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Colts Neck

~~May - 1980~~
5/29/80

Transcript of proceedings

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STATE SHORTHAND REPORTING SERVICE

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May 29 *13:00 - 1:00*

THE TOWNSHIP OF COLTS NECK ZONING BOARD OF ADJUSTMENT

John L. Alexander
COLTS NECK, NEW JERSEY

Donald E. Keefe

X - - - - - X

IN THE MATTER OF THE APPLICATION : TRANSCRIPT
OF ORGO FARMS AND GREENHOUSES, INC., : OF
AND RICHARD J. BRUNELLI, FOR A VARIANCE. : PROCEEDINGS

X - - - - - X

Thursday, May 29, 1980

B E F O R E:

- L. LARKIN, Chairman
- J. TISCHENDORF
- C. DAHLBOM
- F. NIEMANN

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

SAMUEL S. SAGOTSKY, ESQ.,
For the Board.

FRIZELL, POZYCKI & WILEY, ESQS.,
BY: DAVID J. FRIZELL, ESQ.,
For the Applicant.

MARKS, HOLLAND & LA ROSA, ESQS.,
BY: GERALD A. MARKS, ESQ.,
For Planning Board of Colts Neck Township.

PHILIP V. MORICI
Shorthand Reporter.



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I N D E X

NAME OF WITNESS DIRECT CROSS REDIRECT RECROSS

JOHN RAHENKAMP

By: Mr. Frizell 12 58

By: Mr. Marks 50 60

DONALD E. KIEFER

By: Mr. Frizell 65

By: Mr. Marks 107

E X H I B I T S

NUMBER DESCRIPTION IN EVIDENCE

A-7A A Document. 64



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THE CHAIRMAN: We apologize for the delay, Mr. Frizell.

MR. FRIZELL: Thank you, Mr. Larkin.

My name is David Frizell and I represent the Applicant here.

Let me say that I have provided Mr. Sagotsky, the attorney for the Board with an Affidavit of Publication and also an Affidavit of having served notices in accordance with the list was supplied to us by the Township.

MR. SAGOTSKY: Samuel Sagotsky has receipt of this Affidavit. It has been represented by the attorney, Mr. David Frizell, that he has served all names in accordance with the list presented to him in accordance with the law by the municipality. Mr. Frizell has also offered, and I have the formal notice of the special meeting. Under the Public Meetin Law, he has given notice by publication, as noted in the Affidavit.

Do you want to give that a number?



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MR. FRIZELL: Perhaps before we do that, Mr. Sagotsky, we should also note for the record that we have marked prior to the commencement of the meeting a number of Exhibits which were previously part of the application, that Exhibit A-1 is a Regional Map prepared by Rahenkamp, Sachs & Wells Associates; A-2 is a Site Analysis Map, also RSW&A; A-3 is a Land Use Plan, also by RSW&A; A-4 is the Ordinance of the Township of Colts Neck; A-5 is the Application Form by the Applicant; A-6 is a Subdivision Memo, which was prepared by myself; A-7 is a Project Description, prepared by RSW&A; A-8 is the Master Plan Analysis, prepared by RSW&A; A-9 is the Market Analysis, prepared by RSW&A; A-10 is a Real Estate Analysis, prepared by John Lazarus & Company; A-11 is a Judgment Order, filed in the Superior Court on August 3rd, 1979.

Let me say -- also let me put in the Affidavit of Publication, Mr. Sagotsky, as A-12.

MR. SAGOTSKY: The Affidavit of



1 Publication. And the Affidavit of Notice
2 will be A-13.

3 MR. DAHLBOM: Excuse me, what
4 was A-7?

5 MR. FRIZELL: A-7 was a booklet
6 entitled Project Description.

7 MR. DAHLBOM: Thank you.

8 MR. FRIZELL: Let me also add
9 by general introduction that this is an
10 application as described in the memorandum
11 for a Variance and the approval for a plan
12 for a planned unit development, that the
13 application was filed last September, that
14 this proposal was initially made to the
15 Township for a change in zoning, to which
16 the Applicant had no response, which led
17 to a Superior Court action in the Law
18 Division alleging that the Township's
19 Zoning Ordinance was void and invalid
20 because of the exclusionary, and the Law
21 Division, pursuant to the Judgment marked
22 A-11, entered an Order declaring that the
23 Township Zoning Ordinance was void and
24 directed the Township to adopt a new
25 Zoning Ordinance in accordance with the



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specific terms of that Ordinance. Subsequent to the entry of that Order, we made an application to the Zoning Board of Adjustment.

On September 20th, 1979, the Zoning Board of Adjustment adopted a Resolution rejecting the application, and as part of this suit, the Law Division also followed that Resolution; pursuant to a Superior Court Order, this time signed by Judge Patrick McGann, the Zoning Board of Adjustment was directed to conduct Hearings on this application. That's how we are here this evening.

In a previous agenda meeting, the meeting for the purpose of discussing the agenda of this application, we did discuss with the Board the matters which we felt were appropriate to be considered in this application, at least the order of events that we expected we would present then. At that time, a tentative scheduled meeting was arranged, and that's the subject matter of the Publication that Mr. Sagotsky referred to. It's the Notice in accordance with the Public Meeting Act. The first



1 order of business that we indicated would
2 be brought before the Board's agenda would
3 be the project description. Let me caution
4 you, that Mr. Rahenkamp will testify about
5 the project, and I caution you this will
6 not be all of Mr. Rahenkamp's testimony. More
7 detailed information obviously has to follow
8 this testimony. So if you do have questions
9 of Mr. Rahenkamp, I would only request that
10 you direct them to the nature of the testimony,
11 that's the general nature of the project.
12 Obviously, we can't do the whole project,
13 the whole proposal in one meeting. And so,
14 if you do have specific, more detailed
15 questions, it's very likely that will be
16 dealt with at a later meeting. So I would
17 call Mr. John Rahenkamp.

18 MR. SAGOTSKY: Mr. Frizell,
19 before you start, please, I would like to
20 just remind you we do have an 11:00 o'clock
21 cut off. We adopted a Resolution about a
22 year and a half ago about an 11:00 o'clock
23 cut off. So if you would try to keep your
24 questions pertinent.

25 MR. FRIZELL: I'll assure you I



1 will do that. I believe that -- I don't
2 believe in duplicating unnecessarily the
3 matters that are printed in the submitted
4 memorandum. To a large extent, we rely
5 on them and to the degree necessary we will
6 restate the conclusion. We don't want
7 to extend this Hearing any longer than
8 necessary. We have detailed material
9 which is contained in the written submission.

10 MR. SAGOTSKY: Excuse me, I
11 would like to have a stipulation that you
12 offering Exhibits A-1 through A-13,
13 at least to the first ten, A-1 through 10
14 are comparable, P-1 through 10, as set
15 forth in the transcript of the proceeding
16 held before Judge McGann?

17 MR. FRIZELL: That's right.
18 The Exhibits were marked in that same order.
19 Thank you. Mr. Rahenkamp.

20 MR. MARKS: Excuse me. Gerald
21 Marks.

22 Mr. Frizell, I have just a
23 question of you relating to the nature of
24 your application. Is your application that
25 of a request for a Use Variance for PUD,



1 which if the Board was inclined to grant,
2 you would then submit an entire approval
3 either to the Board of Adjustment or to the
4 Planning Board for work on that? Or is your
5 application at this point a combination of
6 both?

7 MR. FRIZELL: The application is
8 for a Use Variance and the approval of a
9 preliminary planned unit development.

10 MR. MARKS: So it's a combined
11 application?

12 MR. FRIZELL: That's correct.

13 MR. MARKS: Thank you.

14 MR. SAGOTSKY: Do you understand?

15 MR. DAHLBOM: Sam, could you
16 talk up a little louder. We are having
17 trouble hearing you here.

18 MR. FRIZELL: Before you start,
19 Mr. Sagotsky, Mr. Marks I take it represents
20 the Planning Board tonight?

21 MR. MARKS: That's correct.

22 MR. FRIZELL: For the record,
23 let me enter an objection for the partici-
24 pation of the Planning Board. The Planning
25 Board has a Statute in this Town, an



1 Ordinance, documented obligation to consider
2 Use Variances to come before the Zoning
3 Board of Adjustment, to make comments on
4 them. To that extent, I view the Planning
5 Board as part of that governmental structure
6 which will review that application in a
7 quasi judicial capacity. And I think its
8 participation as an advocate or adversary
9 in this proceeding is an inherent conflict
10 in that role.

11 Having stated that objection,
12 Mr. Sagotsky, did you have a question?

13 MR. SAGOTSKY: My question
14 was directed as to if you could clarify
15 your answer about whether -- just what
16 this application is intended to include?

17 MR. FRIZELL: Well, it includes
18 a Use Variance and the approval of a
19 preliminary plan for a planned unit
20 development.

21 MR. SAGOTSKY: Well, can you
22 relate it to that site plan? Are you
23 including the site plan in that?

24 MR. FRIZELL: Yes, the site
25 plan -- yes, I can. A planned unit



1 development preliminary approval is similar
2 to a site plan approval in terms to its
3 legal access. Although if you read the
4 Land Use Law, you will find that preliminary
5 planned unit development approval is somewhat
6 different. If you like, I will send a letter.
7 But a preliminary planned unit development
8 plan and the approval of that plan has
9 different aspects than a normal regular site
10 plan approval. In fact, coincidentally your
11 Ordinance relates to make the reference to
12 a planned unit development, although I don't
13 know. And a finding will have to be made
14 in the context of a planned unit development.

15 MR. MARKS: For the record, the
16 Planning Board is here.

17 MR. SAGOTSKY: Announce your name,
18 please, for the record.

19 MR. MARKS: Gerald Marks.

20 MR. SAGOTSKY: I might ask you
21 to repeat your name from time to time so
22 whoever listens to the record can identify
23 your voice.

24 MR. MARKS: Good. The Planning
25 Board is here in its Ordinance role as an



1 advisory body to review the proposal before
2 the Board. If Mr. Frizell chooses to proceed
3 just as an adverse body, that's his con-
4 clusion and we will leave that to the
5 discretion of the Board to determine later.
6 But at this point we are here to review
7 this proposal, give our input to it,
8 determine its strong points, weak points --
9 their weak points, their strong points and
10 essentially to evaluate the proposal.

11 MR. SAGOTSKY: As the attorney
12 for the Board of Adjustment, I also want
13 to go on record that I have advised the
14 Board in writing and verbally that they are
15 sitting in a judicial, sometimes known as
16 a quasi judicial capacity to hear all sides
17 and judge the matter fairly.

18 MR. FRIZELL: Thank you, Mr.
19 Sagotsky. John Rahenkamp, please.

20
21 J O H N R A H E N K A M P, being first duly sworn
22 according to law, testified as follows:
23

24 DIRECT EXAMINATION BY MR. FRIZELL:

25 Q Mr. Rahenkamp, by whom are you employed?



Rahenkamp - direct

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to meeting of ZBA*

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A. RSW&A.

Q Which is --

A. Rahenkamp, Sachs & Wells Associates.

Q And what's your position with that firm?

A. I am President.

Q And where is that firm located?

A. We are at 1717 Spring Garden Street in Philadelphia.

Q What's your business with that firm?

A. The business of the firm is essentially 50% of the time on planned unit development or a major development throughout the country, the other 50% doing public planning work, including publication for HUD and various other organizations. Primarily related to primary unit development and access of impact analysis.

Q How long have you been engaged in the planning business?

A. About 20 years.

Q And how long have you been engaged in design or planning large developments?

A. Oh, at least the last 15 years.

Q And is that the same period of time that you had experience in planned unit development?

A. Yes. The planned unit development we began in the State preceding the State's law, in fact.

Q Approximately how many planned unit develop-



1 ments have you been involved in one way or another, either
2 in your participating as a designer or as a chief designer,
3 principal designer?

4 A Probably all over the country about 80. We have
5 now about 25 of them under construction all the way from
6 Wichita, Kansas, about 40,000 acres planned development
7 to a 100 acre one called the Village of Pinerun, which
8 was the first one in the State.

9 Q How many have you done, approximately, in
10 New Jersey?

11 A About 10.

12 Q And can you roughly guesstimate the per-
13 centage that make up the total number of the planned
14 unit developments in the State?

15 A I honestly don't know.

16 Q Do you hold any degrees, Mr. Rahenkamp?

17 A Bachelor in Landscape Architecture, Masters Degree
18 in Landscape Architecture in Regional Planning from the
19 University of Pennsylvania.

20 MR. SAGOTSKY: I would like
21 to interrupt at this time. I believe that
22 the transcriber has not been sworn.

23 (Reporter sworn.)

24 BY MR. FRIZELL:

25 Q Mr. Rahenkamp, I know you were present when



1 the Chairman of the Board asked that we not over duplicate
2 the material we already submitted in writing.

3 A Fine.

4 Q Would you tell the Board, though, generally,
5 and again keeping your comments to the general nature
6 of this evening's presentation, some of the advantages
7 and purposes of the planned unit development concept?

8 A All right. Well, there are several very critical
9 reasons why planned unit developments should be assessed
10 very carefully, and in fact are reenforced by the Land
11 Use Development Law. One critical reason is, planned
12 unit developments they allow a cluster of units, more
13 units sharing the same facility, same roads will generally
14 generate the less costly housing, instead of stretching
15 out the roads and utility all over the place as for
16 conventional development. Secondly, they normally
17 generate a substantial amount of open space without
18 requiring major public investment. Thirdly, in most
19 cases they would produce a variety of housing so that
20 we can accommodate not only conventional single-family
21 housing for folks, but also people without children,
22 older people and younger without marriage, and so on.
23 So, generally, the Land Use development accommodates
24 a variety of people. Fourthly, because they are in
25 Grid development over several years, planned development



1 essentially is a covenant between the town and the
2 developer, that the developer can be induced and should
3 be induced to generate higher quality in terms of open
4 space and in terms of environmental protection than
5 under conventional development. The point being that
6 the town would know over several years what development
7 was going to occur and be able to anticipate that
8 development in a much better way than conventional
9 development pattern under conventional subdivision where
10 the investment will last over several years.

11 MR. MARKS: Exeuse me, I would
12 have an objection. Perhaps I am incorrect,
13 but the witness was not sworn.

14 MR. SAGOTSKY: He was sworn.

15 MR. MARKS: Okay. And my
16 second objection is as follows: Is Mr.
17 Rahenkamp testifying as a landscape architect
18 in the capacity --

19 MR. FRIZELL: I presented his
20 credentials and he will testify to what he
21 testifies about when he testifies. I know
22 that sounds fortuitous, but I personally
23 don't engage in semantics discussion as to
24 what capacity Mr. Rahenkamp will be testifying.
25 He designed this project and he will ^{be} testifying



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as a general planner and general designer.

MR. MARKS: Under his qualifications,
aside from the fact that he serves as a
project planner for various projects, I
picked up two degrees, both in landscaping
architecture. Are there any other degrees?
Are there any other licenses?

MR. FRIZELL: Mr. Sagotsky, are
we going -- I am not being Deposed, am I.
I am not being asked questions?

MR. SAGOTSKY: Well, I don't
know. When Mr. Rahenkamp testified as to
his background before Judge McGann, my
recollection is that he was qualified as a
landscape designer and landscape qualifications,
that was his presentation.

MR. MARKS: But he is not a
licensed planner?

MR. SAGOTSKY: That I do not
know.

MR. FRIZELL: A licensed planner?

MR. MARKS: Of the State of New
Jersey.

BY MR. FRIZELL:

Q Mr. Rahenkamp, do you have a professional



1 planning license of the State of New Jersey?

2 A No, we work in all states, I hold licenses in other
3 states. When we do public planning in New Jersey, I
4 then use someone else in the office.

5 Q Is a professional planner's license required
6 in order to do planned work in the State of New Jersey?

7 A Only for a Master Plan.

8 Q And only representing municipalities?

9 A Yes.

10 MR. MARKS: Mr. Rahenkamp just
11 said a license was required -- was not
12 required to do public work.

13 THE WITNESS: It's required to
14 do Master Planning, no question. And when
15 we did the Master Plan in Moorestown, part
16 of New Jersey, several other municipalities
17 in New Jersey, when we do license work in
18 New Jersey we have a fellow in the firm
19 who is licensed in the State.

20 MR. MARKS: What constitutes
21 a licensed planner?

22 THE WITNESS: In New Jersey a
23 licensed planner?

24 MR. MARKS: What type of work
25 constitutes a licensed planner.



1 THE WITNESS: What do you want
2 to do, Mr. Frizell?

3 MR. FRIZELL: Yes, I was going
4 to enter an objection.

5 Mr. Rahenkamp will be subject
6 to cross-examination at the conclusion of
7 his testimony. And as Mr. Sagotsky said,
8 Mr. Rahenkamp was qualified in court. I
9 really don't want to belabor --

10 MR. MARKS: Well, I can
11 appreciate your position, but I am at a
12 loss to determine whether the project
13 that he is talking about requires a licensed
14 planner. If it does, fine.

15 MR. FRIZELL: That's a legal
16 question. I would submit the answer to you
17 is "no", and you are welcome to do your
18 own research line.

19 MR. MARKS: Well, I appreciate
20 that. Still and all, I'd like to know
21 whether his capacity here is strictly as
22 a landscape architect?

23 MR. FRIZELL: Of course not.
24 Mr. Rahenkamp just testified he has been
25 involved in 80 --



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MR. MARKS: Uh-huh.

MR. FRIZELL: -- planned unit developments as a designer of the plan, in some capacity as a designer.

THE WITNESS: And project manager.

MR. FRIZELL: And project manager.

Now, --

THE WITNESS: And have testified to that extent in the courts of New Jersey.

MR. MARKS: Be that as it may, I'd like to enter my objection to the testimony of the witness and that the Board should consider his testimony not as a licensed planner from the State of New Jersey. And I will renew that at a later point at cross-examination.

MR. SAGOTSKY: At this juncture of the case, I might say that I construe the objection not as to his -- an objection for the Board -- not an objection for the Board to rule upon him as a witness but for the Board to take into consideration the weight of his evidence.

MR. MARKS: Correct.

MR. SAGOTSKY: At this point, I



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will so advise the Board.

MR. MARKS: Thank you.

MR. SAGOTSKY: I am trying to
speak a little louder. Can you hear me?

BY MR. FRIZELL:

Q You were speaking, Mr. Rahenkamp, about the
advantages --

A I think I was on the fourth one.

THE CHAIRMAN: Integrated over
the years.

A Thank you. And generally the planned development
technique allows us to emulate any negative impacts. In
other words, there is open space, there is performance
standards and environmental protection built into the
project and sufficient room to resolve environmental
problems. For instance, we can retain the site by
clustering the units in the right places, we can
accommodate a good portion of the vegetation because
we don't lot out the entire job. Essentially we can
do a much better site plan than we can with any
conventional development pattern and it gives a designer
some flexibility to do a better job.

Q Did you bring slides?

A Yes.

THE CHAIRMAN: Do you want the



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lights on here?

THE WITNESS: Let's see if we can do them with them on.

MR. SAGOTSKY: Identify your submission for the record.

THE WITNESS: The slide tray has numbers on the outside of it and we can give you a list of the slides by numbers so we can reconstruct the ones that we use.

MR. FRIZELL: Well, I would, Mr. Sagotsky, suggest that we simply refer to all of the slides as A-14. We don't intend to leave them here, obviously, and I'll ask Mr. Rahenkamp to keep them intact.

THE CHAIRMAN: Why don't you leave a list of them, if you don't mind.

THE WITNESS: Fine.

MR. FRIZELL: Do you have a list with you?

THE WITNESS: I don't have a list with me. What we will do is, when we take them down, we will identify the slides. Every slide has a slide identification number on it.

MR. FRIZELL: Fine. Thank you.



1 THE WITNESS: The basic principle
2 of planned development is rather simple. It's
3 a matter of clustering the units more closely
4 together in order to get residual open space.
5 In order to reduce the amount of utility and
6 the road requirements. There is a substantial
7 advantage not only in introducing less
8 costly housing for the developer, but there
9 is also substantial development for the
10 municipality. The basic principles are
11 related to performance standards, and
12 legitimately planned developments usually
13 are generated at much higher standards than
14 conventional development. For instance,
15 we can covenant the whole order on site
16 by using retention parts. Typically we
17 work the whole conservation and generate
18 retention parts on site. I will show you
19 some on the site plan which I had exactly
20 that issue, the advantage of doing that
21 particularly because the reservoir down
22 the stream is very critical and in fact the
23 quality of the water going off site will be
24 better than under conventional agriculture
25 operation. And in fact, they produce a



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substantial amenity to the community, not only for the planned development but also for the abutting owners.

There are lakes, by the way, on this property which we will work with. The principle is obviously fairly clear, we want to absorb the water on site rather than running it off downstream. In fact, we will ask for relief in terms of narrowing down the streets so we can reduce the amount of impervious cover, eliminating underground drainage so we can drain on the surface rather than below grade. That means we can move the water more slowly. And in fact, we can leave most of the natural streams in their natural state. The stream is in the middle of a 305 acre planned unit development in Reading, Pennsylvania called Flying Hills and it's developed at four units per acre. So we can do very intense development, if it's done right, it maintains quality.

We wish to reduce the amount of drainage going off site. One of the ways we have done that in a project in



1 Medford, New Jersey was basically zoned
2 for half acre single family, we asked if
3 we couldn't do 5,000 square foot lots. In
4 other words, smaller lots in return for
5 70% residual open space. These are primarily
6 two bedroom units single family detached
7 houses, and it's basically a very good
8 place to live and the residual open space
9 I think justifies the clustering. Out
10 of the 104 units, by the way, we have four
11 children. The demography in the country
12 are changing drastically and we need much
13 better accommodations.

14 That's our storm sewer system,
15 no pipe. The lakes and ponds. In addition,
16 we build usually every house on a cul-de-sac
17 or a dead end street. I explained that
18 if you have a strip development of a minor
19 subdivision lots along the roads like in
20 Colts Neck, the accident rate will be seven
21 times as great where there are indiscriminate
22 access even from the large lots. Therefore,
23 we cluster and work with cul-de-sacs in
24 our rural community, particularly the strip
25 minor subdivision lots along the roads. The



1 PUD offers an opportunity to planned
2 development very much better. So, in our
3 PUD everyone lives on a dead end street.
4 The main roads in fact are substantially
5 narrower than one would normally anticipate.
6 The roads in which residential units occur
7 are wider, usually. The main roads are
8 narrower because there is no parking on
9 those driveways. In addition, we keep
10 the sidewalks and put them in much safer
11 places away from the roads. In addition,
12 we have usually no curbs or gutters so
13 we can run the water into the grades and
14 into the ground as quickly as possible to
15 keep the vegetation in better shape.

16 The typical detail on the edge
17 of the road would be one in which the blacktop
18 would occur here, but the gravel base would
19 go out at least 18" beyond the edge of
20 the blacktop so that it stabilizes and there
21 would be a swale paralleling the road
22 which would have a bottom about six inches
23 below the base of the gravel beneath the
24 base of road so no capillary water would come
25 underneath the road. And it would look like



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so, which what's now known in the State as low technology standard, all of which assist us to produce less costly housing of higher quality.

There are occasionally when the snow plows and vehicles wish to see where the intersection is, occasionally we use vertical bollards --

MR. SAGOTSKY: Vertical what?

THE WITNESS: Bollards, B-o-l-l-a-r-d-s. This is the main road running through the planned development. Further, we separate the pedestrian and vehicular traffic so that it's safer. Typically we use bike routes. This happens to be a two-way bike route, but they are used very intensely in the PUD that we have done. At least 70% of the people say that the pedestrian ways are the most valuable recreation. The next thing is swimming pools and everything else drops off thereafter. Furthermore, we have to have clearing controls in planned development that adhere to higher performance levels than in most cases in conventional levels. So we will



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agree to --

MR. SAGOTSKY: Pardon the interruption. Is everyone in the audience able to hear this discussion? If you are not, perhaps I could ask the speaker to speak up or stand back a little bit.

THE WITNESS: Sure. Can you hear me? I am sorry. Thank you.

MR. SAGOTSKY: Repeat where I think I interrupted you.

THE WITNESS: My comment was that protection of the vegetation is important not only, by the way, in terms of esthetics, but in terms of welfare. By maintaining the existing vegetation, the water will run off slower off the site and will reduce the energy demand and serve the public purpose. So, typically we will establish a 15' clearing limit beyond buildings and then maintain existing woods. There are very nice existing woods, by the way, on our site and we basically put lower density of housing in those areas in order to save the majority of those woods. In fact, we can build a fairly higher density even



1 in the woods. This happens to be 32 units
2 to the acre garden apartments, three stories
3 high, and the trees are within 8' of those
4 buildings. It looks like that from the
5 air. So we can put fairly higher density
6 fairly sensitive on the ground without
7 abusing the quality.

8 This happens to be the Village
9 of Pinerun, one of the first PUD in the
10 State of New Jersey. We also have used
11 angle units on this project so we can
12 follow the contours so we do the least
13 amount of grading. The objectives that
14 we are trying to obtain on this site with
15 planned development is to get sufficient
16 flexibility that we can accommodate the
17 variation in the site. In other words,
18 rather than putting monolithic zoning
19 across the site, let's get flexibility
20 so we can accommodate the vegetation or
21 the slope or the variety of the site and
22 do a much more sensitive job. We can get
23 much more efficient siting in the unit
24 so we can produce less costly housing. We
25 can cut down on the amount of paved surface,



1 not only we run less water off but we
2 reduce the cost not only to the developer
3 and to the eventual buyer of the house but
4 also to the town. In terms of maintenance,
5 we cut down the utility --

6 THE CHAIRMAN: Excuse me. That
7 circulation, is that what you are talking
8 about?

9 THE WITNESS: Circulation of
10 many roads, yes.

11 MR. SAGOTSKY: Mr. Larkin.

12 THE CHAIRMAN: Sorry.

13 THE WITNESS: Just to indicate
14 how sensitive we are as to how the site
15 plan comes together, this is from a planned
16 development in Pittsburgh called Holly
17 Ridge, and in this section you will see in
18 an aerial which shows in fact that the
19 plans are very close to reality. This is
20 the general overall view of the entire
21 planned development. The interesting
22 point of the slide is that the density
23 of the housing on the upper portion on the
24 conventional zoning is about two to the
25 acre, the planned development has four to



1 the acre, the open space residual is about
2 35%. So there is a substantial difference
3 in the ability to cluster a substantial amount
4 of open space. It should be pointed out,
5 by the way, that these areas that are not
6 freed or previously cleared before we began
7 the site and only the outside buffer areas
8 are still freed.

9 The shopping areas we also feel
10 should be an integral part to the community.
11 One of the points made in the Master Plan
12 was to eliminate or to avoid strip commercial
13 along the main roads. We happen to agree
14 with that. The commercial should be an
15 integral part of the PUD, or the community,
16 and it ought to have more residential than
17 the strip commercial. Similarly with
18 industrial, we have an office research
19 section. This happens to be what we did
20 several years ago, which we had to convince
21 the owners to build the buildings in the
22 woods, even respective woods, to get a
23 very much better facility. This is what
24 we are looking to do is reduce the clearing
25 and grading on the site to the bare minimum



1 so we will have less environmental impact,
2 reduce the run off volume and velocity so
3 we are not affecting the reservoir, except
4 the quality of water, increase the percolation
5 into the ground so we are recharging as
6 much as possible, cut down the cost not only
7 for the initial construction but also for
8 the long term maintenance, which is a much
9 concern of the municipality, and get a higher
10 amenity and value out of the property than
11 in fact would be possible in a conventional
12 zoning.

13 An additional illustration, this
14 happens to be Flying Hills in Reading,
15 Pennsylvania, 305 acre planned development
16 about the same density we are talking here.
17 This is for sale townhouses that we are
18 proposing here. This one happens to be
19 a gold course in the middle. These are all
20 for sale townhouses. You can see telephone
21 bollards differentiating where the edge of
22 the road is while still allowing surface
23 drainage. Recreation amenities and single-
24 family housing and single-family road on the
25 top there. We have looked at barns integrated



1 into the development. The club house happens
2 to be in the barn right there. And a lake
3 of 8 acres built in the middle of the
4 community. We have a very nice lake within
5 this development as well, and we will expand
6 the opportunity that gives us very nice
7 quality of project.

8 BY MR. FRIZELL:

9 Q Mr. Rahenkamp, did you analyze the site
10 which is described in the Exhibit, including A-1, which
11 you are now looking at, for suitability for planned
12 unit development as you described?

13 A Yes, we did.

14 Q And what did you do in terms of that site
15 analysis?

16 A Well, we went through three levels of analysis.
17 The first was to review the location as a unique location
18 compared to the regional of the town to the point of
19 establishing whether, for instance, the PUD would be a
20 natural extension of the existing road, whether it would
21 be a natural extension of the existing capacity. And
22 in fact, it happens to have a very unique location, in
23 that the existing Village Center of the existing school
24 and some level of commercial exists.

25 Q And by Village Center you are referring to

SITE ANALYSIS



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the intersection of 34 and Route 537?

A Yes. Thank you. In addition, the new Route 18 interchanges just off the corner of the site, or will be. So that the site is basically surrounded by rather good circulation.

A VOICE: Excuse me. Could you please move this? We can't see that at all.

THE WITNESS: Fair enough.

A VOICE. Thank you very much.

THE WITNESS: Thank you. This plan also happens to show --

THE CHAIRMAN: Excuse me. I am sorry, would you say what you said again about the Route 18 interchange? I didn't hear.

THE WITNESS: Just from 537 to 34 interchange on the lower section of the property, and in fact bisects the property with an area that we have identified on the lower section and the majority of the site falling in the upper portion. The point is that the site has very good access to major roads, which is a typical characteristic of planned development. Most of the



1 planned development occurs at interchanges
2 or in places where major roads are coming
3 together.

4 BY MR. FRIZELL:

5 Q And are there any other aspects in terms
6 of regional context that you found important?

7 A Well, there was one consideration that's critical,
8 and that is that the water shed per acre line between
9 what goes into the reservoir falls about in the middle
10 of the site. The reason that's critical is that the
11 sewerage treatment on this site of the water shed line
12 can be handled on the other side without affecting the
13 reservoir. That should be sufficient.

14 Q In addition to this regional context that
15 you examined, what other analysis of the site did you
16 perform?

17 A I am sorry that these rolled, they were in the
18 courtroom for a while and they look a little sloppy. This
19 is an environmental analysis of the site --

20 Q You are referring to A-2?

21 A Thank you. The reddish colors are steeper slopes,
22 5' center grade. In fact, the site rolls quite nicely.
23 The light blue areas in here, in here are small water
24 impoundments, are small ponds on the site. This one
25 is quite nice. The green areas are obviously the trees.



1 The map has one closer to Route 18. There is a right-of-
2 way that runs through the site as well, and Jersey Central
3 Power & Light right-of-way coming through here, coming
4 across Route 18, and then coming across to the other side.
5 Essentially there is a knoll in the middle of the tract
6 in this section of the ground. I don't know if I can
7 identify it, except that it's north of the elementary
8 school, rolling back to 537, with fairly steep per grade
9 on the front side of that, which is quite nice, as a
10 matter of fact.

11 MR. DAHLBOM: Probably east of
12 the school.

13 THE WITNESS: Yes. I am sorry,
14 north is on the top side. So it's east of
15 the school. Thank you. Because of the roll
16 of the ground, there are some very exceptional
17 views from the knoll. Up on the top side
18 here looking back towards the lake is quite
19 nice. Some of the areas back here, back in
20 these small ponds are quite nice. And we
21 can work with that with the site plan very
22 sensitive.

23
24 BY MR. FRIZELL:

25 Q I was going to ask you, what's the purpose



1 of this site analysis in terms of subsequent work?

2 A Well, basically environmental base tells you
3 where certain types of units make better -- right sense.
4 For instance, if we are in a steep slope like this, we
5 prefer to shelf garden apartment units into those grades,
6 everybody gets a through breeze and through view. But
7 we can shelf into the grade, that way we have the least
8 amount of energy exposed, the construction cost goes
9 down. So it's our purpose, if we can, to garden apartments,
10 which would be essential, to get the cost down, the shelf
11 them into the grades as much as possible to take
12 advantage of the grades.

13 Where the land is flatter, it makes more sense
14 for single-family houses. Children are playing in ball
15 fields and playing space, and so on. So you look for
16 relatively flatter land. Where the tree cover is heavier,
17 we basically try to save the tree cover. We would be
18 very careful with the development of the trees there to
19 maintain as much as possible. So we work very closely
20 with the site plan -- we work very closely to correlate
21 the site plan with the environmental data.

22 Q Now, from that, did you then develop the
23 site plan?

24 A Yes, sir. This is only a block site plan, so we
25 are only blocking our views and we will have more specific



1 units at subsequent meetings. But at least it establishes
2 the background and the base from which we can work.

3 Q You are now referring to A-3?

4 A Yes.

5 MR. FRIZELL: Has that been
6 marked, Mr. Sagotsky? I don't know if
7 any of those maps are marked.

8 MR. SAGOTSKY: I have not marked
9 them at the present time. I will mark them
10 later and I will mark them in conformity
11 with P-1 as they were introduced by Judge
12 McGann and I will mark them in that sequence.

13 Q (Continuing) And you said that A-3 is
14 a block site plan. What does that mean?

15 A Well, it means that we are indicating land uses
16 where they make sense and where they are in the process
17 of defining the specific units that would be in each
18 case located there and at least have narrowed down the
19 logic how the plan should go together.

20 Q Would you just generally describe the land
21 uses that are set forth in A-3?

22 A All right. Let's work backwards for a moment. At
23 the very least we want 20% open space under planned
24 development, so that's a starting point. A portion of
25 the open space obviously would fall in the power line



Rahenkamp - direct

1 right-of-way, and in fact it's good open space. And in
2 many cases would put ball fields underneath them and they
3 work quite well. In fact, we designed a golf course in
4 the region as well. In addition, normally the low land,
5 the screen and flood plains would also go into open space,
6 and they then in fact become the umbilical cord connecting
7 the units and the major space that exists and it would
8 be Deed restricted so they would be held as open space.

9 Q Now, when you are referring to open space,
10 I take it you are referring to what we call common open
11 space?

12 A Yes. Thank you.

13 Q That's not all --

14 A No, the coverage of building would probably be in
15 about 21, 22% range. So obviously there is some residual
16 area of open space that used to be individual block as
17 shown on the side plans and the one that I showed in the
18 slide. But I am talking primarily common open space, which
19 would typically be maintained by the Homeowners Association
20 in common.

21 THE CHAIRMAN: And that's in
22 the green?

23 THE WITNESS: Yes. And some of
24 the primary concern, we wanted to make sure
25 we had some buffer against 18 on the top side



1 here. In this case we turn back into the
2 lake and we didn't wish to give up this
3 open space when the view on the lake was
4 quite good. So we put some units there.
5 The single-family residential are located
6 in the prime block of trees which are
7 there. And condominiums in this area.
8 And the two story condos in this area take
9 advantage of the view of the lake. Similar,
10 the front side in this area the grade worked
11 quite nicely, and we like to go two and three
12 story garden apartments in that area as well.
13 We will maintain a substantial open space
14 buffer along 537, and as you can see, we
15 have identified a new pond on the lower
16 section here, but there would be running
17 water in that direction. And in fact, we
18 would retain the water, it's an esthetic
19 advantage as well as a controlled advantage.
20 We have identified an area for a bus stop
21 in this particular area, and as well we
22 reserve that for some commercial. But
23 primarily we try and work around some of
24 the existing buildings. Even the existing
25 stack is quite nice, as a matter of fact.



1 Patio houses we have identified in this
2 area, which are essentially like the 5,000
3 square foot single-family houses, what
4 I showed in Medford, those slightly tighter.
5 And as subsidized housing in this particular
6 triangle, primarily because it's surrounded
7 by trees and it's a nice location. The
8 grade work is very nicely and there is
9 a stream running in the middle of the site
10 which would be connected through and seems
11 to be a fairly good location for that
12 location. We try not to get that too
13 far up close to the road, we wish to fit
14 it into good location as we can find. There
15 is a road identified running through the
16 middle of the tract, which comes off the
17 1971 Master Plan, which we have followed
18 basically and we have accommodated that in
19 here. The main road running through here,
20 we have no driveways and no curb or gutter
21 and should basically be a combination of a
22 parkway. And when running through the single-
23 family, we narrowed it down to reduce the
24 amount of access. We also got an exit
25 loop coming on to 34 on the back of the



Rahenkamp - direct

1 site, which Henry Ney, a traffic engineer
2 will describe at a future date. This is
3 basically a right-of-way so we can run,
4 I think, a much nicer road.

5 BY MR. FRIZELL:

6 Q You are referring to --

7 A Yes, running through a portion of the parkway road
8 here. As far as the other roads are concerned, the single-
9 families are, as you can see, are serviced by cul-de-sacs
10 which have pedestrian exits coming out of the back side
11 so the kids can come out the back side into open space
12 without having to go in the open road, which we feel
13 makes much sense.

14 I have office-industrial on the other side, this
15 is consistent with the Master Plan. And the sewerage
16 treatment facility up on the top side, which is obviously
17 taking the sewerage from the project and --

18 Q Mr. Rahenkamp, without restating, or even
19 from my own memory, you mentioned in your previous
20 discussion about PUD, generally that you had certain
21 objectives including an attempt to provide for a variety
22 of housing type, afford housing, at the same time
23 preserve an environmental quality. Did you bring those
24 principles to play in the preparation of that site?

25 A Yes. If we didn't, we wouldn't be here.



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MR. FRIZELL: I have no other questions of Mr. Rahenkamp tonight. Mr. Rahenkamp, as I indicated, will be back to discuss other aspects of the project, but the purpose of tonight's initial presentation was to present the framework of the plan. Thank you, Mr. Rahenkamp.

THE CHAIRMAN: Any members of the Board have any questions for Mr. Rahenkamp?

MR. TISCHENDORF: I have one question. The blue at the bottom, will you say what the blue is?

THE WITNESS: This?

MR. TISCHENDORF: Yes.

THE WITNESS: In this case perhaps a hotel site or something on that order. This has been identified as commercial zoning, frankly I don't like that very much.

MR. FRIZELL: The blue indicates commercial use?

THE WITNESS: Yes.

THE CHAIRMAN: Anyone from the Board have a question?

MR. NIEMANN: You had mentioned



1 about 20% of development was going to
2 be preserved for open spaces?

3 THE WITNESS: Common open
4 spaces.

5 MR. NIEMANN: Common open
6 spaces. Now, correct me if I am not
7 mistaken, you also -- or did you calculate
8 within the 20% the existing ponds and water-
9 ways?

10 THE WITNESS: Yes.

11 MR. NIEMANN: So that what per-
12 centage of that 20% is actually common land
13 acreage as versus waterways?

14 THE WITNESS: Frankly, I have
15 no idea because it's not any particularly
16 relevant number.

17 MR. NIEMANN: Okay. Then you
18 classify it as insignificant?

19 THE WITNESS: Yes, because
20 obviously you need the recreation space,
21 tennis courts and ball field, whatever.
22 And in fact, these lines are not magical,
23 so it's not a substantial issue. This prime
24 open space system are primarily circulation
25 and probably would not have very much



1 recreation. A good portion of the recreation
2 in fact would fall into the individualized
3 section and in fact the association, we would
4 have a common association on the major open
5 space, these connecting lines, and then there
6 would be individual associations to maintain
7 whatever common things were in the individual
8 section.

9 THE CHAIRMAN: I think you
10 indicated the lakes and waterways were
11 essentially part of this whole plan?

12 THE WITNESS: Yes.

13 THE CHAIRMAN: If there were no
14 lakes on the site, what would happen in this
15 case?

16 THE WITNESS: We would make them.

17 THE CHAIRMAN: In other words,
18 you would create them. So the fact that
19 this site has lakes doesn't, you know, in
20 other words, you can create the lakes if
21 you need to. You don't have to have them
22 natural on the site?

23 THE WITNESS: Yes. We usually --
24 in fact, the Flying Hills site that I showed
25 with a 10 acre lake on the last slide was a



1 man made lake. So it's not unusual that
2 we wouldn't build the lake on any planned
3 development. The reason why, because we
4 are running more water off because we having
5 housing. The conventional technique would
6 be by putting pipes and run them into the
7 river. So we need the lakes to hold the
8 water. Some of the lakes would be permanent
9 lakes and have permanent pools, some of the
10 lakes would be detention ponds which hold
11 the water, slow it down and then release it
12 slowly, and that would control the silt
13 run off. And in fact, above this lake we
14 would put in silt control or detention
15 ponds for these eventually to hold the
16 water down below. In addition, we have
17 already started redesigning the edges of
18 these lakes to expand them so we get a better
19 view.

20 MR. DARLBOM: Would they also
21 be used to help the Fire Department if they
22 need water?

23 THE WITNESS: Yes, they can. I
24 obviously don't know how deep it is, but I
25 know they are pumping out of that now for



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irrigation. So I suspect it's substantially deeper than our normal flat pond would be.

THE CHAIRMAN: Does the Board have any other questions?

(No response)

Anyone from the audience have any questions for Mr. Rahenkamp? Yes, sir.

MR. RALEIGH: Jim Raleigh. The question I have is, what is the orange or red area at the bottom?

THE WITNESS: This we would have to drill for water utility on the site. So one of the answers to the fire protection is we would have to provide water.

MR. SAGOTSKY: Raleigh, is it?

THE WITNESS: We have to go with the central wells.

MR. SAGOTSKY: May I say anyone who speaks from the audience please clearly state your name, spell, preferably, and your address for the record.

MR. RALEIGH: Jim Raleigh,
R-a-l-e-i-g-h.

THE CHAIRMAN: Any other questions from the audience?



1 MRS. GUNTHER: Dorothy Gunther,
2 I live on 537, across from -- directly
3 across where this project is located. And
4 I am just wondering if this will affect our
5 well. We have well water, how would this
6 be taken care of by your company? It
7 definitely would affect our well. Would
8 it create any problem with, I think they
9 call it the water level?

10 THE WITNESS: Yes.

11 MRS. GUNTHER: This is why I
12 am extremely interested.

13 THE WITNESS: The specific
14 issue of the water and the servicing of the
15 water will be addressed at a future meeting
16 by engineers. So I think it's premature
17 to answer. Frankly, I don't think there
18 would be a substantial problem. I know
19 something about the soil and the underground
20 and would not anticipate a problem, but
21 that --

22 MRS. GUNTHER: Because I do
23 know this problem was arisen when 18 was
24 put in and people lost all the water in their
25 well.



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THE WITNESS: How deep is your well, by the way?

MR. GUNTHER: 35'.

MRS. GUNTHER: We never had a problem.

MR. FRIZELL: You are directly across the street?

MRS. GUNTHER: Directly across the street.

THE CHAIRMAN: Why don't we schedule it roughly and we can try to tell them what meeting we anticipate the water expert. We can't guarantee it because we don't know how the schedule will run, but we can give you an idea.

MR. SAGOTSKY: If I may answer that. You should have a notice -- we hope to send notices to all concerned as to each meeting, but before you leave, you will see on the bulletin board a schedule of the meetings from here on in during which these matters will be discussed. You may attend all of these meetings, including all regular meetings, at which time you will hear various aspects of this matter.



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MR. FRIZELL: Mrs. Gunther, we will expect to have that aspect of the report dealt with on June 17th.

MRS. GUNTHER: Thank you very much.

THE CHAIRMAN: Mr. Marks.

CROSS-EXAMINATION BY MR. MARKS:

Q Mr. Rahenkamp, you had indicated on the lower right-hand portion a loop going on to Route 34, could you expand on that?

A Probably Henry Ney should talk to it. When we are talking about a loop, we are talking in connection to Route 34, there is some questions how the right and left-hand turn movement would work, and that will have to be resolved by Henry Ney.

Q I see. Now, the access to Route 34 --

A Are you talking about --

Q Now, I am talking about that. I am pointing to the blue area. Your property doesn't extend all the way down Route 34, does it?

MR. FRIZELL: Wait a minute.

Excuse me. It's Mr. Rahenkamp's property. That property belongs to Mr. Owen. Owen is under contract as well as Orgo.



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MR. MARKS: Well, I am getting a little confused because I have here A-3 --

MR. FRIZELL: Yes.

MR. MARKS: It does not indicate in this property outline that this is owned by anyone or depicted by some of the contracts or what.

MR. FRIZELL: What you have is a plot plan. There is nothing on that plot plan, anything about a contract. Do you have any other questions?

MR. MARKS: Yes. What did you call him, Hollman?

MR. FRIZELL: Owen, O-w-e-n.

MR. MARKS: Is the Owen property adjoining this application?

MR. FRIZELL: Yes, sir.

MR. MARKS: Do you have any -- do you have any authorization from them?

MR. FRIZELL: Yes. It's under contract.

MR. MARKS: Could you provide that contract?

MR. FRIZELL: Certainly, I'll be glad to.



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MR. MARKS: Is there not still --

MR. FRIZELL: Do you have anything with you?

A VOICE: No, not with me.

MR. MARKS: That's all right, I'll accept that you will forward it to me within the next couple of days. Even that, I don't believe, at least looking from here, that the Owen property fronts on Route 34; is that correct?

MR. FRIZELL: That's not correct.

A VOICE: That's correct.

MR. FRIZELL: That's not correct. Where that road goes through, it goes directly on to Route 34.

MR. NIEMANN: Could you place a landmark somewhere, like the Colts Neck Inn or that Esso Station?

MR. FRIZELL: You are close to the highway. That property is the last site possible. Before you hit the right-of-way you start getting to the interchange.

MR. MARKS: That road is not completely on the Owen's property.

MR. FRIZELL: That's not correct,



1 that road is completely on the Owen's
2 property. And what the problem is, that
3 the side line of the property is also a
4 sideline of the road, I take it. Correct?
5 Yes. And that may not be colored because
6 I believe the Owen's property is the horse
7 shoe shape.

8 A VOICE: You can't really
9 tell. It doesn't look like it on here,
10 but you can't see.

11 THE CHAIRMAN: Mr. Marks,
12 could you maybe before we get to the heart
13 of what you are trying to get at here, let
14 us know what it is?

15 MR. MARKS: Yes. I want to
16 find out if this property, this Owen property
17 is going to be part of the Orgo tract. Are
18 you intending to build that road, construct
19 that road?

20 MR. FRIZELL: Yes, that would
21 be part of the project. The Owen's property
22 is currently zoned commercial and it's
23 developed for commercial.

24 A VOICE: It might help, Mr.
25 Frizell, there is a little lot -- I think



1 that little piece that isn't colored, there
2 is another little lot. And when you say
3 horse shoe, the Owen's property does go
4 down to the property, I think is what you
5 are saying.

6 MR. FRIZELL: That's correct.

7 BY MR. MARKS:

8 Q Now, Mr. Rahenkamp, you had discussed
9 uses of certain land techniques, for example, the use
10 of swale versus conventional piping.

11 A Yes.

12 Q Where would that be available? Where
13 would that be available? Where would you be able to use
14 that, on what type of terrain?

15 A It should be on terrain that's not either exceptionally
16 flat or terrain that's exceptionally steep. If the
17 terrain is too flat, you have to dig too deep in order
18 to maintain a minimum. If the ground was steep, the
19 erosion of the water going to cross the ground would be
20 too high. So you have to put rip rap or some control
21 in order to keep the ground from eroding. So the best
22 is virtually what you have here, land between two to
23 five percent slope. And in fact, if you look fairly
24 closely, you will see that the major road follows along
25 the major ridge line, generally, and the cul-de-sac road



Rahenkamp - cross

1 generally proceeding away from the ridge line so we can
2 run a swale parallel to the road and come from the open
3 space on the back side and the retention pond on various
4 locations around the site. This site plan does not show
5 yet all the retention ponds.

6 Q But essentially property generally sloping?

7 A Yes.

8 Q And where you find gentle sloping property,
9 you could use a swale technique as opposed to property --

10 A Yes. It also depends on the property of the soil.
11 Obviously, soil that will hold water. You couldn't do
12 it over muck soil or very heavy soil. Sometimes you have
13 trouble with sandy soil because the site in fact is just
14 ideal because it's very good farm soil, it's very nice,
15 moderate slope and --

16 Q But where we define similar types of soil
17 with a similar slope pattern we could use the swale
18 technique?

19 A Yes, I believe so.

20 Q Would you be testifying at the next Hearing
21 as to great detail on this project?

22 MR. FRIZELL: At the next Hearing,
23 I don't think so. But we will be back at
24 greater detail.

25 MR. MARKS: Would you have a date?



1 I notice you had a date for your --

2 MR. FRIZELL: We expect on June
3 26th.

4 MR. MARKS: June 26th.

5 THE WITNESS: Are you talking
6 about storm water? Or which water?

7 MR. MARKS: No. No. Not storm
8 water, no. The next time you are going to
9 be back here.

10 MR. FRIZELL: Probably June 26th.

11 MR. MARKS: But not prior to
12 that?

13 MR. FRIZELL: Probably not.

14 BY MR. MARKS:

15 Q These techniques you have gone through, these
16 techniques, is your presentation essentially general in
17 nature?

18 A That which I have stated, oh, yes.

19 Q And these are desired planning objectives
20 in a general context which you used them today?

21 A Which we set. Like we used them before based on
22 some experience.

23 Q But these techniques can be applied, either
24 all together or in part, to any particular location which
25 would have gentle rolling slopes and suitable soil, is that



1 not correct?

2 A Yes.

3 Q One other question. There is -- referring
4 back to A-3, from the major collector road there is a
5 designation "to be constructed by the Township in
6 accordance with the Capital Improvement Program." Will
7 you expand on that?

8 A Well, this road shown going through the middle
9 of the site is shown in the '71 Master Plan. Therefore,
10 we have incorporated it in that property which we own
11 between that point and that point. We obviously have
12 the responsibility to proceed on the roads, and those
13 properties we don't have direct ownership we obviously
14 have to depend on the town to carry out the Master Plan
15 and to produce road connection.

16 Q Is there any thought at this point con-
17 cerning off tract contribution for construction of that
18 road?

19 A The state law is fairly clear and explicit, in
20 that we should bear our fair portion of off site
21 contribution in relation as to how many car trips were
22 generated. So I think the formula for that is fairly
23 clear. And we are quite experienced in participation
24 in those negotiations between the town and developer
25 to resolve in an equitable arrangement.



1 Q So that in essence there would be a con-
2 tribution to off tract in proportion to whatever traffic
3 would be generated?

4 A Following the State's law, yes.

5 THE CHAIRMAN: Any other questions
6 from Mr. Marks?

7 MR. MARKS: Just one second. No
8 other questions. Thank you.

9 MR. FRIZELL: I just have one or
10 two more brief questions.

11
12 REDIRECT EXAMINATION BY MR. FRIZELL:

13 Q I am referring now, Mr. Rahenkamp, and I am
14 not sure you are familiar with it, I believe you are, to
15 A-11, which is Judge Lane's order. I am going to ask you
16 whether or not this plan in reference to the Order provides
17 for Townhouses, Garden Apartments, Patio Houses and zero
18 lot line houses?

19 A Yes, as far as the vernacular go, it does provide
20 for that variety of houses. Patio Houses we are making
21 some adjustments; but yes.

22 Q Are there areas within the Zone Plan that
23 would permit the development of housing pursuant to a plan
24 which would mix different housing types, including housing
25 types as described above and multiple housing, together with



1 commercial houses adjunct to the residential development?

2 A Yes.

3 Q Are there any areas in the Zone Plan in
4 which development may be planned for innovated and created
5 houses, and which housing development shall not be
6 restricted to housing development having all standard
7 dimensions, essentially rectangular in shape?

8 A Yes, sir.

9 MR. FRIZELL: I have no other
10 questions.

11 MR. TISCHENDORF: May I ask
12 one more question? I don't believe you
13 said how the sewerage would get across
14 under through Route 18.

15 THE WITNESS: As a matter of
16 fact, I don't know the technical way of
17 getting there. I know the treatment plant
18 is on that side and I know we are going
19 below Route 18.

20 MR. TISCHENDORF: Does that
21 require State approval or --

22 THE WITNESS: It probably
23 requires State approval. I assume it would
24 have to have some approval, yes.

25 MR. MARKS: I have one further



1 question.

2

3 RECROSS-EXAMINATION BY MR. MARKS:

4 Q The standards which you applied, would they
5 not be applicable to any PUD?

6 A Which standards?

7 Q The standards that you enumerated before,
8 the use of the swales, the use of the cul-de-sacs, the
9 uses of utilizing grades for your apartment houses or
10 saving energy purposes, all the purpose -- all the tools
11 that you laid out tonight, would that not be applicable
12 to another PUD site?

13 A Each site would obviously have to be evaluated and
14 assessed on its own merits.

15 Q But it would be applicable?

16 A The application of the particular standards would
17 be related to the particular site. For instance, in terms
18 of the swales and road width, and so on, yes, they would
19 not be unique to the site. They could be used and should
20 be used throughout the town, not only on PUD but
21 conventional development as well. So it's not unique in
22 that way. However, the site might be unique compared
23 to other sites, being that -- and in terms of the performance
24 standards I am talking to, in that the access is different
25 than it would be on some other sites than other locations.



1 MR. SAGOTSKY: Will you pause
2 for a moment, please. We have to change
3 the tape.

4 THE WITNESS: The site is unique
5 because it's backing up against 18, you
6 would be sensitive to the fact what would
7 occur there. The site has a power line
8 going through the middle of it which cuts
9 it down into relatively smaller parcels,
10 you will be sensitive to that. So each site
11 has its own unique characteristic which would
12 be assessed and then you determine the
13 performance.

14 BY MR. MARKS:

15 Q A majority which you reviewed with us this
16 evening, that would be in general applicable to all
17 PUD sites?

18 A Well, I think we have come to some understanding.
19 Yes, there are certain characteristics which are common to
20 all PUD sites, there are characteristics which are unique
21 to each individual site because they are located in
22 different places.

23 Q Which would be the general characteristics
24 that would be applicable to all PUD sites?

25 A Those which would be more applicable would be storm



1 sewer run off control, surface and cul-de-sac dead
2 ends, that sort of thing that's applicable across the
3 board. And I would agree to that. Beyond that are
4 unique characteristics of every site and those would be
5 assessed differently and it would impact the project.
6 For instance, with the elementary school down the lower
7 side of the site, it's very helpful and logical for
8 there to be a pedestrian connection loop so that people
9 come down, children come down the back end of the
10 cul-de-sac and come into the elementary school. And
11 that's a unique characteristic to this site which would
12 differentiate it from other sites. So that every site
13 should be assessed on its own base. This happens to be
14 a more unique one we think with PUD than some of the others.

15 MR. FRIZELL: Okay, Mr. Rahenkamp.

16 (Witness excused.)

17 MR. FRIZELL: Before I call
18 Mr. Kiefer, Mr. Sagotsky, I ask you to
19 mark the two page document, and ask you to
20 mark it A-7A as a supplement to A-7 as
21 described by Mr. Rahenkamp tonight.

22 A VOICE: Mr. Chairman, would
23 the Planning Board be provided with a copy
24 of that document?

25 THE CHAIRMAN: I don't see any



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reason why not.

MR. FRIZELL: I would call Mr. Donald Kiefer to testify. This is simply a submission by the Applicant.

MR. SAGOTSKY: If I may add for the benefit of all, A-7A is offered as a supplement to the application. It's offered as a part of the original application filed herein.

MR. FRIZELL: If you would like to --

THE CHAIRMAN: You want that read into the record?

MR. SAGOTSKY: Well, it has been our practice to read the application, but so far we have not read it.

THE CHAIRMAN: We will keep it for that purpose.

MR. SAGOTSKY: As to whether you wish to read this into the record as a matter of amendment --

THE CHAIRMAN: I don't know. Anyone else want it read into the record?

MR. SAGOTSKY: The only objection that I on behalf of the Board would like to



1 state at this time is that presumably it
2 should have been filed originally for the
3 purposes of anyone who wanted to look at it
4 who hasn't had the benefit of looking at it
5 in advance. That's only a technical objection
6 for a practical matter. Of course, you may
7 accept it. I just don't want to waive any
8 right that the public may have coming in
9 later and saying, well, we didn't know what
10 the application was after we got the notice.
11 But subject to that, I have no other comment.
12 A-7A is accepted. At this point, are there
13 any objections by anyone?

14 (No response)

15 (Document is received and marked
16 Exhibit A-7A into evidence.)

17 MR. SAGOTSKY: State your name.

18 MR. KIEFER: Donald E. Kiefer,
19 K-i-e-f-e-r.

20 MR. SAGOTSKY: And your residence?

21 MR. KIEFER: 31 Huntley Road,
22 Holmdel.

23 MR. SAGOTSKY: And in what
24 capacity are you appearing?

25 MR. KIEFER: I am appearing as a
real estate expert.



1 DONALD E. KIEFER, being first duly sworn
2 according to law, testified as follows'

3
4 DIRECT EXAMINATION BY MR. FRIZELL:

5 Q Mr. Kiefer, by whom are you employed?

6 A I am Senior Vice-President and partner in the real
7 estate firm of John D. Lazarus Associates.

8 Q Where is that located?

9 A We maintain offices at 1025 Highway 35, Ocean
10 Township.

11 Q And what functions do you perform?

12 A Real estate appraiser and consultant on real estate
13 matters.

14 Q Did you prepare A-10?

15 A Yes.

16 Q Did you prepare the resume A-10?

17 A That's my educational and professional background,
18 yes, sir.

19 Q How long have you been in the business of
20 real estate?

21 A I have been continuously engaged in real estate
22 twelve years, slightly over twelve years.

23 Q Do you hold any licenses?

24 A I am licensed by the State of New Jersey as a
25 real estate salesman. The functions of real estate



Kiefer - Direct

1 appraisal and consultant are now presently licensed by the
2 State of New Jersey.

3 Q Do you have any degrees?

4 A I have a Bachelors degree in economics from Florida
5 State University. I have taken specialized courses in
6 real estate analysis and advanced techniques of real estate
7 evaluation at the University of Houston, University of
8 San Francisco and Indiana University. I have successfully
9 completed all educational requirements.

10 I am a member of the New Jersey Association of
11 Realtors, Association of Federal Appraisers. I am designa-
12 ted as senior member Certified Review Appraiser by the
13 International Association of Review Appraisers. I also
14 instruct a course in real estate appraisal in Brookdale
15 Community College, which I have been doing since 1967.

16 Q Mr. Kiefer, were you requested by the appli-
17 cant to analyze plans which have been particularly designed
18 by John Rahenkamp?

19 A Yes.

20 Q And did you examine the site plan?

21 A Yes.

22 Q And was the purpose of your examination to
23 determine whether the development of that site in the way
24 described by Mr. Rahenkamp would adversely affect real
25 estate value in the surrounding area?



1 A That was one of the functions of the study, yes.

2 Q What were the other functions of your study?

3 A Basically my study was two-fold: One, to determine
4 the impact of the proposed development on the community,
5 the other was to analyze the site for suitability from a
6 real estate point of view for the proposed development.

7 Q And did you analyze the site for suitability
8 from a real estate point of view in terms of credibility?

9 A Yes, I did.

10 Q Now, with respect to analysis, let me ask
11 you -- well, let me ask you generally, first. Did you
12 include a description of your analysis in A-10?

13 A Yes, I have.

14 Q All right. Now, in your analysis, what
15 sources of information generally -- we don't want to go
16 all through A-10, but, generally, what sources of informa-
17 tion were you looking at?

18 A Well, the most public significant source was the
19 number of physical inspections of the site as well as the
20 detailed personal study of surrounding land uses in the
21 municipality.

22 Q Are the results of that study detailed in
23 A-10?

24 A There is an extensive description of the subject
25 property as well as the surrounding neighborhood, yes.



1 Q Now, based on your analysis, did you form an
2 opinion whether the development of this site in accordance
3 with the plan described by Mr. Rahenkamp would have a
4 substantial adverse impact on surrounding properties?

5 A I did form a conclusion in that regard, yes.

6 Q And what was that conclusion?

7 A My conclusion was that it would not have a substan-
8 tial adverse impact upon the municipality.

9 Q And will you tell us what that -- excuse me.
10 From what analysis was that conclusion based on?

11 A It was based on a number of factors. The first
12 factor I considered was the specific location of the site
13 within the municipality. In that regard, I considered the
14 fact that the site is effectively buffered on three sides
15 by existing principal roadways, Route 18 to the south,
16 Route 34 to the west, and Route 537 on the north. I also
17 considered the existing land use to the east, which is the
18 Stavola Farm, a cattle-breeding facility. I felt that all
19 of these factors were significant, in that it's my opinion
20 they would not be adversely affected by the immediate
21 proximity to the proposed development.

22 I also consider the fact that the site is located in
23 what would be commonly referred to as the Colts Neck Village
24 area or the town center, where the degree of existing
25 development is considerably more intense than other centers



1 of the township where there is existing commercial develop-
2 ment and where existing residential development is generally
3 substantially higher density than some other segments of
4 the municipality. In considering those factors, I con-
5 cluded that the physical presence of the proposed develop-
6 ment on the subject site would not present any adverse
7 impact by its mere presence. I felt that it was compatible,
8 that it was adequately buffered and it would generally be in
9 keeping with the established development patterns in the
10 area.

11 Q Did that include an analysis of the commer-
12 cial site along Route 34?

13 A Yes, it did.

14 Q And what did you conclude would be the impact
15 on that property?

16 A Well, in addition to, as I stated, part of my
17 determination that there would not be substantial adverse
18 impact, I have reached the conclusion which indicated there
19 would be a number of positive impacts upon the municipality.
20 These would include enhancement of the value and functional
21 utility of the commercial zoning along Route 34, some of
22 which is adjacent to the subject property as well as exist-
23 ing commercial development, both which would benefit by
24 the increased buying power associated with increased popula-
25 tion.



1 Q Now, did you determine the impact, potential
2 impact upon the property values, generally, within the
3 municipality, that is, not those property values which are
4 immediately adjacent to this place?

5 A I addressed myself to various categories of land
6 uses within the municipality in an attempt to determine what
7 the effect would be.

8 Q And what were the categories that you ad-
9 dressed yourself to?

10 A I addressed myself, as I said, to the commercial
11 land, existing residential development, vacant land within
12 the municipality, and agricultural uses within the muni-
13 cipality.

14 Q Could you tell us why you felt that a
15 planned development, as described here over a thousand
16 units would not increase the value of a residential unit,
17 say, down the road a quarter of a mile from it?

18 A Well, as I said, the first part of that answer would
19 be the fact that I feel the site in and of itself is
20 effectively buffered from existing development, particular-
21 ly residential development, more particularly larger marked
22 residential development built by the nature of the buffers
23 I described, and by the fact that as you get further away
24 from the site, the less effect it would naturally have on
25 the point of view of visibility or immediate impact.



1 I also considered the fact that the proposed development
2 would represent a very substantial ratable within the
3 municipality. That's my opinion, that a ratable as sub-
4 stantial as that proposed would, at the very least, provide
5 a very stable base, a very stable tax base for the muni-
6 cipality. In my opinion and in my experience would only
7 serve to enhance property value. It would, in essence,
8 stabilize and in all probability tend to reduce the tax
9 burden on other properties within the municipality and as
10 such, make either ownership or development more desirable,
11 the greater degree of desirability, in my opinion, does
12 enhance the value of this property.

13 Q And, did you attempt to determine, Mr. Kiefer,
14 whether or not from a comparative point of view, this site,
15 within the context now, again, of your expertise, in the
16 real estate area, whether from a comparative point of view
17 this site was suitable for the proposed development?

18 A Yes, I did.

19 Q And what did you do in order to analyze that
20 aspect?

21 A I considered, first of all, the characteristics which
22 I felt would necessarily have to be inherent to a site to
23 make it suitable for this site development. I also con-
24 sidered those characteristics in the aspect of how they
25 would affect the economics of the development. In that



1 regard, I also reached a conclusion that for the reasons I
2 previously stated would present a valuable PUD location,
3 in my opinion should be located near the town center
4 because of the fact that it would be more compatible in
5 that area for another township and also there would be
6 certain amenities associated with such a location that
7 would make development economically more viable.

8 Q What other sites did you look at within the
9 township?

10 A I narrowed myself down to the town center area.
11 Another consideration which I weighed heavily was that a
12 potential site should most appropriately be single owner-
13 ship. I did not consider assemblage to be feasible for a
14 project of this size for a number of reasons: one being
15 the increased cost associated with acquiring a number of
16 smaller parcels. Also, the possibility that the strategic
17 parcels within the assemblage may not be available, there-
18 fore, reducing the efficiency of the development. Having
19 determined that, I was looking in the town center area of
20 the municipality for a large tract in single ownership, I
21 found myself faced with a comparison between two tracts,
22 the subject site and what's commonly, or what I commonly
23 refer to as the Hammer tract, which is located on the
24 westerly side of Route 34.

25 Q And what about the Hammer site. Did you



1 analyze in terms as an alternative possibility?

2 A I considered economic development as determined by
3 certain environmental factors on the two sites in order to
4 develop a comparison, an analysis. The township's master
5 plan indicated that the Hammer tract had a higher water
6 table than the subject property, indicated a drainage
7 situation which was not as conducive to this type of
8 development as that which is located on the subject
9 property. I also considered the aspect of ingress and
10 egress to the property. I did not feel that the Hammer
11 tract property represented an equally appropriate situation
12 regarding accessibility. Taking both of those factors
13 into consideration, I felt the subject property was more
14 suited to this type of development and also presented an
15 economic situation that would present an opportunity to
16 provide housing at a lesser cost inasmuch as I feel the
17 subject site should be more efficiently utilized.

18 Q So the conclusion, if I understand you, was
19 that the subject property was better suited than other
20 properties, including the Hammer property, once you elimi-
21 nate other properties by virtue of the village center?

22 A Taking into consideration all of the criteria which
23 I consider to be important to locating the project on this
24 site, I found the Orgo Farm site to be particularly the
25 most suited site within the Township of Colts Neck.



1 Q And in that attempted analysis, you determined
2 that the location of the development of the site would
3 less affect the property values in the Township of Colts
4 Neck?

5 A Absolutely. That would be one of the primary
6 considerations.

7 Q All right. Now, in terms of the analysis
8 that you described concerning existing zoning on the
9 tract, would you tell us what you did, generally? Is
10 that described in A-10, again?

11 A Yes, it is. The zone into which it falls, the
12 requirements of that zone, as well as my analysis of
13 development of the property under those criteria.

14 Q And did you form a conclusion as to whether
15 or not the zoning of the property was utilizable, was us-
16 able from a developmental and from a real estate stand-
17 point, sir?

18 A It was and is my opinion that the existing zoning
19 on the Orgo Farms property allocating the tract for future
20 in utility zoned for anything other than agricultural use
21 to whatever degree that may or may not be efficient.

22 Q Do you know anything about the economy of
23 agriculture and whether or not the tract could be used for
24 agriculture, economically?

25 A I am of the opinion and I have been led to believe



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Kiefer - Direct

that the economies of the Orgo Farms site for farming are probably, at best, marginal as far as actually being a working, money-making situation.

*SIS
C. Kiefer
It is ac. h/ship
be a farm?*

Q I take it that came from other sources?

A Yes. I have not done direct analysis.

MR. SAGOTSKY: I would advise, at this point, to not consider any economy on feasibility as not being pertinent. Economy hardship should not be a factor or usability for agriculture should not be a factor. And, therefore, I ask that the testimony should be stricken.

MR. FRIZELL: Well, we, for the record, we have proposed to prove through Mr. Kiefer that the zoning for the property is rendered in utility. Now, in the utility, I believe on the case law includes an analysis of whether the property has any real estate value, whatsoever under its present zoning. Mr. Kiefer has indicated that it does not, except possibly for agricultural purposes to whatever degree that's applicable here. And I have nothing further, except that's part of the case, the fact that it's in A-1 zoning, as described by Mr. Kiefer in his report in the



1 sole description use of the property is it
2 cannot be developed under those regulations.

3 THE CHAIRMAN: Let me ask you. You
4 say that this property cannot be developed
5 under the present A-1 zoning?

6 MR. FRIZELL: It could not be developed
7 economically under the present A-1 zoning,
8 that's Mr. Kiefer's testimony.

9 THE CHAIRMAN: It's your opinion that
10 economically that wouldn't be feasible to do?

11 THE WITNESS: Yes. If we can segregate
12 agricultural from residential under the A-1
13 zoning, the contents of my report and I
14 particularly addressed myself to the aspects
15 of residential development submitted under
16 A-1. And it's my opinion that it's not
17 economically feasible to develop that property
18 for the foreseeable future for residential
19 purposes under A-1 zoning.

20 MR. NIEMANN: For what reason?

21 THE WITNESS: To put it in very general
22 terms, the characteristics of the site as
23 compared to the cost of housing that's
24 dictated by the A-2 zone, in my opinion they
25 don't blend. I have done a cost analysis --



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MR. FRIZELL: Excuse me. Just for the record, it's A-1, A-1 Zone.

THE WITNESS: Yes. I have a cost analysis of development of the site up to the point of producing a fully approved improved lot. When I say improved lot, on and off-site improvement, not dwelling.

If I may refer to my report --

THE CHAIRMAN: Which page?

THE WITNESS: I am on page 26 of my report.

MR. DAHLBOM: Do we have copies of that, all of of us?

THE CHAIRMAN: Mr. Frizell, just at this point, I would like to request something if we could, at least as far as I am concerned, I'd like to have as the witnesses coming up something prior to the meeting, at least we get a chance to take a look at it. Some of the stuff we might not be able to read in full detail.

MR. FRIZELL: I appreciate that. His report is dated September 20th, 1979, and it was submitted here eight months ago, nine months ago.



1

THE CHAIRMAN: These copies were on your desk nine months ago?

2

3

MR. FRIZELL: I don't know if these were.

4

5

THE WITNESS: I was requested to deliver additional copies, which I did.

6

7

THE CHAIRMAN: I haven't read this. Have you read this? I don't know if any of the members of the Board have. If that might have been the case, would you try to make sure that there are sufficient copies available for Mr. Sagotsky so we have them?

10

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MR. FRIZELL: Sure.

14

15

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17

THE CHAIRMAN: You are supposing we know enough here, but a general description is all you are looking for. And that's certainly the case we have gotten.

18

MR. FRIZELL: All right.

19

THE CHAIRMAN: All right. Go ahead.

20

BY MR. FRIZELL:

21

Q Now, when you indicated, Mr. Kiefer, that the property --

22

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MR. NIEMANN: Should this not be marked, then, into evidence?

24

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MR. FRIZELL: This is A-10.



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Kiefer - Direct

THE WITNESS: These are additional

copies.

MR. SAGOTSKY: This is a duplicate of the original A-10?

MR. FRIZELL: Yes, sir.

Q (Continuing) Would you describe, generally, the purpose of the analysis to determine what the improvements cost of a site would be under A-1 zoning?

A Yes, that's true.

Q And then to determine what the cost of a house eventually would be based on current standards under the A-1 zoning?

A That's correct.

Q Then you attempt to determine whether or not this site, if developed for A-1 zoning, assume someone were willing to put all that cash into the deal and build those houses, improve those sites and build those houses, whether the person could expect a -- get his money back?

A That's correct.

Q And what was your conclusion?

A Following, basically, the process which I just outlined, it's my conclusion that were someone to develop the Orgo Farms tract under A-1 zoning, that the resulting housing would, in my opinion, be marketable on the site.



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THE CHAIRMAN: And to make sure the record is complete, you are talking about housing for market at a price from \$151,000 to \$171,600?

THE WITNESS: That's correct, although I might add that these computations and projections were made last September. They include provisions for bulk interest on construction money and developers' profits, both of which have gone up substantially. I don't mean it to be argumentative, but they were still above the point -- particularly cost of construction has not fallen as interest rates have. Interest rates are gone quite high.

THE CHAIRMAN: I believe the national figures will show that housing has declined several percent, at least last fall, and I just want to make sure we are talking about apples and apples.

THE WITNESS: I am going to be satisfied to go with the figures that are in my report. I feel that under current conditions they may be somewhat conservative.

THE CHAIRMAN: And at this price,



1 housing in Colts Neck would not suffer?

2 THE WITNESS: This price housing in
3 Colts Neck on the Orgo Farms tract, in my
4 opinion, would not sell.

5 THE CHAIRMAN: Why?

6 The North Point Estates, I believe, is
7 across the road from the road.

8 THE WITNESS: I have considered a
9 number of factors --

10 THE CHAIRMAN: Have you looked at the
11 North Point Estates?

12 THE WITNESS: I am familiar with --

13 THE CHAIRMAN: Have you done an
14 appraisal?

15 THE WITNESS: I have not done an
16 appraisal, I am only familiar with the
17 general area, the type of construction as I
18 basically tried to familiarize myself with
19 the entire contract.

20 BY MR. FRIZELL:

21 Q Is there anything about the Orgo site, in
22 particular, that leads you to the conclusion of that on-
23 site specific?

24 A They are built on on-site and off-site specifics
25 which I considered were instrumental in reaching my



1 conclusion of not marketability.

2 Q Starting with on-site specifics, what were
3 they?

4 A The on-site specifics would include the fact that
5 the land is being used for farming purposes, which
6 is, a fairly substantial amount of which is, as was
7 pointed out, it's not of the type of very expensive hous-
8 ing that would be considered to be appropriate there, that
9 a large portion of the property does not have trees. The
10 land is relatively flat, there is not a great deal of
11 expression within the tract by way of extreme topographi-
12 cal changes. All of the amenities that I would consider--
13 on-site amenities that I would consider to be associated
14 with the more expensive housing, such as heavily wooded
15 lots, --

16 THE CHAIRMAN: Excuse me, may I inter-
17 rupt a minute? Is that the first page?

18 MR. FRIZELL: The first page is region-
19 al.

20 THE WITNESS: The second page.

21 BY MR. FRIZELL:

22 Q I note in your report you made reference to
23 the high tension wire.

24 A Certainly that was one of the paramount on-site
25 considerations. The right-of-way easement, approximately



1 two hundred feet for a high tension power line are, in my
2 opinion, not conducive to very expensive large lot single-
3 family housing, and certainly, in my opinion, would make
4 it very difficult to marketing that type --

5 MR. NIEMANN: Does that objection also
6 apply to the PUD?

7 THE WITNESS: The PUD allows cluster-
8 ing of the houses.

9 MR. NIEMANN: I know.

10 THE WITNESS: The power line easement,
11 which is included in the common green area
12 which are inherent to a PUD design.
13 Therefore, that area can be effectively
14 utilized within the design of the PUD. The
15 lands under the power line and in my opinion
16 lands in both proximities of the power line
17 would not be suitable for large lots single-
18 family. And the economics of large lots single
19 families to work out, you have to receive
20 maximum utilization of the tract. To give up
21 the power line as well as the area in close
22 proximity, in my opinion totally destroys the
23 economic viability.

24 THE CHAIRMAN: Did you go in the area
25 of Westminster Drive?



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THE WITNESS: I am not familiar with Westminster Drive, by name.

THE CHAIRMAN: Westminster Drive abuts, I believe, the same easement; is that correct? Goes right by it. I believe the homes in that area are certainly in a category that you mention here, if not even somewhat higher. And certainly it didn't seem, at least in that particular area, to affect the marketability or --

THE WITNESS: I would have to answer that was one of my considerations. Without relating, specifically, to the property you're talking about, it's difficult for me to compare the two sites. I don't know what the situations on the other site are as far as woodlands are concerned, as far as positives are concerned, all of which would be either contributing or subtract -- as to viability.

MR. FRIZELL: I notice you make reference to two surrounding or nearby land uses, especially those commercial uses along 34.

THE WITNESS: Once again, those are factors which I considered. Factors which in



1 my opinion in many cases contributed to the
2 GEG development to become a negative factor
3 when related to large lot single family. The
4 proximity of Route 18, 34 and 537, once again
5 again I go back to the concept of cluster
6 with a PUD, allowing buffering for siting
7 of the dwelling units so as to not adversely
8 affect. Whereas, single families that would
9 be willing to give up large portions of the
10 land would have to be affected, and in my
11 opinion, negatively affected, once again we
12 are losing and if not eliminating the economic
13 viability.

14 MR. DAHLBOM: We have a cluster
15 development ordinance.

16 THE WITNESS: Yes, sir.

17 MR. DAHLBOM: So that easement can be
18 put aside in the green area.

19 THE WITNESS: I address myself to the
20 cluster provision of the A-1 zone in my
21 report, also. The cluster provision of the
22 zoning, in my opinion, does only a minimal
23 amount to reduce inherent development costs,
24 it does not reduce to the per unit land cost
25 for a developer. In fact, I believe it would



1 slightly increase it. Although homes would
2 be constructed on a smaller lot, the dedica-
3 tion required for individual lots with open
4 cluster areas would actually result in a
5 greater per unit land requirement. It's my
6 opinion that there is a cluster provision
7 which would not really change things appreciably
8 in one direction or the other as opposed to
9 straight A-1 residential development.

10 MR. TISCHENDORF: Under a cluster
11 provision there is no housing relative to
12 straight A-1 zoning.

13 THE WITNESS: I believe that's correct,
14 yes, sir.

15 MR. TISCHENDORF: Therefore, no loss,
16 if you use the right-of-way of green acres.

17 THE WITNESS: Nor is there any gain.
18 Certainly it would be a greater flexibility
19 as far as the power lines are concerned, per-
20 haps some of the roadways. To what degree,
21 it would be impossible for me to figure putting
22 an actual development plan for cluster as
23 opposed to single-family. But once again, I
24 go back to the fact and relating this site
25 not only to A-1 development on the property



1 itself but also to the competitive position
2 within the township. Almost all of the vacant
3 land within the township falls within A-1
4 zoning. I don't consider this site by virtue
5 of its location, by virtue of on-site factors
6 and by virtue of the proximity to off-site
7 factors to be competitive to other locations
8 within the municipality, yet it's subject to
9 the same inherent development cost because
10 it's subject to the same requirement that the
11 A-1 zone and as other tracts would be. Non-
12 competitiveness is also a factor to be
13 considered in making my determination.

14 THE CHAIRMAN: Going back to the farm-
15 land for a second, you also testified this is
16 not economical as farm property?

17 THE WITNESS: I believe I testified that
18 I had not done an analysis in that regard, I
19 have heard representations in that regard.
20 I am really not in a position, at this time,
21 to go into that in detail because I have not
22 done an analysis.

23 THE CHAIRMAN: The only reason I asked
24 if this was conducive as good farm soil and
25 so forth.



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THE WITNESS: I am not a soil expert.

2

MR. FRIZELL: Mr. Larkin, Mr. Kiefer

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is not offered as the economic and agri-

4

cultural --

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THE CHAIRMAN: Well, --

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MR. FRIZELL: Let me finish speaking.

7

He merely qualified his report, as I under-

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stood Mr. Kiefer, and you correct me if I'm

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wrong, to say that you cannot economically

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develop the property for residential as

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zoned, and, therefore, the only remaining

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use was agriculture, if viable.

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THE WITNESS: That's a characteriza-

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tion.

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MR. NIEMANN: Not economical or as

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economical?

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THE WITNESS: In my opinion, not

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economically feasible. I can't envision, in

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my professional opinion, a site being

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developed under A-1 standard. And if it were

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developed, I cannot envision the developer

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coming anywhere near taking his money back out

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of the project.

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MR. SAGOTSKY: You indicated that as

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far as agriculture was concerned, it was



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marginal.

THE WITNESS: I indicated that I have heard representation to that effect. I have no direct knowledge to that.

MR. SAGOTSEY: Then I'm going to instruct this Board to disregard that.

THE WITNESS: If I may make a comment in that regard. A factor related to agriculture in general and not agriculture viability of this particular site as related to the particular ability to handle certain crops would be that the return at any site or almost any site can return to its owner as a farm, as a working farm which is a business proposition, becomes proportionately less as land values increase. If for no other reason as the fact that this tract is in Colts Neck, it would be my opinion that as a working farm intended to produce a reasonable return as related to its inherent value, it would be a marginal situation. That's an overall characterization and certainly not intended to raise specifically to soil characteristic or specific potential of the site.



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THE CHAIRMAN: When you say soil, every piece of land in Colts Neck?

THE WITNESS: I would say about almost any working farm. And I am differentiating now between what is classified as agricultural use by way of some of some of the horse-training facilities. I don't consider those to be in the same category as a working dirt farm. They are both generally classified as an agricultural use. In my opinion, to compare one to the other is apples and oranges. Now, it would not relate to those types of agricultural use, meaning the horse farms.

BY MR. FRIZELL:

Q Mr. Kiefer, getting back to the cluster zoning, do I understand that even if you were to develop under the cluster zone -- let me ask you this: Would the prices for houses be the same?

A No, it would be somewhat less, in my opinion.

Q All right. But even given somewhat less -- is that also included on page 26?

A Yes, they are.

Q Even given those prices, is that the 98,000 to 111,000 and then 114,000 to 129,000 for non-cluster?



1 A No, you -- you are correct, as far as it went.
2 Those figures were -- you reach my figures, my estimate,
3 my projection for A-1 housing, I applied an excessive
4 industry standard rule of thumb to come up with the
5 finished product cost. I considered the minimum size
6 requirements under the zoning and determined that the
7 ratio between finished lot and cost and the total selling
8 price of the total package, meaning the home on the lot,
9 that the finished lot would represent approximately 25%
10 of the total cost. The figures you just referred to, to
11 which are further down the page, I increased or changed
12 the ratio, allowing for the land to represent up to 35%
13 of the cost without increasing any of the costs associated
14 with the land, which, in fact, would bring down the total
15 price of the package. The 96,000 to 111,000 figure you
16 mentioned would be for my protection for cluster on the
17 site, allowing up to 35% for land. The 114 to 129,000
18 would be non-cluster, again, allowing for 35% for land
19 rather than 45%.

20 Q Is that within the price range that
21 you anticipated could be marketed on that property, under
22 those conditions?

23 A Even allowing for the change in the ratio and allow-
24 ing land to represent up to 35% -- and I might add that
25 land is not the area which a builder, developer, normally



1 makes his profit. Land costs, on-site, off-site develop-
2 ment costs are expensive today, becoming increasingly more
3 so. A builder-developer generally finds his profit lies
4 in the area of the home, being the reason for the general
5 ratio of 25%. So it becomes, in my opinion, an iffy
6 situation when it brings it up to 35%. But even doing so,
7 the prices projected, I don't feel would be marketable on
8 the site, going back to the same reasons I discussed
9 earlier for the higher prices.

10 MR. FRIZELL: I have no other questions.

11 MR. NIEMANN: Mr. Kiefer, in your
12 report you estimated the cost for cluster
13 zoning would be 114,000 to 129,000, right?

14 THE WITNESS: That's correct.

15 MR. NIEMANN: And that's based on the--

16 THE WITNESS: Oh, I am sorry, that's
17 not correct. Cluster would be 98 to 111.

18 MR. NIEMANN: Okay. That's based on
19 35% of the land being referred to common area?

20 THE WITNESS: I believe it's 40%.

21 MR. NIEMANN: Now, the PUD is going to
22 provide somewhat less than 20% for common
23 area, open space, actual acreage. Now, if
24 you were to reduce the sum from 35% to 20%,
25 what, in your opinion, would be the per unit



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cost of a cluster development?

THE WITNESS: I am sorry, I didn't follow your question.

MR. NIEMANN: Okay. As I understand it, you got your figures of 98,000 to 111,000, that's page 22.

THE WITNESS: That's correct.

MR. NIEMANN: And I believe you just testified that under cluster -- that under A-1 cluster unit development 35% or 40% of the land would be reserved or open for common area.

THE WITNESS: I believe this is where we are getting to the area of confusion.

MR. NIEMANN: Okay.

THE WITNESS: The 35% figure I am talking about is the percentage of the total housing cost that the finished lot would represent.

MR. NIEMANN: Okay.

THE WITNESS: The ordinance under clustering, I believe, calls for 40% dedicated to common open space.

MR. NIEMANN: And that 35% or 40% then is still the same?



1 THE WITNESS: Yes, the 40% -- we are
2 talking about two different things.

3 MR. NIEMANN: Okay. Now, in this
4 proposed planned unit development, they are
5 going to allow for approximately 20% for
6 common reserve dedicated area, correct?

7 THE WITNESS: I believe the figure
8 was 20, 22%, in that area.

9 MR. NIEMANN: Well, here you base your
10 per unit cost between 98,000 and 111,000 on
11 35, 40% of the land being reserved or kept
12 open. If that was then reduced to 20% so
13 that more units could be constructed --

14 MR. FRIZELL: Increasing the density.

15 MR. NIEMANN: Right. What would that
16 reduce your per unit cost to?

17 Would it be significant?

18 THE WITNESS: In my opinion, it would
19 not be significant enough to alter my con-
20 clusion, no. And once again, going back to
21 the -- we'll keep the 35% out. We are talking
22 about the 40% which is required. In other
23 words, you say if its required dedicated
24 open area, its common space were cut in half
25 from 40% to 20%, no, in my opinion, it would
not appreciably change it because under --



1 MR. SAGOTSKY: You are considering
2 density?

3 THE WITNESS: I am considering density.
4 Still the cluster provision -- we are talking
5 about the 55,000 square foot lot, which is
6 basically an acre and a quarter lot, large
7 lot, were we to reduce that, I am only guess-
8 ing now, but you would still be in the area
9 of an acre lot and also, I think it's in-
10 appropriate to compare the common areas
11 associated with the PUD with the cluster
12 provisions of the A-1 zone, for a number of
13 reasons. The PUD plan allows for a much
14 more efficient utilization of the land.
15 We are talking about density. Also, it was
16 testified to, I believe, that the dwelling
17 units in the PUD would occupy approximately
18 20% of the land area which was not common
19 open area. In other words, they will
20 represent approximately 20% of the remaining
21 80%.

22 MR. NIEMANN: Correct.

23 THE WITNESS: That will leave 60% of
24 that 80% as open area. Be it common or
25 otherwise, approximately 20% of the total



1 tract is common open area. It's really, in
2 my opinion, inappropriate to try to compare
3 the two because it's entirely different forms
4 of development that have entirely different
5 sets of economic viability associated with
6 them.

7 MR. NIEMANN: But the amount of open
8 space, and I won't try to classify common.
9 The amount of open space percentagewise, would
10 be relatively commensurate?

11 THE WITNESS: You would have under
12 cluster provisions of A-1 40% of the tract,
13 just common open space. Under PUD develop-
14 ment, you would have 20% of the total tract
15 area, plus 60% of the remaining 80%. And I
16 am -- If I had a calculator, I could give you
17 the whole thing. But you are going to have
18 more open space, more open space in that --
19 open space available to everyone. We are not
20 dealing other than with single-family in the
21 PUD, which is small lot single-family, we are
22 not dealing with an open area that's delineat-
23 ed to a specific owner than a single family.
24 Green areas, for instance, associated with
25 the condominiums the property lots on the



1 condominium would go -- the green area just
2 left over, if the lots are not built upon it
3 would be area available to all the residents,
4 which is a way of providing the most open
5 space for the most people. There is neces-
6 parisen between the two.

7 THE CHAIRMAN: Any other questions
8 from the Board?

9 MR. DAHLBOM: Did your analysis take
10 into account fire protection?

11 THE WITNESS: I have not conducted
12 physical impact, say, upon the -- the town-
13 ship, excuse me, although testimony in that
14 regard will be provided at a later date.

15 MR. NIEMANN: Are we open to ask
16 questions now? I had asked a question regard-
17 ing one of your statements under PUD, but are
18 we, in fact, open to general questions that
19 will relate --

20 MR. FRIZELL: Yes.

21 MR. NIEMANN: Mr. Kiefer, how many
22 real estate appraisals have you made concern-
23 ing planned use developments and the impact
24 on surrounding properties' values in either
25 Monmouth County, New Jersey, or elsewhere?



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THE WITNESS: Appraisals determining--

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MR. NIEMANN: How many similar ap-

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praisals?

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THE WITNESS: I have done analysis of

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impact. PUD in particular, none. Large-

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scale development, residential development of

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similar type, particularly referring to retire-

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ment communities and condominium projects

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within the state, fifteen to twenty.

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MR. NIEMANN: That would be restricted

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to one type of development?

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THE WITNESS: Several types. But

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specifically a PUD?

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MR. NIEMANN: PUD.

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THE WITNESS: No.

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MR. NIEMANN: Okay. Let me ask you

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this: Where the location of a planned unit

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zone within Colts Neck adversely affect --

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this may be outside the scope of -- would the

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location of that type of PUD in Colts Neck

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have an overall public perception in Monmouth

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County which might reduce the property value

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in the township?

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THE WITNESS: In my opinion, it would

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not.



1 I think the common misconception is that as
2 soon as we start talking about a PUD people
3 make a negative assumption that's not true.
4 People that are familiar with PUD's, PUD
5 design, are aware that they can be very
6 attractively designed, that they can be
7 an asset to a community and enhance a com-
8 munity's reputation within a larger geographic
9 area. I think probably the best evidence of
10 what can be done with proper PUD design was
11 shown in the slide presentation. I would
12 consider the developments like that have no
13 negative impact upon the municipality's repu-
14 tation, and, to the contrary, it would be
15 considered an asset or desirable amenity that
16 you would have in a community.

17 THE CHAIRMAN: May I just qualify one
18 question? Have you ever been involved in a
19 PUD where it was in essence almost half of the
20 town in population?

21 THE WITNESS: I am not personally
22 familiar with a situation of that type. Whether
23 one exists or not, I don't know.

24 MR. NIEMAN: How about some of the PUD's
25 that have been constructed in various



1 communities within the state, how have they
2 affected the overall property value within
3 the townships?

4 THE WITNESS: It's my opinion that they
5 have not negatively affected. And I am going
6 back once again to the criteria that proper
7 design on the population, done in an appropriate
8 manner I feel that they will not have
9 a negative effect on the property value.

10 MR. NIEMANN: Do we have any PUD's in
11 Monmouth County?

12 MR. FRIZELL: No.

13 THE WITNESS: Not to my knowledge.

14 THE CHAIRMAN: Maybe Mr. Frizell may be
15 able to help on this. Is there any PUD
16 located in the area of similar type as Colts
17 Neck is now?

18 MR. FRIZELL: Have you ever heard of
19 Panther Valley?

20 THE CHAIRMAN: No.

21 MR. FRIZELL: Panther Valley is on
22 Route 80.

23 THE CHAIRMAN: I understand. Where is
24 it?

25 MR. FRIZELL: Allamuchy, New Jersey.



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THE CHAIRMAN: Route 80?

MR. FRIZELL: Way out.

THE CHAIRMAN: Is it a community where it would be commutable to Metropolitan areas like New York, one hour commuting to New York?

MR. FRIZELL: Yes. Northeast New Jersey doesn't have as many as southern New Jersey. There are some planned developments in Mount Laurel, which Mr. Rahenkamp is familiar with. There is a planned development in Pine Run which you referred to. There is a planned unit development in South Jersey which is called Becket, there is Twin Rivers in Hightstown, there is --

MR. NIEMANN: Twin Rivers is PUD?

MR. FRIZELL: No, that's not really PUD, but I am just trying --

MR. NIEMANN: Can you make some comparison?

MR. FRIZELL: I'd rather not make comparison because I think Mr. Rahenkamp, if he came back and testified he would indicate that the design in this PUD --

MR. NIEMANN: Okay.



1 MR. FRIZELL: I am just trying to give
2 you some idea.

3 Rothmore is a planned retirement com-
4 munity, this is really a plan -- this is not
5 a PUD, a class PUD, where a PUD was originally
6 envisioned as a new town, almost, with in-
7 dustrial uses, commercial uses, and were
8 drawn almost entirely from residential used,
9 like developing its own town center and then
10 a full-blown residential. This is more of a
11 planned unit residential community with some
12 commercial adjacent.

13 THE CHAIRMAN: It's getting very close
14 to eleven o'clock, I have just one more
15 quick question. Talking about the center of
16 town being an ideal place or closer to locate
17 a development like this, would you really
18 describe Colts Neck as a center -- I mean,
19 is there something that you would categorize
20 other than several stores, a general store and
21 a couple of restaurants as a town center or
22 is that the -- because it happens to be as
23 close to a town center as you can possibly
24 find?

25 THE WITNESS: The town center of Colts



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Neck. Beyond that, we get to objective relative areas of what constitutes the town. But associated with it being the town center of Colts Neck, there are certain characteristics thereby associated with it that are important to a higher density residential zone. An important consideration in higher density residential development is public transportation. Route 537 is the only roadway in the township which provides local bus service. A second consideration is proximity to shopping facilities. This site is in proximity to existing shopping facilities within the township, in that they exist in and around the town center. It's as close to by virtue of being in the town center the fire station, the first aid squad, which are both primary considerations. All of these factors are associated with the town center, whether it be the town center of Colts Neck, the municipality having a different developmental pattern and character. It's the town center, it does not present these attributes, all of which are significant to proper developmental site, in my opinion.



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THE CHAIRMAN: Any other questions?

Will we have the witness back?

MR. FRIZELL: We can have them available if necessary.

MR. SAGOTSKY: When will Mr. Rabenkamp be back?

MR. FRIZELL: June 26th.

MR. TISCHENDORF: Excuse me. You testified that you didn't think that the land was suitable for the project of A-1 development or A-1 cluster development. I believe the words were, it wouldn't be economically feasible, or something to that effect.

THE WITNESS: That's correct.

MR. TISCHENDORF: Under the present zoning, what would you consider the minimum number of units to make such a project economically viable?

THE WITNESS: I have not conducted any studies in that regard. I have addressed my report to the development proposed. I am really not in a position to make a representation, in that regard, right now. It would take a thorough and detailed analysis including a number of facts of which I have



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no personal knowledge.

MR. SAGOTSKY: Mr. Kiefer, you have mentioned that you have addressed your testimony to the development as proposed?

THE WITNESS: That's correct, sir.

MR. SAGOTSKY: Now, at some part of this evening, Mr. Rahenkamp testified that there had been introduced A-7A, and offered as a revision to the Colts Neck Village Land Use Plan, and it consists of two pages and which indicates that, among other things, there will be an addition of some seventy units from 1067 to 1137, and it indicates other changes, roads, commercial area, numerous changes. Are you aware -- were you aware of these changes when you made your comments, or whatever report you made as to proposed or were you considering --

THE WITNESS: When I say as proposed, it will relate to the project as amended and as reflected in the letter referred to. As was stated, my report was submitted last September. I am aware of the changes and as a matter of fact have submitted a letter in that regard where I have addressed myself to



1 those changes, considered them in relation
2 ship to the conclusions contained in my re-
3 port and made --

4 MR. SAGOTSKY: What are we looking at
5 now?

6 THE WITNESS: This is my letter to
7 Mr. Brunelli, wherein I addressed myself to
8 the revised plan, the amended plan, or how
9 you care to refer to it for the changes that
10 have taken place since September 20th of last
11 year and the plan as it's presented to the
12 Board this evening.

13 MR. SAGOTSKY: Including the proposed
14 amendment to the application dated May 29th,
15 1980 addressed to the Chairman of the Board?

16 THE WITNESS: Yes, sir, I am aware of
17 the contents of Mr. Rahenkamp's letter. I
18 chose to break down the changes slightly dif-
19 ferently than he did. He took them and broke
20 them down even further, although, I think the
21 breakdown contained in my letter would basic-
22 ally address itself to all of the points
23 referred to in his letter.

24 MR. SAGOTSKY: Well, did you notice the
25 maps that were introduced, A-1, A-2, A-3, are



1

they consistent with this?

2

THE WITNESS: To the best of my

3

knowledge, they are consistent with Mr.

4

Rahenkamp's letter, they are consistent with

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my testimony this evening. All my testimony

6

has been based on the exhibits that have been

7

presented this evening, which would incorper-

8

ate the changes which have taken place since the

9

20th of September of last year.

10

MR. SAGOTSKY: I have nothing further

11

at this time.

12

MR. MARKS: I have a couple of

13

questions.

14

15

CROSS-EXAMINATION BY MR. MARKS:

16

Q Mr. Kiefer, are you a real estate broker or

17

a salesman?

18

A I am licensed by the State of New Jersey as a sales-

19

man.

20

Q As a salesman. You are not a broker?

21

A That's correct.

22

Q What's the nature of your business activity,

23

is it sales or appraising?

24

A I am exclusively engaged in appraising and consult-

25

ing work, I do not do any sales.



1 Q I note that your qualifications here stated
2 that you have been a real estate salesman and on appraisal
3 since 1969.

4 A I have been licensed as a salesman for that period
5 of time and have acted as an appraiser since that time. I
6 am not representing the fact that I never made a sale, it
7 would be the exception rather than the rule. I don't
8 address myself to that area.

9 Q In other words, you are not involved with
10 sales, per se?

11 A No, if I become involved with sales, it would be,
12 usually be in management capacity, assisting one of the
13 other salesmen.

14 Q What's that capacity?

15 A Management capacity.

16 Q Have you ever sold any property in Colts
17 Neck?

18 A No, I have not.

19 Q Have you ever listed any property in Colts
20 Neck?

21 A To the best of my knowledge, I have not.

22 Q Okay. And would this include both residen-
23 tial and/or commercial property?

24 A It would include all types of property. As I said,
25 I don't address myself to that particular aspect of the



1 industry, and to the best of my knoweldge I have never
2 listed any properties for sale in Colts Neck, although I
3 could be mistaken in that regard.

4 MR. SAGOTSKY: I think in order not to
5 clutter up the record, I think your answer is
6 "no"?

7 THE WITNESS: That's correct.

8 MR. SAGOTSKY: I am concerned about
9 not cluttering up our stenographic record to
10 any great extent.

11 BY MR. MARKS:

12 Q Have you ever appraised any property in
13 Colts Neck?

14 A Yes, I have.

15 Q When?

16 A Within the last three or four months.

17 Q What type of property?

18 A My most recent appraisal was of the Cornelius Cobb
19 complex which is a furniture interior design complex located
20 on Route 34 immediately adjacent to the subject property.
21 The complex, I believe, is seven or eight buildings and
22 utilized for commercial purpose.

23 Q How many appraisals do you do -- have you
24 done in the last two years in Colts Neck?

25 A Fifteen to twenty.



1 Q Of what type and nature?

2 A They would include -- to the best of my knowledge,
3 I have not done any residential appraisal in Colts Neck,
4 perhaps one or two in that time period.

5 Q Well, do you recall doing any residential?

6 A Any --

7 Q Residential?

8 A Not off the top of my head, never.

9 Q Do you consider horse breeding to be agri-
10 cultural activity?

11 A In the very broadest sense of the term I do, yes.

12 Q You mentioned the economy in utility of this
13 property, and I believe we are not talking about agricultural
14 use but we are talking about an economy in utility for
15 construction of single-family residences in accordance with
16 the A-1 zoning as it exists under the current ordinance; is
17 that correct?

18 A That's my opinion, yes.

19 Q And you feel that it's economically unfeasible
20 to construct single-family residences?

21 A To develop a residence, yes. To construct them
22 economically and feasibly, yes, I don't feel they could be
23 sold as to the cost that would be required for a developer
24 to get back his investment for reasonable --

25 Q In other words, they wouldn't yield the profit?



1 A In all probability, in my opinion, it would probably
2 present a loss.

3 Q Now, do you base that on development costs or
4 do you base it on the actual site?

5 A I base it on both of these factors, development
6 costs as relate to the site.

7 Q All right. Turning your attention to the
8 site, you indicated to us that the remainder is undesirable.
9 Why is it undesirable?

10 A That was one of the factors that I considered. The
11 fact when related to its overall size as a relatively small
12 portion of wooded area, I would certainly consider that to
13 be a significant amenity to be associated with lots in
14 excess of two acres.

15 Q What do you estimate the wooded areas to be
16 in relationship to the entire site?

17 A It would surely be a guess. I would say perhaps
18 20%. Other scattered areas of wooded portion development
19 could be situated, I would guess, roughly 20%. So --

20 Q So you would say that the property undesirable
21 is 80% of the property?

22 A Undesirable for large lots, single detached housing,
23 yes.

24 Q But you could easily construct single-family,
25 economically feasible, or saleable single family residences



1 in the wooded area; is that correct?

2 A The only residence and economically viable situation
3 is if a developer could go in and buy that particular section
4 of the tract. But if he has to buy the whole tract, which
5 I have to conclude is the only way it could be done --

6 Q Why is it the only way it could be done?
7 Could not that property be subdivided?

8 A It certainly could.

9 Q Well, turning your attention to the wooded
10 property --

11 MR. FRIZELL: Let me interpose an ob-
12 jection to the nature of the question. The
13 Orgo Farms tract is one piece of real estate
14 and owned by one owner and subject to one
15 contract and I think the issue of the zoning
16 is on the entire tract. To say that you
17 couldn't develop one acre of that site
18 economically doesn't really answer the question.
19 The question is whether or not you can develop
20 the site, as a whole, economically, and I
21 think that's the nature of the testimony that
22 was presented on direct examination.

23 MR. MARKS: Well, I think the totality
24 of the answer should be proven by its --

25 MR. SAGOTSKY: May I interpose --



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MR. FRIZELL: Well, if the site is 99% not utilizable and only 1% usable --

2

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MR. SAGOTSKY: Gentlemen, we are not going to get anywhere this way. I am sure I have to restrict this procedure. If you have a motion, put it in the form of a motion.

4

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7

If you have a motion, put it in the form so we can rule on it, otherwise we have to go on with the testimony.

8

9

10

MR. MARKS: I would request of the Board that I'd be permitted to ask the expert whether single-family development could be sold at a profit in the wooded area, which he has indicated there is at least 20% of this parcel..

11

12

13

14

15

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MR. SAGOTSKY: If you rule on it, we will get on with it.

17

18

THE CHAIRMAN: Maybe you can help us to find out what we are getting to.

19

20

MR. MARKS: Well, what I am getting to is the fact that it would seem to me that the witness is saying that a single-family development cannot be profitably sold on this parcel.

21

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23

24

Now, --

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MR. SAGOTSKY: Under the present



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zoning A-1.

MR. MARKS: On the A-1 zone. Now, we were discussing the terrain and several times the expert has said there was no separation, the land was flat, that there were no trees, I think you will find that in the record. And I think 20% is significant. I want to find out whether you could sell houses in that 20%.

MR. FRIZELL: Let me address myself to this, maybe we can move on. I don't think Mr. Kiefer or anybody else said you couldn't sell single-family houses in that parcel --

MR. MARKS: I want an answer from the Board.

MR. SAGOTSKY: Gentlemen, this is the very essence --

MR. FRIZELL: I am addressing myself to the Board and I would like to continue uninterrupted at the moment to respond to the objection which was placed on the record by Mr. Marks.

MR. SAGOTSKY: An objection has been raised and the question is up for a ruling, and you want to give an answer to the other



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side at this point?

MR. FRIZELL: Yes.

MR. SAGOTSKY: All right.

MR. FRIZELL: I don't want to belabor the point, but no one has said that single family housing cannot be developed in all areas of that site. The question is, number one, the A-1 zoning -- I mean, obviously this plan includes some single-family housing. The question is, number one, A-1 zoning, and, secondly, questions are the totality of the site. That is, if you can develop three single family houses on that particular site, I don't think that answers -- that you are essentially saying that the rest of the site is not usable under the current zoning, then I think the point is proved.

THE CHAIRMAN: Do we --

MR. SAGOTSKY: Each of you have had a say, now let's have the ruling and we will get on with it. I didn't mean to cut you off.

THE CHAIRMAN: Can we have a motion?

MR. DAHLBOM: I make a motion it's not pertinent to the discussion at hand.



1 MR. SAGOTSKY: That's the ruling. His
2 objection is sustained. Okay.

3 The chairman didn't want to take it
4 upon himself to make the ruling, he is asking
5 for a consensus of opinion here. Reframe or
6 reask your question.

7 BY MR. MARKS:

8 Q You have indicated that the site is not
9 feasible for the development of single-family residential
10 property. We had discussed the terrain, would you mind
11 reviewing with us your description of the terrain?

12 A The tract is generally level, it's moderately low
13 land.

14 Q Is that a contradiction in term?

15 A No, generally level and moderately rolling.

16 MR. SAGOTSKY: Mr. Kiefer, you said,
17 "No." That's the answer. Let's not get into
18 a big discussion. The hour is late, let's not
19 be argumentative.

20 THE CHAIRMAN: The answer is "No"?

21 MR. SAGOTSKY: I think that's what he
22 said, the answer is "No."

23 BY MR. MARKS:

24 Q Are you aware of any developments in the
25 township that are surrounded by or do surround high tension



1 wires?

2 A I have heard reference made to one this evening.

3 Q Just one?

4 A That's correct.

5 Q Have you not examined any of the other
6 residential developments in Clats Neck Township?

7 A Yes, I have.

8 Q And you have not seen any -- you yourself
9 have not seen any residential development constructed around
10 high tension wire?

11 A No, that's not what I said. Reference was made to a
12 specific development. I was not aware of that development
13 by name. I don't know whether I have seen that or not. I
14 am aware of the course at the right-of-way that the high
15 tension wire takes, I am aware that it goes through
16 existing developments. I have seen some developments, yes.

17 Q Where have you seen those developments?

18 A Generally towards the northwest sector of the town-
19 ship.

20 Q Do you recall any of the streets?

21 A Not offhand, no.

22 Q Do you recall the value of any of the houses
23 there?

24 A No, I do not, not specifically.

25 Q So you don't know whether the prices of the



1 houses are 80,000 or \$140,000 or 200,000?

2 A No, I do not.

3 MR. MARKS: I have no further
4 questions.

5 MR. NIEMANN: Can you give us a fair
6 market -- the range of fair market value for
7 properties in the numerous developments that
8 have been constructed in Colts Neck within the
9 last year under two acre zoning?

10 THE WITNESS: Very generally, mid-
11 hundred, 140, 150, in that area and up.

12 MR. NIEMANN: Is that the low point,
13 do you think, or is that --

14 THE WITNESS: It would represent
15 probably fairly close to an average, although
16 also more towards -- it would be exception
17 that I wouldn't consider unusual that would
18 be higher. I think that it should go
19 appreciably lower on that two acre zoning
20 it would be more unusual than to go appreciably
21 higher.

22 MR. FRIZELL: When you say 50, you are
23 referring to \$150,000?

24 THE WITNESS: That's correct, 140, 150.

25 THE CHAIRMAN: There being no other



1 questions -- no, we need two things. We
2 need a roll call, which we didn't have before.

3 MR. SAGOTSEY: Announce the date for
4 the next meeting.

5 (Roll call)

6 THE CHAIRMAN: Next scheduled meeting
7 is the 12th of June.

8 (Meeting adjourned.)
9

10 I, PHILIP V. MORICI, a Shorthand Reporter and
11 Notary Public of the State of New Jersey, hereby certify
12 that the foregoing is a true and accurate transcript of the
13 proceedings as taken stenographically by me on the date
14 hereinbefore mentioned.

15
16 
17 PHILIP V. MORICI,
18 Notary Public of New Jersey

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Dated: June 7, 1980
My Commission expires
April 15, 1983.

