, and if put in that area for that site, then
13 the question would be: Would you also look to pick up the
14 few homes in the Colts Neck Inn area, that are right around
15 the Colts Neck Inn.

16 Q Secondly, the completion of the Route 18
17 Freeway, which I understand is clear, thirdly the economic
18 considerations, does that mean the cost of the system
19 or the availability of funding? Is that what that refers
20 to?

21 A Yes.

22 Q Would that also, for instance, include the
23 possibility of private funding? I mean economic con-
24 siderations?

25 A Yes.



1 Q The last sentence on page 20, the last
2 sentence in the second paragraph up from the bottom, the
3 primary intention - referring here to the commercial
4 zoning on Route 34 or at the intersection - is to provide
5 the daily convenience needs to the Township residents?

6 A That's a statement from the Master Plan. You
7 mentioned the zoning.

8 Q Yes, okay. And was the zoning that was
9 adopted pursuant to that recommendation?

10 A Yes.

11 Q So that the existing commercial zoning on
12 Route 34 has that intention in mind?

13 A Yes.

14 Q Do you know for a fact, Mr. Queale, whether
15 that objective or that intent has been achieved? Do
16 the commercial services existing on Route 34 provide
17 daily convenience needs to the Township residents?

18 A They don't provide all the daily services. I don't
19 think any particular shopping center, no matter where,
20 really provides all the services. The intent here was
21 to clarify. The purpose of the commercial uses along
22 Route 34 were not to pull in, let's say, a Sea View
23 Shopping Center or another Monmouth Mall.

24 Q Right.

25 A The purposes were the individual restaurants or



1 something like recognizing Delicious Orchards and the
2 Happy Apple Inn, and the scattered uses that already
3 exist.

4 Q Were any of the recommendations that you made,
5 Mr. Queare, with respect to planned unit development? I'm
6 referring now to page 1, the last paragraph. Were any
7 of the recommendations with respect to planned unit
8 developments adopted in the zoning ordinance of the
9 Township?

10 A With respect to the 600 acres?

11 Q Any planned unit development and I'm saying
12 planned unit development as opposed to small clustering,
13 any planned unit development provisions adopted at all?

14 A No.

15 Q Did you have discussions with the Township
16 or was that discussed at the Public Hearing in the
17 adoption of the Master Plan?

18 A I don't recall the discussions at the Public
19 Hearing. They were quite some time ago.

20 Q What about the discussions at the time of the
21 Zoning Ordinance? I'm trying to find out why, if you know,
22 they didn't adopt the PUD recommendation when they
23 adopted almost all the other recommendations.

24 A Well, I don't want to be evasive. Your question
25 is asking whether I recall. I don't recall any specific



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discussion on this. I can hypothesize as to why it
wasn't done.

MR. FRIZELL: I have no other
questions.

MR. O'HAGAN: I have no questions.

(Witness excused)

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SUPERIOR COURT OF NEW JERSEY
LAW DIVISION - MONMOUTH COUNTY
DOCKET NO. L-3299-78 P.W.

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ORGO FARMS & GREENHOUSES, INC., :
a New Jersey Corporation; and :
RICHARD J. BRUNELLI, :

Plaintiffs, :

-vs-

: C E R T I F I C A T E

TOWNSHIP OF COLTS NECK, a :
Municipal Corporation, :

Defendant. :

x - - - - - x

I, FRANCINE RUDD, a Shorthand Reporter and
Notary Public of the State of New Jersey, certify that
the foregoing is a true and accurate transcript of the
Deposition of WILLIAM QUEALE, who was first duly sworn
by me.

I further certify that I am neither attorney or
counsel for, nor related to or employed by, any of the
parties to the action in which the Deposition is taken,
and further that I am not a relative or employee of any
attorney or counsel employed in this case, nor am I
financially interested in the action.

Dated: May 16, 1979
My Commission Expires on
May 10, 1984.

Francine Rudd
FRANCINE RUDD
Notary Public of New Jersey.

