

CN - Orgo Farms v. Two Colts Neck

7/31/80

Transcript of proceedings: witness:

- Scott Radway
- Thomas Krakow
- Kenneth Noland

P180

CN 000 0135

*July 24
Radway
Kralow
Holland*

ZONING BOARD OF ADJUSTMENT
TOWNSHIP OF COLTS NECK
NEW JERSEY

X - - - - - X

IN THE MATTER OF:

Application of Orgo Farms
and Greenhouses, Inc., and
Richard J. Brunelli, For
a Variance.

TRANSCRIPT
OF
PROCEEDINGS

X - - - - - X

Thursday, July 24, 1980, 7:00 p.m.
Town Hall, Colts Neck, NJ

Chief Clerk *Special Reporter*

B E F O R E:

*John Mulligan
rec'd Sec'y
Wednesday 8/5/80
Kees
Planning Board*

- J. SCHRUMPF, Chairman
- C. DAHLBOM, Member
- G. BRENNAN, Member
- F. NIEMANN, Member
- J. TISCHENDORF, Member

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

*Briggs
Siddons*

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 the Colts Neck Twp. Planning Board.

CARTON, NARY, WITT & ARVANITIS, ESQS.,
BY: JAY R. HERMAN, ESQ.,
For the Colts Neck Twp. Board of Education.

BY: KATHLEEN M. SHAPIRO, RPR, CP
Registered Professional Reporter

I N D E X

<u>WITNESS</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
SCOTT RADWAY				
By Mr. Frizell	20		122	
By the Board		43		
By Mr. Herman		56		
By Mr. Marks		95		
THOMAS KRAKOW				
By Mr. Frizell	130			
KENNETH NOLAND				
By Mr. Herman	153			

E X H I B I T S

<u>NUMBER</u>	<u>DESCRIPTION</u>	<u>PAGE</u>
A-45	Opinion, Judge Lane	11
A-46	Motion to Stay	11
A-47	Memo, 7/3/80	42
A-48	Municipal budget	42

1 (Meeting convenes at 7:15 p.m.)

2 (Compliance with the Open Public
3 Meetings Act is noted.)

4 MR. SCHRUMPF: Here.

5 MR. DAHLBOM: Here

6 MR. TISCHENDORF: Here.

7 MR. BRENNAN: Here

8 THE CHAIRMAN: Once again I
9 remind everyone that this meeting is a special
10 meeting and it's a continuance and will be confined
11 to the issue at hand and no other business is to
12 appear before the Board of Adjustment. I think we
13 have two things that we should clear up possibly at
14 the outset?

15 Two points come to mind before we
16 start. I think we are perhaps running into a rather
17 tight schedule now and we should establish it or reestab
18 it so that we finish in time. But in connection with
19 that, have we received any extension, Mr. Sagotsky?

20 MR. SAGOTSKY: Yes, one extension
21 into September. I don't have the Order before me but
22 it's the date of the September meeting the 19th? An
23 Order Extending Decision Date to September 19th, 1980
24 has been signed by Judge McGann as follows:

25 It appearing to the Court that an

Order has been entered in the above matter ordering the Defendant Zoning Board of Adjustment of the Township of Colts Neck to render a decision on or before August 22, 1980; and,

It further appearing that said Zoning Board of Adjustment of the Township of Colts Neck is in need of extension to render a decision thereon to the date of September 19th, 1980.

It is, therefore, on this 18th day of July, 1980, ORDERED that the time for written decision to be rendered by the said Zoning Board of Adjustment of the Township of Colts Neck is herein extended to September 19th, 1980, provided, however, that the public evidential hearings shall have been concluded by August 21 1980 as originally ordered.

So that if they are not finished this is the end of the Order. Signed, Honorable Judge Patrick J. McGann, Jr..

This is an aside to the Board. If we are not finished by August 21, 1980, we shall have to meet the situation then as it arises.

THE CHAIRMAN: August 22, right?

MR. SAGOTSKY: August 21 is the date.

MR. BRENNAN: If Mr. Frizell can

1 talk faster, we'll get done on time.

2 THE CHAIRMAN: Now we try to
3 bring things into focus. The Planning Board has
4 scheduled a witness to appear at the next meeting,
5 which is July 29th; also July 31 and August 7th. How
6 does that fit in with you possibly concluding?

7 MR. FRIZELL: I probably would
8 have been in a position to finish tonight as
9 scheduled, except for the fact the School Board asked
10 to present their witness. I have one more witness
11 after this and that's the engineer who's simply going
12 to talk about the plans and provide the information
13 that Mr. Fessler requested at the last meeting, which
14 I was going to address.

15 THE CHAIRMAN: That's for tonight?

16 MR. FRIZELL: No. Tonight we
17 have Mr. Radway back, Mr. Krakov from Abbington-Ney
18 for the environmental and Mr. Orgo will be here later.
19 I'm only bringing him back for the convenience of the
20 other parties. So I'm basically in line. I can
21 finish tonight except for that engineering testimony,
22 which I don't think will take long.

23 THE CHAIRMAN: Does that seem
24 suitable, Mr. Marks, to the Planning Board? That one
25 witness would eat into your time on the 29th.

1 MR. MARKS: I would prefer to
2 reverse that. I would like to get my witness on
3 because my witness is going on vacation and conclude
4 with his testimony; and, then Mr. Frizell can put on
5 whoever he has.

6 MR. BRENNAN: I think it would be
7 kind of logical if the Applicant completed his case
8 before other parties came in to address --

9 MR. FESSLER: With due respect to
10 the Board, but the Applicant has already eaten into
11 almost two-thirds of the time, almost. The Board is
12 obligated to hear all parties. We need five meetings
13 to present our witnesses and from the 29th on, I
14 think we've got to have first call. And we've got to
15 find an evening in there for the Board of Education,
16 too. I think it's possible we can share a couple of
17 those. We're not sure our witness will take the
18 whole time. I think I suggest you get one more
19 meeting in there. The 5th, the 12th and 19th we had
20 scheduled; in case we needed it, we had hoped to work
21 at it with the Board of Education. We could complete
22 two of our witnesses in just half in an evening. Now
23 we have the right to start the 29th, the first
24 witness each evening; and, five running. We have
25 witnesses we want to bring in. We surely --

1 MR. BRENNAN: If you assume that
2 the Board provides sufficient time for your witnesses
3 say by going after 11 o'clock or something like that
4 on the night of the next meeting, would you disagree
5 then? Because I would like to wrap up Mr. Frizell's
6 representation or his representation of Mr. Brunelli's
7 case.

8 MR. FESSLER: With all due
9 respect, but you know we have a witness scheduled for
10 the 29th and that's when the one is going on vacation,
11 Mr. Queale. We've got to get him in. We
12 respectfully request at this late date we ought to
13 get that time.

14 MR. BRENNAN: Supposing we commit
15 to stay beyond the 11 o'clock curfew to make certain --

16 MR. FESSLER: Everybody gets a
17 little edgy at that time. We're not sure we get a
18 fair hearing after 11 o'clock.

19 MR. HERMAN: Mr. Chairman, if I
20 can have a word?

21 THE CHAIRMAN: Mr. Herman?

22 MR. HERMAN: The Applicant was
23 good enough to accord us a short time at the
24 beginning tonight to put on one witness who has a
25 problem with a vacation schedule. That is not our

1 only witness. We will have at least one other and
2 possibly two. And I noted that Mr. Frizell indicated
3 he is bringing Mr. Orgo back just for our convenience.
4 I would like to point out for the record that our
5 convenience was best suited by examining Mr. Orgo
6 when he was here. It was the Applicant who asked if
7 we could take him at another time. We also had the
8 same problem with the Applicant's architect. If you
9 recall at the last meeting I was cross-examining him
10 and was asked by the Applicant if we could do that at
11 another time because he had other witness.

12 Before you make a decision with
13 regard to what Mr. Fessler said, I respectfully
14 submit that we will have at least one, maybe two
15 other witnesses; and, we would like to hear Mr. Orgo
16 and the architect again. Maybe the way we could
17 resolve -- quite frankly, with the exception of the
18 witness I have here tonight, I am not concerned about
19 what order my witness come in I am concerned,
20 obviously, about having them heard. And maybe if the
21 Applicant would consent tonight, to the extent that
22 it's necessary, for an extension of time that would
23 certainly satisfy me and we could even define what
24 that extension of time is.

25 MR. MARKS: I have a third

1 suggestion. If we could all agree to waive
2 cross-examination till the very end and then bring
3 back everybody who needs to be cross-examined,
4 everyone can get their direct testimony in in a
5 logical, cohesive manner; and, I think that would
6 move things along much quicker.

7 MR. FRIZELL: How long could you
8 expect Mr. Queale to be?

9 MR. MARKS: Two hours.

10 MR. FRIZELL: All right. There's
11 plenty of time on the 29th. We'll have Mr. Queale or
12 Mr. Kovacs. What's the big deal? Let's go.

13 THE CHAIRMAN: Let's plan then,
14 you'll have Mr. Queale here on the 29th and your --
15 hopefully, you feel, your last witness and get them
16 all in on the 29th. And we'll work from that point
17 on. We may have even have to extend meetings beyond
18 the curfew toward the end, despite frayed nerves.

19 MR. SAGOTSKY: Who does Mr.
20 Frizell want the 29th?

21 MR. FESSLER: The 5th, 12th and
22 19th would make second meetings in those weeks, if we
23 have to use it.

24 MR. DAHLBOM: What night?

25 MR. FESSLER: The 5th of August.

1 In those three weeks of August we had scheduled only
2 one meeting per week. There could be meetings
3 scheduled, a second meeting per week, in any one of
4 those weeks, if necessary is all I'm saying.

5 So it looks if we could get Mr.
6 Queale then and first get his testimony in and if we
7 could finish Mr. Frizell's witness on the 29th and if
8 we can mesh our witnesses in on the 31st, for example,
9 we think we could. We agreed half the time could
10 mesh them in with the Board of Education, the time we
11 get, to the 7th or 14th. We may have to schedule one
12 more meeting.

13 MR. SAGOTSKY: That sounds
14 feasible.

15 THE CHAIRMAN: That sounds like
16 synergism personified. I think we make it.

17 Mr. Frizell?

18 MR. FRIZELL: Thank you, Mr.
19 Schrupf.

20 I already supplied the missing
21 page ten of Judge Lane's transcript. At the time we
22 submitted that Decision and Order, I also had
23 intended to also supply copies of the Appellate
24 Division Order. It's one line long, but nevertheless,
25 could we mark it please, Mr. Sagotsky? And also the

1 Order for a Stay which is filed October 23, '79 by
2 the Appellate Division and the Appellate Division
3 Order dated February 28, 1980.

4 MR. SAGOTSKY: I have it A-44 --
5 A-45 for identification is Orgo versus Township of
6 Colts Neck, indicates that a Judgment is affirmed
7 substantially for the reasons stated in Judge Lane's
8 oral opinion of July 3rd. That would also be A-45.
9 So marked. And A-46 would be Orgo Farms, et cetera,
10 versus Township of Colts Neck and Monmouth
11 Consolidated Water Company. It's a Motion for Stay
12 Pending Appeal for a reasonable time thereafter. And
13 it's marked: Granted, Appellant's Motion for Stay
14 Pending Appeal. The appeal is accelerated on the
15 Court's own Motion; indicates Appellant's brief to be
16 filed on or before September 10, '79; Respondent's
17 brief before January 2, 1980. And it gives other
18 dates for the reply brief. Oral argument was
19 scheduled for February 13, 1980, Hackensack; and,
20 mentions other data concerning the brief.

21 I'm addressing this to Mr.
22 Frizell: I assume all that has been done on the
23 briefs, Mr. Frizell?

24 MR. FRIZELL: That case is over.
25 That Stay predates the Appellate Division Decision by

1 five months in February of '80.

2 (Whereupon the opinion of Judge
3 Lane is marked A-45 for identification and the
4 Appellant's Motion for Stay Pending Appeal is marked
5 A-46 for Identification.)

6 MR. FRIZELL: Beyond that, I
7 would point out for the record there is no Stay of
8 Judge Lane's Order or the Appellate Division Decision
9 currently in effect.

10 MR. SAGOTSKY: Will you repeat
11 that? No Stay of Judge Lane's Order or the Appellate
12 Division --

13 MR. FRIZELL: That's correct,
14 currently in effect. A-46 is a Stay -- was a Stay of
15 Judge Lane's Order pending the appeal.

16 MR. SAGOTSKY: Would you want to
17 follow through on that?

18 MR. FRIZELL: The appeal was
19 decided in February of 1980, Rule -- don't hold me to
20 this -- 211.3 says that an Appellate Division
21 decision is not automatically stayed.

22 MR. SAGOTSKY: I would like to
23 have the roll called again.

24 MR. SCHRUMPF: Here.

25 MR. DAHLBOM: Here.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Handwritten notes:
10/11/50
10/11/50

MR. TISCHENDORF: Here.

MR. BRENNAN: Here.

MR. NIEMANN: Here.

MR. SAGOTSKY: Will you repeat that Appellate Rule 211.3?

MR. FRIZELL: I believe that's correct. It's under --

MR. SAGOTSKY: Subject to further --

MR. FRIZELL: Under, "Orders".

MR. SAGOTSKY: Says an Appellate Division Decision is not stayed?

MR. FRIZELL: An Appellate Division Decision is not stayed by a filing of a Petition for Certification. An Appellate Division decision can only be stayed by a Motion made to stay that decision. The Motion -- a Motion was made and granted to stay Judge Lane's Order pending a decision of the case by the Appellate Division. After the Appellate Division decided the case, there were no stays ordered or granted. In fact, it says that a party has to move within ten days of the Appellate Division decision in order to obtain a Stay. And Motion was not made or granted.

Generally, let me say, that there was some concern about the fact that there is a

1 Petition for Certification, which has not been
2 granted or denied. We would volunteer to the Board
3 that the granting of a variance, we would represent,
4 would be subject to the Supreme Court not overturning
5 the Mount Laurel decision, not overturning the
6 substance of Judge Lane's decision, so that the
7 Township could not be caught in a situation where a
8 variance were granted and then the decision were
9 overturned. And we simply volunteer that. That, if
10 in fact, the decision, the substance of the decision,
11 were overturned -- by that what I mean is, the
12 decision, the implementation of the decision, there
13 might be new language. They may make some comment on
14 the decision. But the substance of the decision that
15 this Township has an obligation to provide a variety
16 and choice of housing, if that decision were
17 overturned -- if, for instance, the Supreme Court
18 felt that Colts Neck had no obligation, we would make
19 the granting of a variance here subject to that
20 determination.

21 MR. SAGOTSKY: In my brief on the
22 argument before Judge McGann, at the previous hearing
23 before Judge McGann, based upon your, the Applicant's
24 appeal from the decision of this Board not to have
25 the hearing; and, based on the resolution from which

1 you took an appeal, I raised the question before
2 Judge McGann and in my brief that this hearing was
3 premature; that first there should be a decision on
4 whether or not there will be a new ordinance or not.
5 In other words, whether or not the appeal will be
6 granted or not with reference to the effectiveness of
7 the zoning ordinance. And I argued that what may
8 happen if, after all these hearings, what may happen
9 if the Supreme Court did uphold our decision and also
10 if they didn't. And Judge McGann indicated that
11 depending on what happened, an amendment might have
12 to be made by your Applicant, Mr. Frizell. So that
13 if there is an ordinance, that a proper amendment --
14 that is, if the ordinance we have that you have
15 appealed from, if it's upheld, or rather, if it's not
16 upheld, there would have to be some amendments done
17 on your part to comply with the decision of the upper
18 court. And that, in effect, I believe is in line
19 with what you're saying.

20 MR. FRIZELL: I don't think so,
21 Mr. Sagotsky. I don't think that's quite accurate.
22 What I've said is, that if the Supreme Court were to
23 overturn the substance of the finding that this
24 Township has an obligation to provide for a variety
25 and choice of housing, that we did make the grant of

1 this variance subject to that. That is to say, we
2 understand, we have assumed, that that decision will
3 be upheld and we still assume it. And we're willing
4 to basically rely on that. We're confident that it
5 will be upheld, the substance of that decision. And
6 that's really all I'm saying. The fact that a
7 Township could change a zoning ordinance in the midst
8 of an application and then require that kind of
9 change to the application itself, I don't think
10 that's appropriate and I don't think it's even
11 required. The ordinance --

12 MR. SAGOTSKY: The issue may
13 arise. Suppose there is a new ordinance passed as a
14 result of the Supreme Court decision.

15 MR. FRIZELL: That's -- I think
16 that would be irrelevant in my view

17 MR. SAGOTSKY: Well, that was
18 when the Court took the position that you might have
19 to amend your application. If there is such -- if
20 there be such a new ordinance, it may not be relevant
21 to the position you are now taking.

22 MR. FRIZELL: The way I
23 understood it and I don't want to try to second guess
24 what Judge Lane's thinking was -- and I'm not sure
25 whether he was in chambers or on the bench when he

1 made that comment -- if I could interpret what I
2 thought he meant was, if the Township were to zone
3 this property for a variety and choice of housing, no
4 variance would be required; and/or only some minor
5 variances may be -- be required, although the
6 application itself would stay the same. The
7 discussion of the application would change and our
8 argument would be quite different. And that's my
9 understanding of it. But we can leave that for
10 another day. I've simply represented to the Board
11 that I'm willing -- we're willing to have any
12 resolution in this case subject to a Supreme Court
13 affirmance of the substance of that, of the lower
14 court decision which we would expect, hopefully, this
15 Fall.

16 There were two other things one
17 is that in connection with the discussion that we had
18 at the end of the last meeting, Mr. Fessler commented
19 that the Board should know what generally what
20 standards apply to the application in terms of street
21 widths, et cetera. Mr. Kovacs will try to provide
22 that for us at the next meeting, a list of those
23 standards that we feel apply to the application.

24 The last matter I want to bring -

25 MR. SAGOTSKY: May I interrupt

1 you on the street widths, please? That late
2 discussion was held amongst all after the testimony
3 was finished. I believe something was said to you
4 about the street widths that you were offered were
5 different from the street widths as required by the
6 ordinance. I think you said, and correct me if I'm
7 wrong, that the street widths that you are offering
8 in your plans are the ones that you wish to prevail.
9 Am I --

10 MR. FRIZELL: Of course, yes.

11 MR. SAGOTSKY: Even though they
12 differ from the present street width of the ordinance?

13 MR. FRIZELL: That's correct. ✓

14 MR. SAGOTSKY: I wanted to verify ✓
15 my recollection of that.

16 MR. FRIZELL: The last point,
17 before I call Mr. Radway, was that the chairman made
18 a reference to the fact that there was some
19 reluctance on the part of some witnesses or the
20 Applicant to answer questions or provide information.
21 I would volunteer to the Board that if you have any
22 specific questions which are relevant to the
23 consideration of the issues here, we want to know
24 what they are and we will do everything within our
25 power to answer them. Our principle here has been

1 one of providing as much information as possible. I
2 think few will disagree that we've provided plenty of
3 information and if necessary we'll be happy to
4 provide more.

5 THE CHAIRMAN: That's very fair.
6 And since it was attributed to me, that is a point in
7 fact. I did say that. And I will now state for the
8 record that the apparent reason that we did not get
9 some answers is that none of the witnesses could
10 refer to a specific PUD that they had been involved
11 with or had any past experience from which they could
12 draw. Therefore, they really couldn't answer it
13 because they didn't have any experience in that field.
14 I can't fault them for that.

15 MR. FRIZELL: You missed the
16 first meeting that Mr. Rahenkamp testified that he
17 and his office designed 20. And of course you were
18 here when the builders testified that they have been
19 involved in PUD's, themselves. As I said, we'll be
20 glad to answer any questions about this case that
21 this Board has.

22
23 S C O T T O. R A D W A Y, a witness called on
24 behalf of the Applicant, having been duly sworn
25 according to law, testified as follows:

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

THE WITNESS: Scott O. Radway.

Business address is 1717 Spring Garden Street,
Philadelphia, Pennsylvania.

DIRECT EXAMINATION BY MR. FRIZELL.

Q. Mr. Radway, in your prior testimony you had not reached that report which was entitled, "School Considerations". In your analysis, Mr. Radway, of school considerations, what concerns did you address?

A. First concern was the likely effect of the amount of the school children that would come out of the proposed development and what that might do to the enrollments of the six, seven years of the development. The second concern was the -- well, as part of that first concern was, would the total enrollment within the school system, if it is within the capacity of the schools at present and then beyond that is, what would be the things that we could identify, what might be some operating conditions that might be changed or some things that might occur because there might be a different balance in the age of the school children in the likelihood that the school children might be a

1 younger age. So we looked at the financial
 2 conditions of the School Board, to a degree, to
 3 determine what costs might be affected.

4 Q. And how many, approximately, school
 5 children did you estimate would come out of this
 6 development and into the Colts Neck Township school
 7 system?

8 A. Referring to the report -- I'm not sure what
 9 item it was -- Colts Neck Village School
 10 Considerations, which I think everybody has a copy of.

11 I have got some additional extras for 1977
 12 we indicated that we would have 2100 children
 13 in 1977. That's about 1000 more than we
 14 have now. In 1978 we have 2000, in 1979
 15 we have 1900, in 1980 we have 1800, in 1981
 16 we have 1700, in 1982 we have 1600. As the
 17 population continues to decline, the number
 18 of units that are constructed and the
 19 number of units that are constructed and the
 20 number of units that are constructed and the

21 figures conform to the current status and
 22 projected status in terms of the capacity of
 23 Colts Neck Township school system.

24 Q. The report also has information
 25 to us by the School Board and other interested

1 that at the end of this school year there was
2 approximately 1,190 students and that next Fall there
3 would be about 1,120 students, a drop of about 69, 70
4 students. And that since 1973, 1974, your enrollment
5 has been declining from a high of about 1,500. The
6 number of new students per year that we project as
7 probably coming from the development as 52 students,
8 56 students a year, 58 students a year, just about
9 equals the number of students per year that have been
10 lost on an average over the last several years. So
11 that from looking at these numbers, we think that
12 there's likely to be, within total numbers, sort of a
13 replacement between what's being lost in the present
14 market and what would be generated from the Colts
15 Neck Village proposal.

16 Q. But based on that analysis, what did you
17 conclude concerning the financial impact on the
18 school system of the Colts Neck Village development
19 as analyzed?

20 A. Okay. Well, our consideration was reported in
21 here, is we think is that even though there might be
22 a replacement of students, there would be some
23 differences within the financial considerations.
24 Students would be coming from a new section of the
25 town. They would be going to schools distributed in

1 three different sites so there would be some busing
2 costs that might be additional over the busing costs
3 now, just because of the different location of the
4 development within the community. That the present
5 trend within the school system -- and this can be
6 seen on the last page of this report which is an
7 enrollment projection entitled on the left-hand side
8 of the page if you take a look is the general trend
9 since 1973 -- you see the 8th grade, 7th grade, 6th
10 grade figures as being -- say, for example, 1974 in
11 the 8th grade, is 199. And the next year, in 1975,
12 171. But the incoming amount of kindergarten
13 students is substantially different. So that you are
14 seeing some differences in the amount of enrollment
15 at different ends of the school teaching cycle. So
16 there's likely to be some differences within the
17 school system.

18 Now, we're not obviously the
19 master planners for the school and we haven't got the
20 extensive background that you and the School Board
21 have of the philosophy of the school. But those
22 types of changes will probably have some effect on
23 the operation. And we think that there will be
24 increased costs. So what we did is try to identify
25 what those costs might be. We think it's possible

1 that that would be around \$100,000. So on page two
2 of the report, where we've indicated possible
3 increase of \$100,000.

4 We've also shown what the school
5 revenue would be from property taxes based on
6 different average values of the homes. And that's
7 provided for comparative purposes to see whether or
8 not the difference in students might pay their way or
9 whether they might be a deficit or they might be a
10 surplus. When you get into the budget, there are a
11 variety of things to consider, which might be state
12 aid and student enrollment number. So these numbers
13 are off once you work it through the entire school
14 program. They're not the actual last word. But for
15 our purposes, I think it demonstrates there would be
16 an increase in school costs and \$100,000 is pretty
17 reasonable from the information that we can identify.
18 And that with a high value home the average value is
19 \$90,000 -- it would certainly be able to carry its
20 own weight. If it's down to \$50,000, it's pretty
21 close to a break even point.

22 Q. That is the to say the \$100,000 would be
23 absorbed by the taxes generated from the development,
24 part of the development?

25 A. The residential part of the development would

1 really pay its own way or break even.

2 Q. Did you attempt, based on the concerns
3 that were expressed earlier concerning the accuracy
4 of the numbers generated by the Center for Urban
5 Policy Research, did you try to figure out, Mr.
6 Radway, roughly -- and I know that isn't contained in
7 your report because you did rely on the Center's
8 figures -- but did you roughly try to figure out if
9 those numbers were way off; and, if the numbers of
10 school children generated by this development, even
11 say the small unit townhouses, were the same as those
12 currently being generated per unit by the large four
13 and five bedroom houses in Colts Neck?

14 A. Yeah. We've looked at two or three different
15 set of comparative numbers to provide low ranges and
16 high ranges. Three points of reference that we've
17 made. The current -- from the School Board --
18 information, the current number of K to 8 students
19 per residence would be six-tenths, 0.606. And that's
20 been declining and that's contained in information
21 given from them to us. And --

22 THE CHAIRMAN: That's given by
23 the Center for Urban Policy?

24 THE WITNESS: The School Board.
25 That reflects the Colts Neck specific situation.

That's 0.606 or six-tenths of a student per existing home. As I pointed out before, that's a pretty high number. What's indicated one of the other tables here is, for example, in Chesterfield Township, 0.7. That's indicated on here, representing the total number of children per home, both elementary. Or put in a different way, it's the K through 12 full cycle. And that's split about half and half between K to 8 and 8 to 12. So that our experience, it's 0.606 per home that currently exists within Colts Neck is really on the high side of students per home within a K to 8 cycle; perfectly understandable, the type of housing, large homes, larger families.

The number, for comparison purposes, that the Colts Neck Village proposal works out to be is about -- it's 0.29, if I can read this, 0.293 or roughly three-tenths of a student per house. So our projection represents student per household grades of approximately half of what is existing say as of this spring in Colts Neck.

BY MR. FRIZELL:

Q. And that's across the board, including

home or single family home, we used a 0.7 factor. So in a larger home, we used a larger factor. The average comes down -- the point of doing that is just to show you we were something approximately half the number of students that you presently have. So for a high side estimate what I did do is I took the number of students per home you have now and applied that to the entire number of homes within the Colts Neck Village proposal. If you do that -- and I can probably Xerox off a copy of this sheet that I've got these numbers on and leave it for you -- but if you use what I've done -- one more thing before that. The rate has been dropping and making it reflect what might be the situation in 1982, if you carry the enrollments which are declining, and a small increase in the number of housing forward for two more years. So I've used a figure less than the 0.606 for this estimate. I used a figure of 0.527 or 0.53. Using that --

THE CHAIRMAN: May I interrupt you? Do you mind, Mr. Frizell?

MR. FRIZELL: Yeah, so long as

1 The current trend you indicated,
2 I notice in your report on page three, you said in
3 the absence of substantial new residential
4 development in Colts Neck, it is very probable that
5 the enrollments will continue to drop. That is an
6 assumption. Did you make any effort to find out just
7 how many new units have been planned for and already
8 approved in Colts Neck to see what we would have in
9 the next two years before you made that estimate?

10 THE WITNESS: I've got the
11 building permits issued through 1972.

12 MR. SAGOTSKY: Can you start off
13 with yes or no and then develop it, if you wish?

14 MR. FRIZELL: The approvals also
15 on line?

16 THE CHAIRMAN: The approvals on
17 line.

18 MR. FRIZELL: Or an estimate
19 based on what happened in the past?

20 THE CHAIRMAN: Yeah, did he check
21 the approvals on line?

22 MR. FRIZELL: On the assumption
23 that those approvals would be built and occupied.

24 THE WITNESS: The answer is yes,
25 I've gotten some information, although it may not be

1 complete, about the approvals that have been granted.
2 And I have considered that with a reasonable amount
3 of scepticism because over the last 10 years, the
4 number of building permits issued within the Township
5 have not equaled the number of homes that have been
6 built. In fact, they run at some reduced rate. So,
7 therefore, it's not at least, not probable to
8 conclude that all the proposed plans will be built.
9 I don't have that information with me. And I've
10 gotten it from state reports from which your
11 officials report it to. So that's the information I
12 have. So then again I can provide it. I don't have
13 it with me tonight.

14 THE CHAIRMAN: I assume that the
15 Planning Board would probably bring that anyway. So,
16 fine.

17 BY MR. FRIZELL:

18 Q. So that you looked at it but you
19 discounted it in favor of a projection which was
20 based on actual history?

21 A. We look at it. We felt that past differences
22 made it questionable to hypothesize all of that to
23 the future.

24 Q. So what -- in terms of applying the
25 current number of students per household in Colts

1 Neck to the Colts Neck Village development, what
2 effect on the school capacity, et cetera, did you
3 discover?

4 A. Applying those factors what we generated was --
5 and since it's about two times the rate we used of
6 the first estimate, we estimated about two times --
7 is these children, about 100 per year over the next
8 five years rather than 55 to 60 per year. Again,
9 going back to the continuation pretty much of the
10 existing situation that 100 per year against the 60
11 or so average loss per year obviously shows an
12 increase about 40 per year. Projected over the next
13 five years, that increase of 40 per year would bring
14 enrollment of the school at the end of the
15 development period of Colts Neck Village to
16 approximately 1,475 students. The 1,475 students is
17 25 to 30 students less than was the peak enrollment
18 back in 1974 and 1975.

19 MR. DAHLBOM: Excuse me. Was
20 that 1985? Is that what you said? What year was
21 that tied to?

22 THE WITNESS: That would be --
23 the way the schedule is set up, that would be 1986.
24 But at 1986 enrollment would then stay -- 1,475 would
25 equal about what the high was in 1974 and 1975, also.

1 And I was going to say again that assumption is that
2 the current -- or that the, you know, that the
3 current children per household figure, which is, we
4 believe, to be high, would be carried out to its
5 maximum.

6 MR. DAHLBOM: You are assuming
7 then that the capacity of the school is there to take
8 care of the 1,475 students because we took care of
9 them before?

10 THE WITNESS: Not necessarily.
11 When I talked to Dr. Unger and the information provided
12 since that time, there have been some changes and
13 some space utilized for different situations. And
14 there is consideration of different school facilities.
15 So there are some things there were not being
16 provided. The School Board are really able to
17 probably provide answers, and they should. They
18 should clearly be the ones to provide the answers.

19 BY MR. FRIZELL:

20 Q. So what you are saying is, that the
21 total number of school enrollment in the Colts Neck
22 system would be what it was five years ago; but, you
23 are not completely sure of the present status if the
24 capital structure could handle it based on possible
25 changing of usage of school facilities, et cetera?

1 A. Right.

2 Q. Now, if the -- specutatively, for a
3 second -- if there were substantial munbers of
4 approvals and actual building permits and buildings
5 built in Colts Neck under the current zoning and
6 under the current subdivisions, I take it, that if
7 they exceeded and you gave everything its worst case
8 situation, I take it that there might be some strain
9 on the financial or the capital structure of the
10 school system -- not on the financial aspect of it,
11 because as I understand your analysis, a \$50,000
12 house begins to break even over the cost of the
13 development?

14 A. Right. Did I perceive that rightly, what would
15 be the strain on the capital facilities?

16 Q. Yes. I wish I thought of that.

17 A. I would certainly suggest that if the building --
18 if Colts Neck Village is approved and built and based
19 on this type of a time schedule, which is fairly
20 quick and that if other developments within the
21 Township that's talked about all comes to fruition
22 and that that development has homes that are three,
23 four and five bedroom size and provides a higher
24 number of children than will be provided here, yes,
25 the capital facilities will be tested. And the

1 students and the people in the community will
2 probably want to enter into discussions that they
3 have had periodically on whether the facilities are
4 large enough or in the right locations or some of the
5 other things. From what we've been told, there is a
6 variety of discussion on these points, even as
7 enrollment is declining there have been discussions
8 yeah I think it's really fair to say that there would
9 be likely a discussion about replacing facilities.

10 MR. SAGOTSKY: You're building up
11 a big record. If there's any way --

12 MR. FRIZELL: We're just about
13 finished.

14 Q. But the projections and in fact that are --
15 you analyzed -- based on your analysis of the figures
16 and using the Center for Urban Policy figures for the
17 number of school children, et cetera, you came to the
18 conclusion that the current school capital structure
19 has the capacity to handle the proposed development?

20 A. Yes. It's holding that many students now and
21 it should continue to hold that many students. As I
22 said, I think it's about a replacement number. So
23 that total number should stay the same. The
24 decisions as to whether that's satisfactory or that
25 the cost of operating one school building against

1 another are a little different kind of
2 differentiation.

3 Q. I'm finished with the school questions,
4 Mr. Radway. I did have one more set of questions and
5 that is, there was some concern at the last meeting
6 expressed about the requirement, the possible
7 requirement, that a municipality which exceeds a
8 certain population limit would have to have --

9 MR. BRENNAN: Excuse me. I have
10 one question on the school. In coming up to your
11 stabilized pupil level of 1,475, did you assume
12 additional building in Colts Neck outside of Colts
13 Neck Village?

14 THE WITNESS: Yes. We've assumed
15 that the building in Colts Neck -- and this even more
16 to this answer -- what's been approved and what's
17 going -- we've assumed that the approximately 30 or
18 so building permits for single family homes that have
19 been built on average over the last seven or eight
20 years will continue through the eighties. So we're
21 not saying nothing else is going to happen in Colts
22 Neck. We're assuming that that level of building is
23 the baseline and that level is going to continue.
24 Even with that level of development, the enrollment
25 is dropping. I guess that's specifically more to the

1 question that you asked. We've considered that 25 to
2 30 units as a given. So all of our numbers, all of
3 our decisions, are in addition to the likely effects
4 of those 25 units plus what's going on in the existing
5 housing today.

6 I haven't assumed in here that
7 Colts Neck Village would preclude any other
8 development in the community. There is a market for
9 the type of house that's being built here. People
10 who want it are still going to be interested in being
11 here. And Colts Neck Village is in a different
12 market and probably should have a marginal, at best,
13 relationship to that development. It's just two
14 different kinds of things.

15 THE CHAIRMAN: The only reason I
16 think Mr. Brennan or myself asked that question, I
17 think just in the present history, there have been
18 approval of say treble the number that you estimate
19 to be started in the immediate future. And I thought
20 maybe you weren't aware of that when you made your
21 estimate.

22 THE WITNESS: I'll tell you why
23 we don't -- not why we discount it completely -- but
24 why we have great less tendency, is that we provide
25 consulting planning services for communities in New

1 Jersey and other states. And we've been pretty
2 active with using computer programs to analyze
3 budgets and school enrollment. And we've developed
4 programs that do account for a committed capacity or
5 a committed number of housing units to be built. And
6 without exception, those committed units are never
7 what's actually built, never hits those committed
8 units. Usually it never hits them in total. And we
9 never hit them in timing. We look at it and
10 appreciate it and we try to consider the local
11 situation that's likely to effect it and make a
12 judgment. So that's why you -- say you know 100 have
13 been approved at the price range. And if you are
14 talking about subdivision lots, a subdivision, a
15 person may have every intention of building 28 of
16 them in a year. And he may tell you that because
17 that's what he wants his approvals for. But with
18 very, very rare exceptions, does that 28, though he
19 tells you he wants to get it built like he says it
20 will be. So we back down a little bit on taking that
21 as gospel.

22 BY MR. FRIZELL:

23 Q. Did you find that's the most reliable
24 indicator, what's happened in the immediate past?

25 A. I would say no to that. I mean, projecting the

1 future based on what happened in the past, it's a
2 good place to start. But it's not -- and why I say
3 that, I think if the School Board unit plan projections
4 that we put in here -- and they were done in 1977 --
5 they were the trends of the early seventies, based on
6 numbers going out the top end. And we see the trend
7 going in the other direction. In fact, the trends
8 were changing when they were looking at it. So they
9 may have erred on one side. We think we have a
10 little more information. If we're going to err,
11 we're not going to make a bigger mistake. That's why
12 I say no, you don't project the future on the past.

13 Q. I was going to go to the question that
14 was raised in your earlier testimony about the
15 maximum population level of the community at which
16 they have to begin to have a police force. Did you
17 do any figures on that point?

18 A. Yes, we have. And I've got something else to
19 submit to the Board. It summarizes basically the
20 information that I referred to verbally. I said
21 someone else did some figures. This is the
22 recounting of that from our records.

23 Q. Could you just summarize that for the
24 Board?

25 A. We talked to a wide variety people, all

1 responsible; Mr. Bellochio, the Police Administration
2 Services Bureau. Nobody within the state government,
3 at least, seems to be aware of any state law or any
4 edict that's currently in effect that has to do --
5 state the maximum or minimum population within which
6 the township or municipality of any form has to provide
7 police services. Governor Cahill, that's in here, at
8 one time issued a press release. Somebody may have
9 remembered or been referring to. But as far as we
10 know, it has never gone into effect. Brick Township,
11 as we've indicated, was pointed out to us as a
12 township that had a population of in excess of 20,000
13 that did not have a police force. Essentially it
14 says if you want a 24 hour a day, seven day a week
15 service that you'd be in the neighborhood in a five
16 man force. And then there's costs which run out to
17 perhaps \$100,000.

18 There's nothing that says you have to have
19 there force there's nothing that says you don't have
20 to have it. Again, it appears, from everything that
21 we can find out, to be a local decision.

22 We've gotten -- have a copy of a report, which
23 I don't want to leave because it's on loan to us, but
24 should be available. It's called, "Crime '78 in New
25 Jersey, Uniform Crime Report". It's the whole wide

1 range of statistics about police forces. It's got
2 all the municipalities within the state. We, by
3 looking at this, found in 1978 four communities the
4 size of Colts Neck or larger which did not have
5 police forces -- three, in addition to Colts Neck.
6 Two of those have since that time established police
7 forces. And we've, over the last three weeks, not
8 actually been able to get in touch with the police
9 departments and we suspect they still don't have a
10 police force.

11 THE CHAIRMAN: Were they rural
12 communities, rural-residential communities the ones
13 that didn't have a police force?

14 THE WITNESS: Pretty similar in
15 characteristics. The classification of
16 rural-residential and suburban and other things in
17 here are pretty accurately allowed to make those
18 comparisons. And, yes, they were similar to Colts
19 Neck

20 THE CHAIRMAN: I see. Was one of
21 them Howell Township -- they had State Police till
22 quite recently -- which is adjacent.

23 THE WITNESS: Yeah, I think
24 that's the one we haven't gotten ahold of yet,
25 perhaps.

1 North Hanover Township have a
2 township of 10,000, five man force. East Hanover,
3 17,000, ten man force. South Hamilton Township,
4 9,500 and they are the ones we can't contact. And
5 they didn't have a police force.

6 THE CHAIRMAN: And they used the
7 State Police?

8 THE WITNESS: Right.

9 MR. DAHLBOM: Which counties are
10 they in?

11 THE WITNESS: All Burlington
12 County. Howell Township indicates that in 1978, that
13 had a police force, population of 28,000, considered
14 suburban-rural and it does have a police force in
15 1978 -- in 1977.

16 THE CHAIRMAN: Did Mr. Senville
17 contact the State Police directly on this and ask
18 them if they had any ruling on this?

19 THE WITNESS: Yes. They suggest --
20 he did. That's not in here.

21 THE CHAIRMAN: I saw no reference
22 to the State Police being contacted directly.

23 THE WITNESS: We talked -- he
24 talked to the people at this police station and they
25 didn't indicate -- they indicated to us that there

1 have been no discussions with them within the last --
2 within the last about two years about Colts Neck
3 establishing a police force. Also the statement -- I
4 guess their primary comments as far as we got, was
5 that they don't like to do local police work; and,
6 then they don't do it as efficiently as local police
7 can, by virtue of the mandate they have to take care
8 of the state land and highways and things like that.
9 But they said if the local community doesn't provide
10 a police force, they have no way to order it. It's a
11 local decision. And if the local communities rely on
12 the State Police for protection, they'll give them
13 the best protection they can, pretty much. We
14 couldn't find anybody to discuss policy with us.

15 THE CHAIRMAN: I was particularly
16 interested in the cut off point of population. I
17 thought there was a figure.

18 THE WITNESS: I'm sure that if
19 the Township went and talked to them, they would
20 express probably comments to the Township that they
21 didn't express to us. And I'm sure they would like
22 to have all townships provide police protection
23 within the township. I shouldn't say that. That's
24 speculative. They did indicate they felt the
25 townships probably are better at taking care of their

1 own specific needs than the State Police force.

2 MR. DAHLBOM: Is this going to be
3 put in for identification?

4 MR. FRIZELL: Yeah

5 MR. SAGOTSKY: A-47, memorandum
6 to Colts Neck job file C,618 from Wayne Senville,
7 Esq., dated July 3, 1980; subject, need for and costs
8 of providing local police services. Marked A-47 for
9 identification.

10 (Whereupon a document dated
11 7/3/80 is marked A-47 for identification.)

12 MR. SAGOTSKY: Municipal budget
13 is offered for identification, A-48, 7/24/80. The
14 sheet is entitled -- A-48 consists of two sheets
15 entitled 1980 Local Municipal Budget, Local Budget of
16 the Township of Colts Neck.

17 (Whereupon the municipal budget
18 is marked A-48 for identification.)

19 THE WITNESS: See, the Township
20 budget is only provided because it was part of the
21 discussion before and I had only one copy at that
22 time.

23 MR. FRIZELL: I'm finished.

24 THE WITNESS: I have a copy of
25 the memo that identifies somebody from the State

1 Police, if you would like that name --

2 MR. SAGOTSKY: Yeah, I would like
3 the name.

4 THE WITNESS: Okay. It's
5 Sergeant Frank Masterson.

6 MR. FRIZELL: What's his title?

7 THE WITNESS: Well, he's a
8 sergeant.

9 MR. FRIZELL: With what part of
10 the State Police?

11 THE WITNESS: He's in the
12 planning unit of the police headquarters in Trenton.

13 THE CHAIRMAN: Is there going to
14 be some discussion on the budget?

15 MR. FRIZELL: No. It was
16 previously discussed. We have nothing further of Mr.
17 Radway.

18 THE CHAIRMAN: Without prolonging
19 it too much, were any of these projected figures on
20 school enrollment tied in with the enrollment
21 increase they experienced in the closest PUD that I'm
22 aware of, in Twin Rivers?

23 THE WITNESS: I'm not sure how
24 you mean tied in.

25 THE CHAIRMAN: That's in place.

1 It's a PUD that is in place and has an experience
2 that can be drawn upon. How did their enrollment
3 come out as estimated and in actuality?

4 THE WITNESS: I can't give any
5 specific answer about -- I don't have any idea of
6 what might have been estimated at the beginning of
7 those projects. I have not looked at those documents.

8 MR. FRIZELL: No. Respond
9 directly to that, Mr. Radway. I'm not sure if you
10 are personally aware of it but the Center for Urban
11 Policy Research, do you know whether or not their
12 volumes and their reports include an analysis of Twin
13 Rivers?

14 THE WITNESS: I would have to
15 look.

16 MR. FRIZELL: That could be
17 disclosed by a simple look at the reference. But I'm
18 almost certain that it does.

19 MR. SAGOTSKY: This witness?

20 THE WITNESS: I would have to
21 look at the data.

22 MR. SAGOTSKY: You did not
23 personally investigate Twin Rivers, the PUD of Twin
24 Rivers? I don't mean to get you into a long
25 discussion. You did or you didn't?

1 THE WITNESS: I have in our
2 office a data sheet that was developed by other
3 planners.

4 MR. SAGOTSKY: My question was,
5 did you make that investigation?

6 THE WITNESS: No, no. I did not
7 make that investigation.

8 THE CHAIRMAN: You don't have any
9 idea how many units that involved?

10 THE WITNESS: I did not -- I have
11 a data sheet which indicates those things. They fall
12 all within the general range of students per
13 household that we were projecting. I didn't --

14 THE CHAIRMAN: Why did they build
15 a school if the enrollment increase was going to be
16 minimal? They did build a school, didn't they?

17 MR. SAGOTSKY: I think so.

18 THE CHAIRMAN: It must have been
19 quite an enrollment and I'm wondering why they did
20 and why we don't estimate for that here. I think
21 that's a fair question.

22 THE WITNESS: I think the general
23 situation within which the development is being
24 placed is really the answer. I wasn't involved with
25 that community. I wasn't involved with the political

1 discussions at that time, which obviously get
2 discussed. What we're talking about here, within
3 this situation, is that we don't think from our point
4 of view that the total numbers indicate the need for
5 new capital facilities based on total numbers. But
6 from what has been told me by different people in the
7 community, certainly there is some level of
8 dissatisfaction with the present buildings and what
9 they can and can't accommodate. So it might be a
10 very good choice within the community to build a new
11 school building and this being the impetus for it in
12 some manner to get things that are desired but that
13 are currently not in place. That wouldn't be
14 happening directly as a result of the new students,
15 the new students generated from any of the other
16 kinds of developments. That belongs to the broader
17 picture of what the community might like.

18 MR. FRIZELL: If I told you, Mr.
19 Radway, that the Twin Rivers PUD was approved in the
20 early 1970's, could you tell us about what projected
21 enrollments looked like in those days in terms of
22 school children? Were they lower or higher?

23 MR. SAGOTSKY: Mr. Chairman, in
24 the interests of shall we say the hour and what has
25 to go on, I'd object to that questions as perhaps not

1 being exactly relevant. I think you had your answer.

2 THE CHAIRMAN: Yeah.

3 MR. SAGOTSKY: That's with all
4 due respect to you, Mr. Frizell.

5 THE CHAIRMAN: Okay.

6 MR. TISCHENDORF: I would like to
7 question the school data a bit more. I'm referring
8 to the last two pages of your report. Were these
9 calculations done by you, Mr. Radway?

10 THE WITNESS: No, they weren't.

11 MR. TISCHENDORF: Are you
12 familiar with how they were done? Are you familiar
13 with the lexis diagrams?

14 THE WITNESS: Reasonably familiar,
15 yes.

16 MR. TISCHENDORF: And do you
17 consider this last page to be one?

18 THE WITNESS: Well, the
19 terminology I would use is, cohort survival analysis.

20 MR. TISCHENDORF: The last pages
21 of whatever -- eight, the last page of the report
22 entitled, "Colts Neck Village School Considerations"

23 MR. DAHLBOM: A-26.

24 MR. TISCHENDORF: -- the live
25 births are fact, is that correct, from our own data

1 here in Colts Neck? So 33 live births occurred in
2 Colts Neck in '77, that being five years prior to
3 1982?

4 THE WITNESS: You are on the last
5 page?

6 MR. TISCHENDORF: There you say
7 live births five years previous?

8 THE WITNESS: No, no.
9 Thirty-three births in 1977. That's a matter of fact,
10 I believe. You are reading the 1982 number.

11 MR. TISCHENDORF: That says in
12 1977 there were 33 children born. I'm just trying to
13 understand. Are those Colts Neck live births?

14 THE WITNESS: This information
15 was provided to me by the school. And from the look
16 of the information and discussions I had, I would say
17 that there, you know, that's what's been provided by
18 the, I would assume, by the County Health Department.

19 MR. FRIZELL: Not talking about
20 the source of the information, Mr. Tischendorf's
21 question is, is that supposed to represent an actual
22 figure?

23 THE WITNESS: Yes.

24 MR. TISCHENDORF: So when we
25 begin with 1983, we're talking about possibly 1978.

1 But in any sense, starting in 1983, that births five
2 years-past is essentially a matter of assumption,
3 isn't it reasonable?

4 THE WITNESS: Right,
5 hypothesizing what would have happened next year.

6 MR. TISCHENDORF: Now, I see
7 discrepancies between kindergarten in the last two
8 pages. Not large ones, but I'm again interested in
9 your source. And I guess you'll tell me it's the
10 school's figures?

11 THE WITNESS: Yeah. I reproduced
12 them exactly as I get them.

13 MR. TISCHENDORF: The second last
14 page says 1971 kindergarten, 134. I'm sorry. That's
15 the last page. And the second last page says 138.
16 And that kind of carries down, that the kindergarten
17 figures aren't quite consistent.

18 THE WITNESS: The school
19 representatives can answer it more specifically, but
20 you have a variety of points of counting population
21 within the school when you are talking about making
22 projections. You have what's commonly referred to as
23 "into-September count" or "fourth-Friday count". To
24 take the specific population of the school, things at
25 the beginning of the school year, if the numbers are

1 within four to five it would be from their general
2 consideration to be considered real.

3 MR. TISCHENDORF: Now, in the top
4 panel of the last page, we have a lot of average
5 survival ratios. And I would say that is simply
6 ratios of numbers that --

7 THE WITNESS: It's just
8 calculation of the date that they exist one year to
9 the next.

10 MR. TISCHENDORF: Average
11 survived, 1.06, 1.03, 1.07, on out to 0.98 is some
12 average of students that survive kindergarten and
13 reach grade 1 over cohort groups numbering about 10
14 years. Is that true?

15 THE WITNESS: Yes.

16 MR. TISCHENDORF: Now, the project i
17 at the bottom of the page were generated, were to
18 apply those numbers at mid-page essentially saying
19 survival ratios is only a function of grade. There
20 have been -- there will be 1.06 as many children in
21 first grade as there were in kindergarten,
22 irrespective of what year of projection we're talking
23 about. Would you know if that was the way they were
24 done?

25 THE WITNESS: From looking at the

1 numbers, I assume -- it looks like that, how it's
2 carried out.

3 MR. TISCHENDORF: Let me
4 represent that I would say that's the way they were
5 done. Now, that would say projecting school
6 enrollments depends on an assumption that survival
7 ratio is merely a matter of how many first graders
8 are there after kindergarten and how many 8th graders
9 are there after 7th grade. And to make your projections
10 you've used that data, I think.

11 THE WITNESS: We've -- yes. What
12 we've used in our analysis is that this projection
13 for 1978, for the period of 1978, which is now
14 verified by fact in some of these, starting from
15 Fall, 1980 on we've used these as the general guide
16 to the trend which is continuation of loss of
17 students, which reflects the fact there is aging
18 within the population and there's not a large amount
19 of new -- but we've used this base of information to
20 look--and say that against this general decline of the
21 that the School Board thinks will happen in the
22 absence of Colts Neck Village, that with the addition
23 of Colts Neck Village, we, you know, we think we'll
24 balance out the losses.

25 MR. TISCHENDORF: I would think

1 survival ratios could be a function of business
2 conditions, be economic cycles and things like that.

3 THE WITNESS: What you've tried
4 to reduce here is a statistical number that measures
5 everything else that you are talking about.

6 Obviously, children aren't born at the second grade
7 level. So if someone comes into second grade level,
8 it's the result of in-migrations rather than
9 out-migrations. If a child goes to a private school
10 or an autistic child or something. So between the
11 kindergarten and first grade, that ratio, in fact,
12 does reflect all of these trends and, you know, the
13 numbers, where they jump up here really high is
14 probably --

15 MR. TISCHENDORF: I think I would
16 have to represent that the bottom page of this page
17 was gotten that way. I would like to ask you, if
18 that is considered an acceptable way to project if
19 you would accept my representation that this was how
20 this was done? Is that acceptable?

21 THE WITNESS: Well, I think
22 that's how it's done. Dr. Unger can obviously answer
23 specifically. There's -- just to point out one of
24 the reasons why there is no good solid methodology
25 and why people come and the projected something is

1 always wrong -- I hope I'm not wrong by the same
2 degree. And I've seen some different things that
3 they haven't seen. But to try and map how many
4 students that, you know, are in the school system;
5 measure how much new development is going to occur;
6 try and measure the type of house that it is; make
7 some estimates of new students from in-migration; add
8 those new students from in-migration to those that
9 might fall out with this other type of analysis; and,
10 what I've said -- and I think what this table reflects
11 is there is a continuation pretty much of present
12 trends. So that that's why you used it as a base.
13 It's a continuation of development as it's occurring.
14 And we put Colts --

15 MR. TISCHEENDORF: But is this
16 bottom exercise carried out with Colts Neck Village
17 in on top?

18 THE WITNESS: No.

19 MR. TISCHEENDORF: Oh. This is
20 School Board --

21 THE WITNESS: I wouldn't say the
22 School Board has adopted it, but it was done not by
23 us.

24 MR. TISCHEENDORF: Are you
25 representing that if we do it with the Colts Neck

1 Village we would get a number of 1,475 opposite 1985?

2 THE WITNESS: No. I'm

3 representing that -- what I'm representing is, that
4 in 1986 Colts Neck Village is built, I would estimate
5 that your total school enrollment for 1986 would then
6 be just about what it is today, probably, you know,
7 20 or 40, one way or the other.

8 MR. BRENNAN: Much higher than
9 today. Today's is about 1,118.

10 THE WITNESS: Today's is about
11 1,118. If, over the course of the next two years,
12 you drop say 40 students a year over the course of
13 the next two years, you do that to about 180 and then
14 you got to a replacement point where the top, at that
15 time, from the general trend outside of Colts Neck
16 village are replaced by the specific impact of Colts
17 neck -- impact of Colts Neck Village, that then you
18 got a replacement beginning in about two years,
19 projecting if Colts Neck Village would put kids into
20 the school system in about two years. What I'd be
21 projecting is about 1986 that the the school age
22 population would be approximately the same as it is
23 today; maybe down 20, maybe up 20.

24 MR. BRENNAN: I thought you said
25 1,475?

1 THE WITNESS: The 1,400 was if
2 our estimate of the students per household was wrong
3 by 100 percent, in which case you would get an
4 increase enrollment. I don't think that's the case.
5 I did that analysis really to provide a worst case
6 estimate.

7 MR. BRENNAN: If your estimate
8 per household in Colts Neck Village --

9 THE WITNESS: If our estimate is
10 wrong by 100 percent.

11 MR. BRENNAN: Your estimate
12 within Colts Neck Village?

13 THE WITNESS: Colts Neck Village,
14 right.

15 MR. TISCHENDORF: I respect this
16 way of doing projections, and it's mostly looking for
17 expertise regarding the assumptions that go into it
18 and maybe some meeting of the minds on what those
19 assumptions are.

20 THE WITNESS: One thing that's
21 difficult and one thing that Colts Neck in that
22 information is somebody within the school district
23 who's keeping tabs of live births, looking at it
24 between the K to 5 group. Most communities that we
25 work in, unless they're a large city, really don't

1 have any idea what's happened. And they have just a
2 horrible time trying to imagine what's going on. To
3 that extent the information is substantially better.

4 MR. TISCHENDORF: I couldn't find
5 the number 1,475 in your report. Is it in here?

6 MR. FRIZELL: We asked Mr. Radway
7 between the two meetings to assume that he was off by
8 100 percent and then what would happen. It was not
9 part of his analysis or his report. He considers
10 that to be an outrageous is assumption.

11 THE CHAIRMAN: Any other
12 questions from the members of the Board? School
13 Board have any questions at this time?

14 MR. HERMAN: Yes, we do, Mr.
15 Chairman.

16 THE CHAIRMAN: Specifically, now --

17 MR. HERMAN: Of Mr. Radway, yes.

18 THE CHAIRMAN: Right.

19 THE CHAIRMAN: These questions
20 are being passed by Mr. Herman of the Colts Neck
21 School Board, attorney.

22

23 CROSS EXAMINATION BY MR. HERMAN:

24

25 Q. Mr. Radway, you testified in your

1 opinion the additional cost to the school system
2 arising out of Colts Neck Village, if it should be
3 approved and built, is approximately \$100,000 per
4 year. Could you tell us on what that's based?

5 A. we obtained a copy of the current fiscal year
6 operating year budget for the School Board and then
7 looked at that and what we did include was the
8 possibility that these changes may be within the age
9 groups that the new students would be that the old
10 students weren't. That there's a possibility that
11 they might need new teachers because of the shifts
12 within the age group. Then we looked at the cost of
13 four teachers, fringe benefits as they were recorded
14 within the budget, insurance, retirement and various
15 other line item categories that were in there, took
16 those on -- kind of on a prorated basis, looked at
17 the transportation costs and added transportation
18 costs on an average pupil cost or prorated basis;
19 identified such things as library materials,
20 teachers' supplies and a whole number of other things
21 like that that are assumed; and, said those are costs
22 that are likely to have increases because you are
23 going to have different students in different grades
24 and you are going to have some shifting. We looked
25 at a whole variety of other things within the school

1 budget the capital costs and debt on the current
2 buildings, said we're not increasing that cost and we
3 are a constant -- it doesn't mean that the tax
4 doesn't share the cost of it but we're not increasing
5 the cost of it. So we went through the budget in
6 that fashion and estimated there a figure which we
7 thought actually represented real possibilities for
8 increase in costs was about \$100,000.

9 Q. So that you are saying, that you didn't
10 figure anything based on capital costs but you did
11 for teachers and for transportation and for books and
12 the like?

13 A. Right. We did not apply a cost to the school
14 building.

15 Q. I didn't notice in your report the
16 breakdown of how much is to pay for materials and how
17 much for books, how much for transportation. Is
18 there such data that you've submitted in this report?

19 A. It hasn't been submitted.

20 Q. Can you tell us how much is for
21 transportation of that \$100,000?

22 A. Fifteen thousand dollars of that was estimated
23 as a probability for transportation adjustment.

24 Q. And what's that based on? Is that based
25 on the cost of the buses?

1 A. That's based on the transportation cost that
2 was within the budget, put on an average student
3 basis for the current students and that average
4 applied to the new students.

5 Q. Is it --

6 A. We don't have sufficient information and I'm
7 not sure that the School Board has reviewed the plan
8 sufficiently to determine whether they need school
9 buses.

10 Q. Okay. So then the \$15,000 for
11 transportation is your guesstimate on based on what
12 the developer projects the development --

13 A. It's an estimate and -- yeah, it's an estimate.
14 It's based on the students of Colts Neck Village on
15 an average basis costing the school as much as the
16 current students cost on an average basis and applied
17 in a straight fashion to that additional number of
18 students.

19 Q. Is that pretty much how you did it for
20 each of the various items? In other words, whatever
21 costs you did, books, teachers?

22 A. The library costs, new book costs, items like
23 that. And instead of the School Board spending
24 \$1,000 on new books and that covers 1,200 students --
25 1,000 divided by 1,200 and then applied toward 60 new

1 students.

2 Q. So the logic was the same to each
3 separate category?

4 A. Except for salaries, which we did specifically
5 for new people.

6 MR. FRIZELL: Four teachers, you
7 mean?

8 THE WITNESS: Yeah, four teachers.

9 BY MR. HERMAN:

10 Q. Did you figure in any non-teacher
11 personnel?

12 A. I don't believe so.

13 Q. Did you figure on --

14 A. We think four teachers may be on the high side,
15 but --

16 Q. Did you figure on maintenance items
17 other than the new acquisitions that you are talking
18 about?

19 A. We assumed that all the same -- no. All the
20 same classrooms and all the same ballfields are going
21 to be used by essentially all the same students if
22 not a less total number of students. But we weren't
23 adding any rooms for floors to be polished or
24 anything like that. We assumed maintenance items to
25 be the same.

1 Q. You talked about -- I think you said it
2 was 0.606 students per existing home --

3 A. Right.

4 Q. -- in the K through 8 system that exists
5 now apparently in town. And you talked about your
6 surveys which I heard you say dealt with Chesterfield,
7 was it?

8 A. Yes, Chesterfield Township.

9 Q. Would you tell us what -- where is
10 Chesterfield Township?

11 A. In Burlington County. It was used -- and I
12 mentioned this before -- it was used because the
13 planner for the town of Colts Neck is the same for
14 the town of Chesterfield. He knows that town. He
15 can give you good advice on the comparability or good
16 advice on the diversion between the two townships.
17 but why we used it, it's a place we've worked and we
18 have another planned unit development, actually just
19 been approved, that your planner is familiar with we
20 felt it was a good point to manage up information no
21 make decision.

22 Q. How far is Chesterfield from where we're
23 sitting?

24 A. About 45 minutes. It's -- the way I go around --
25 it's Exit 7 on the the Turnpike and about four or

1 five miles east of the Turnpike.

2 Q. Chesterfield. I think you said -- it
3 was hard to hear -- approximately 0.7 something
4 children per household?

5 A. Right.

6 Q. In K through 12?

7 A. Right.

8 Q. At Chesterfield?

9 A. Right.

10 Q. You said about a 50-50 division between
11 the K through 8 and 9 through 12; is that correct?

12 A. Excuse me, the K through 6. I said K through 8,
13 it's K through 6.

14 Q. I'm sorry? It's what, K through 6 is 50
15 percent?

16 A. Yeah, right. It's about a 50-50 split.

17 Q. What would K through 8 be, do you know?

18 A. I think I calculated it as 0.4 or 0.41. We
19 didn't make that calculation because the school
20 districts there had different grades. I think we
21 calculated in Chesterfield --

22 Q. Forty-one percent?

23 A. Four-tenths of a student per home within --
24 would have been within the K to 8 ages.

25 Q. From the K to 8 and then 50 percent 9

1 through 12?

2 MR. FRIZELL: No.

3 A.: Four-tenths of a student from K to 8.

4 MR. FRIZELL: Four and three

5 MR. HERMAN: Okay.

6 BY MR. HERMAN:

7 Q. So 0.3 students. What other
8 municipalities did you use other than Chesterfield?

9 A. What we've cited here and what we are
10 portraying, the source is the 1973 Center for Urban
11 Policy Research Report.

12 Q. If we set aside for the moment their
13 report?

14 A. 1978 data, collected in 1978 in Lumberton which
15 is also a community that Queale and Lynch has worked
16 in. And they can specifically speak to that data.
17 Again, that's applied in this case specifically
18 because it relates to townhouse development, two and
19 three bedroom, same as Tarnsfield.

20 Q. What was that?

21 A. Tarnsfield, which is in West Hampton Township,
22 which is in Burlington County. And that's a new --
23 that's about a three year old single family
24 development primarily, split between three and four
25 bedroom homes. And what's reflected is that the income

1 population over that last three year period will be
2 starting in the Fall of '77, '78, all of '79.

3 Q. were there any other communities that
4 you used other than the survey done by someone else?

5 A. Tarnsfield. The answer to the question is I've
6 not cited that information. That type of data is
7 used by us to consider what the trends are within the
8 community. In other words, I mean I haven't used
9 that other data or from other PUD's and other places
10 that we worked and tried to provide data that your
11 planner has access to, if he didn't generate it
12 himself. And it's generally within the midsection of
13 New Jersey. what we've cited was only specifically
14 what we've totaled.

15 Q. I think your answer was only those three
16 communities?

17 A. And Colts Neck, itself.

18 Q. Colts Neck itself being the 0.606?

19 A. Right.

20 Q. There was a question asked you before by
21 one of the Board members about Twin Rivers in East
22 windsor. Did you feel that Lumberton, Chesterfield
23 and Tarnsfield would be more reliable than a place as
24 close by as Twin Rivers?

25 A. I did, yes.

1 Q. Are Lumberton, Chesterfield and
2 Tarnsfield throughout the entire community similar to
3 the units that would be built in Colts Neck Village,
4 as similar as would be the case in Twin Rivers?

5 A. About the same.

6 Q. You think they're about the same?

7 A. I would characterize them as probably -- the
8 data and children in coming from the different types
9 of units as being -- as having similar relationships
10 to what's proposed.

11 Q. What portion of the housing in Lumberton
12 is single family as opposed to some kind of multiple
13 dwelling unit PUD?

14 A. I don't have that number.

15 Q. How about Chesterfield?

16 MR. FRIZELL: Mr. Herman, I don't
17 want to digress too much. The Lumberton figures, for
18 instance, only apply to townhouse dwellings. It's
19 not a community-wide figure. The figure in
20 Chesterfield is only single family homes.

21 Isn't that correct?

22 THE WITNESS: Right.

23 BY MR. HERMAN:

24 Q. So the 0.7 that you gave us for
25 Chesterfield before is only for multiple dwellings;

1 is that what you are saying?

2 A. Single family homes.

3 Q. Page four then of your report is what
4 you are referring to and apparently you don't have
5 complete information on any of the three towns, from
6 single family, the townhouse, for the variety of
7 bedrooms? what I'm trying to get at, I'm not trying
8 to say that you did less than a complete job. You
9 are not referring to data other than what I'm looking
10 at; is that correct?

11 MR. FRIZELL: When you say
12 referring to data --

13 A. When I do the report, I'm referring to
14 everything that I know for specific points of
15 reference. what I have provided here is specific
16 data that you can verify specifically with other
17 sources other than us. That established the
18 parameters within which we made our decisions.
19 That's to say, in Chesterfield, single family homes
20 in a character more like what's proposed in the
21 single family homes currently in Colts Neck are like
22 what's proposed. And in Chesterfield, you have 0.7
23 of a student over the entire K to 12 period; and, say
24 four-tenths of a student in the K to 8 ages not as
25 high a number as currently in Colts Neck and

1 therefore in my consideration of that information, I
 2 say, well, what's been built in Chestertfield that I
 3 know of. And what goes into that statistic is more
 4 representative and what I think is going to be built
 5 and what is proposed than the current Colts Neck
 6 situation. So that's where that piece of information
 7 comes from.

8 Q. Okay. Your -- with Chestertfield, your
 9 survey doesn't reflect the experience in townhouses?

10 A. Right.

11 Q. I asked if you thought the experience at
 12 Twin Rivers might be more closely analogous than what
 13 we would have reason to expect in Colts Neck Village.
 14 You said no. And yet I believe that most of the
 15 units in Twin Rivers are of a multiple dwelling
 16 nature part of a PUD. It seems to me logical that it
 17 would be much closer to produce accurate figures for
 18 Colts Neck Village.

19 A. The character of the planned unit development
 20 and the individual segments and parts of it is very
 21 important. And you can build a planned unit
 22 development and have half million dollar homes in it.
 23 And I've seen several built like that. And those
 24 certainly wouldn't be analogous to two bedroom
 25 townhouses and some 2,000 planned unit developments

1 with two and three bedrooms. So when I answer that
2 question, what I'm saying is that, well, I know
3 what's going on in Colts Neck, I think to a pretty
4 good degree. It's been represented to me fairly and
5 honestly. And I have made some assumptions about
6 that. I know what's happening within Tarnsfield and
7 Chesterfield, within single family development areas.
8 I know the size of those homes, price range of those
9 homes. And those single families, I would judge,
10 would be very similar to the single family types of
11 homes in specific neighborhood areas of Colts Neck
12 Village.

13 Q. I'm sorry. Let me just clarify
14 something. Did you say that in Chesterfield and
15 Tarnsfield the single family units are similar to
16 what part of Colts Neck Village?

17 A. To the single family homes.

18 Q. Proposed for Colts Neck Village?

19 A. Right, similar price range, similar market
20 emphasis, from what we've been told about Colts Neck
21 Village and what we see there and what we know on
22 those other projects. What -- so what I've done is
23 not picked out any specific planned unit developments.
24 And I tell you the reason that that is done is
25 because the concept of a planned unit development, it

1 varies between one developer and another developer;
2 and, certainly varies between what happens in 1980 as
3 opposed to 1972. So looking at some of the building
4 that's close by, in wherever good data for -- that's
5 not manufactured by us -- something that you can
6 independently checked is why it's there.

7 Q. what you've just done is compare the
8 single family units in Chesterfield and Tarnsfield to
9 single family units in Colts Neck Village?

10 A. Yeah.

11 Q. No data in Chesterfield and Tarnsfield
12 on multi-family units? What -- I wonder what portion
13 of the units in Colts Neck Village are going to be
14 single family units?

15 A. Approximately 100 -- about 175.

16 MR. SAGOTSKY: One hundred
17 seventy-five detached?

18 THE WITNESS: will be single
19 family homes, patio homes, detached, single family
20 and patio, that are detached for-sale type homes.

21 BY MR. HERMAN:

22 Q. I'm looking at your page five. Is that
23 what you are referring to?

24 A. Right.

25 Q. And I'm looking one, two, three, four

1 brackets down, where it says, "single family"?

2 A. -- Patio home, also.

3 Q. You're adding patio homes, also? Okay.

4 All right. Even if we use the patio homes, they have
5 party walls?

6 A. I don't know. I would have to look at the plan.

7 Q. Let's assume for the moment that we
8 accept your premise and add the patio homes. And
9 let's assume the 175 units you are saying. That's
10 about ten percent, roughly?

11 A. Fifteen, about.

12 Q. Okay. About 15 percent of Colts Neck
13 Village. And your basing the projected number of
14 children to come out of Colts Neck Village based on
15 the similarity of that 15 percent to Chesterfield and
16 Tarnsfield?

17 A. No, that's entirely incorrect. I'm basing the
18 number of children of 15 percent on the similar type
19 of house in Chesterfield and Tarnsfield.

20 -- Q. But the houses in Chesterfield and Tarnsfield
21 that you are using are not multi-family?

22 A. If I could finish. For the single family homes
23 within the Colts Neck Village planned development
24 proposal, I'm using what I believe to be comparable
25 types of single family homes about which data is

1 available and can be checked. I'm only using it for
2 those single family homes. The other categories on
3 here: --

4 MR. FRIZELL: I don't want to
5 interrupt you. I think there's a typo here.
6 Shouldn't that be three bedroom, on page five, under
7 single family it says, two bedroom and under that it
8 said, two bedroom. And that should be three bedroom.

9 THE WITNESS: For the portion of
10 Colts Neck Village, as I said, that's going to be
11 single family homes, we've considered other single
12 family homes. For the portion of Colts Neck Village
13 that's proposed to be garden apartments and townhouses,
14 we've evaluated garden apartments and townhouses to
15 come up with the number of students per unit.

16 BY MR. HERMAN:

17 Q. In what community, just in Lumberton?

18 A. In Lumberton. The specific data provided in
19 the 1973 CPR report and a variety of another general
20 information, none of which relates to the census
21 stats in family sizes and a whole variety of other
22 things, which are being used currently by builders
23 and other people in the trade.

24 Q. That general information that you are
25 referring to is the CPR report?

1 A. A good chunk of it.

2 Q. But in regard to multi-family housing
3 units, I think that what you are saying is Lumberton
4 is the only place that you tested for the number of
5 children?

6 A. No. It's the only place I cited. As I told
7 the Board last time, we would be willing to cite
8 substantially more information on this. And why I
9 cited this is because the planner for the Township
10 can attest to the numbers that are here. And I can
11 provide them with some kind of comment about their
12 validity. And rather and try to argue oranges and
13 apples, we're trying to argue oranges and oranges

14 MR. FRIZELL: Just to clarify,
15 Mr. Herman, I think what Mr. Radway said here is,
16 these are simply points of reference. They are not
17 the sources for the data that he used. These simply
18 are source references for the Board because Mr.
19 Queale happens to be very familiar with those
20 particular developments.

21 MR. HERMAN: I didn't understand
22 Mr. Radway to say that, that's why I asked him what
23 communities he used in his personal surveys. And he
24 said those three in addition to the CPR.

25 MR. FRIZELL: I understood him to

1 say these are simply ones if somebody doubts it, they
2 can check against particular developments that Mr.
3 Radway cited. And they're very convenient for the
4 board because Mr. Queale happens to be familiar with
5 them. Beyond -- I just want to clarify --

6 BY MR. HERMAN:

7 Q. Mr. Radway could you tell us what other ✓
8 information you used? I mean, is it capable of being
9 defined?

10 A. Sure.

11 Q. And by that, I mean other communities?

12 A. Yeah. I can provide -- we've got information
13 from about three or four townships in northern New
14 Jersey; Sparta Township for one, where we've been
15 planners. And we specifically kept track and
16 discussed a whole variety of methodology that
17 provides me with Galloway Township, Hamilton Township,
18 in and around Atlantic City. And we have access to a
19 whole variety of information there that is, in many
20 ways, similar to what your School Board has;
21 increased housing units, decrease in enrollments,
22 decrease in family size. And then there specific
23 developments in it. All of those things lead us to
24 the judgment which is up here in the middle of page
25 four, is that -- that these are the numbers that we

1 use to project.

2 Now, I said the 0.40 for a two bedroom garden
3 apartment. If you want to say 0.41, I'll agree
4 that's now I made the decision. There is all of this
5 whole wealth of information and at some point,
6 somebody got to put a name on a piece of paper. And
7 the references, we think, it's reasonable because of
8 this other data that we have around. This project
9 suggests that it's not too high; it's not too low.
10 It accounts for the type of housing and other things.
11 I could be off by ten percent; I could probably be
12 off by 15 percent before the -- if the development
13 doesn't get built for another ten years. I'm not
14 going to be off by 100 percent. That kind of error
15 can't happen within the confines of the housing you
16 are talking about.

17 Q. When you came up with that number, 0.29,
18 K through 8 children from Colts Neck Village overall,
19 single family and multi, was it an arithmetic --

20 A. It's an average of the total number of students,
21 the total number of students. We projected using
22 individual factors against individual housing types
23 and bedroom counts. So that we came up through our
24 tabulation with the total number of students. And
25 then I applied the total number of students to the

1 total number of housing, purely mathematically, and
2 purely to come up with a number to compare on an
3 average basis what's going on in Colts Neck today.

4 Q. How many three bedroom units will there
5 be in Colts Neck Village?

6 A. Three bedroom units includes townhouses so that --

7 MR. FRIZELL: Page five, you are
8 going to add the bottom line --

9 Q. If it's that, fine,. I'm not going to
10 ask you to add them up. Are you saying that the
11 schedule reflected on page five will be the actual
12 number of one, two and three bedroom units that the
13 developer will personally build or was this --

14 A. That's the number of bedroom units that he's
15 proposing and are included on all his plans, unless
16 the Township alters that in some way or there's some
17 other negotiation or some other discussion after
18 tonight that will change it.

19 MR. FRIZELL: You answered the
20 question.

21 THE WITNESS: It's fairly
22 represented. That matches up with every other thing.

23 MR. HERMAN: Mr. Frizell, is that
24 correct?

25 MR. FRIZELL: That's the proposal,

1 yes.

2 BY MR. HERMAN:

3 Q. Do you know the price of the units?

4 A. No, I don't know the price of the units. And
5 partially that's got to do with the wide world of
6 economics outside of this room and how long it takes
7 to get built and what kind --

8 MR. FRIZELL: Price projections
9 were done by the architect last week.

10 MR. HERMAN: Last week?

11 MR. FRIZELL: The price
12 projections.

13 By MR. HERMAN:

14 Q. But when you prepared your data, you
15 didn't know the -- what the prices were?

16 A. General range of price.

17 Q. What is that general range that you used?

18 A. On the low side of the garden apartments,
19 townhouses, it's in the range of \$50,000; and, on the
20 high end of the single families, it's \$100,000. You
21 know, an average.

22 Q. Is it a consistent blend of fifty to one
23 hundred that you used?

24 A. I'm not the person --

25 MR. FRIZELL: You didn't use it?

1 MR. HERMAN: If he didn't, let
2 him say it.

3 MR. FRIZELL: All we asked him to
4 do was tell us what the break even point, what the
5 average point --

6 MR. HERMAN: Fine. Mr. Chairman,
7 I would appreciate it if the witness can say, I don't
8 know. I'll accept "I don't know". But I would
9 appreciate if we could get the answer from him
10 instead of Mr. Frizell.

11 BY MR. HERMAN:

12 Q. If you don't know, we'll accept that
13 answer. But on the \$50,000 to \$100,000 --

14 A. I was not asked to provide that information and
15 therefore I didn't.

16 MR. SAGOTSKY: I would believe
17 the answer is no, he doesn't know.

18 Is that what it amounts to?

19 MR. FRIZELL: He doesn't know
20 what? I mean, that's the point.

21 BY MR. HERMAN:

22 Q. Do you know, generally, how many units
23 are going to be sold at the \$50,000 price and how
24 many at the \$100,000 and how many at 70?

25 A. NO.

Railway - cross

1 Q. You didn't have it at the -- at the time
2 that you came up with your projection?

3 A. You asked me specific. I had general
4 information. I had no specific information.

5 Q. I ask you to tell us what the general
6 information -- is that what you've already stated,
7 that on the low side it would be about fifty; on the
8 high side, about 100; but, you didn't know how many
9 in each category? You didn't know? Is that an
10 accurate statement?

11 A. I think so.

12 Q. Do you think that -- well, were you told
13 by the developer what the economic level of the
14 residents would be in Colts Neck Village before you
15 made your projections?

16 A. What you mean, was I told by the developer?
17 What the economic level would be, no.

18 Q. Were you told what the typical age would
19 be of the residents or how many would be old as
20 opposed to young?

21 A. No, I was not told specifically by the
22 developer that information.

23 Q. Would you -- were you told -- when I say
24 "by the developer", I mean by him or anyone else. I
25 assume your answers don't change?

1 A. Oh, they sure as hell do. The developer and
2 everybody else is an awful lot of people.

3 Q. Fine. Do you want to go through --

4 A. I'm not representing that I don't know anything
5 based on what the developer told me. I'm representing
6 no that Rich Brunelli told me.

7 THE CHAIRMAN: I'm going to
8 interject a point here. The Chair -- I've already
9 ruled that we have no facts. No one's developed any
10 facts as to what the actual median income is in Colts
11 Neck, right now. It was attempted to present it. It
12 wasn't accurate. It wasn't based on any IRS reports
13 or anything. I don't think it's fair that this
14 witness for Mr. Brunelli would have the slightest
15 idea of the income or type people that will occupy
16 these residences.

17 MR. HERMAN: That's really what
18 I'm trying to --

19 THE CHAIRMAN: I don't think we
20 can. It would all be speculative.

21 THE WITNESS: If I can answer,
22 provide one piece of information to that, a \$60,000
23 home cannot be purchased by somebody whose income is
24 within the bottom 98 percent of household income
25 within the United States. The cost of purchasing a

1 house at the fifty and \$60,000 price range with
2 interest rates as they are today, even though they
3 are going down, means that incomes for those homes
4 have to be within the top two and three percent
5 income within the country.

6 MR. FRIZELL: You are assuming
7 that he's going to finance at normal rates?

8 THE WITNESS: These are not
9 subsidized housing units, non-subsidized by direct
10 cash payments through some government program. If
11 you have to go FHA financing or VA financing or Farm
12 Home Administration financing, if you do any of those
13 types of things, regardless of the type of financing,
14 the income that's necessary for whatever is proposed
15 here is going to be within the top five percent
16 within the nation and New Jersey within five percent.
17 So it's going to be top five percent in New Jersey.
18 And so I do know a few things about what level of
19 economic status.

20 MR. SAGOTSKY: Mr. Chairman, I
21 think the witness has gotten to a point beyond --

22 MR. HERMAN: No, I think this is
23 part of what -- excuse --

24 MR. FRIZELL: You asked a
25 question then I'll object. Go ahead, ask a question

1 BY MR. HERMAN:

2 Q. Did you just say that to purchase a unit
3 of a house for 50 to \$60,000 would generally require
4 one being in the top five -- I think you said five
5 percent in the nation economically?

6 A. A family, correct.

7 Q. Okay. And that would be for the 50 to
8 \$60,000, which I think is your understanding as the
9 low side of the cost of housing?

10 A. The low side of the fair market housing.

11 Q. On the high side, obviously that five
12 percent figure is reduced? I don't want to guess.

13 A. It drops off very fast.

14 Q. So you are saying, I think, that the
15 people who would be buying in this community, in
16 Colts Neck Village, would almost all of them would be
17 in the top five percent of the economic level,
18 nationwide?

19 A. In this region, in this is region, yes.

20 Q. Did you say that there would be no subsidi
21 housing or your projections are based on no subsidized
22 housing?

23 A. I was just talking about price of housing
24 without subsidized dollars.

25 THE CHAIRMAN: Let's correct that.

1 I think your assumption might be correct and maybe
2 you want to correct your statement. You did say
3 there would be no subsidized housing.

4 MR. FRIZELL: It's not figured in
5 the assumption. Subsidized is senior citizens. I
6 just want to get these approved. Let's just get to
7 the facts here.

8 THE CHAIRMAN: The plans do call,
9 on an overall basis, for some subsidized housing.

10 THE WITNESS: Right. I don't
11 deny that. The discussion as to what income ranges
12 were necessary to purchase a house, 95 percent of the
13 proposed development which is not subsidized. We're
14 speaking of market conditions and money available
15 without subsidized dollars.

16 THE CHAIRMAN: You objected to
17 those three words which is not subsidized. I think
18 you are correct.

19 THE WITNESS: I say that because
20 there are so many varieties of subsidized housing,
21 perhaps but which are available to such select
22 segments of the market.

23 THE CHAIRMAN: But you are aware
24 that some of this was subsidized.

25 THE WITNESS: Sure.

1 THE CHAIRMAN: I think it's time
2 for a five minute recess to change paper.

3 (whereupon a recess is taken at
4 9:15 p.m.)

5 (The hearing reconvenes at 9:30
6 p.m.)

7 BY MR. HERMAN:

8 Q. Mr. Radway, to finish up with the line
9 of questions we were engaged in before, do you have
10 an opinion as to whether the number of children per
11 unit would vary substantially in Colts Neck Village
12 based upon the price that the units are sold for?

13 A. Well, trying to define "substantially", I
14 wouldn't say it varies substantially based on price.

15 Q. Would it vary substantially based upon
16 the economic level of the residents?

17 A. It will vary a little bit, based on that. It's
18 not the controlling factor.

19 Q. Would it vary substantially based upon
20 the typical wage of the residents?

21 A. I guess you'd have to say, yes, it could vary.

22 Q. Would it vary substantially based on the
23 size of the unit?

24 A. Yes. The size of unit would be more important
25 than any differentiation.

1 Q. How so?

2 A. The more available space and the more bedrooms
3 there are there's a pretty solidly established
4 correlation between more bedrooms and more space and
5 more children.

6 Q. How about based on the fact that housing
7 might be subsidized or not?

8 A. Depends entirely upon the program.

9 Q. Which program, Colts Neck's Municipal
10 Program?

11 A. No, the subsidization program.

12 Q. How about the program that is proposed
13 by the developer, would that have --

14 A. Well, there's no specific thing. You are
15 talking about two extremes, elderly housing perhaps
16 on one extreme and housing for a family on the other
17 extreme. Certainly there is a major difference
18 between those two categories.

19 Q. If the subsidy program proposed by the
20 developer is not limited to the seniors, do you have
21 an opinion as to whether the number of children per
22 unit from those subsidized units would be higher or
23 lower than the number of children per unit in the
24 balance of that development?

25 A. For a three bedroom unit?

1 Q. All other conditions being the same;
2 same number of bedrooms, same number of square feet
3 on the subsidized -- non-senior citizens subsidized
4 housing. Would that produce more or less children
5 all other things being equal?

6 A. I think it would be slightly more.

7 Q. Slightly more children per unit?

8 A. Yeah, in the neighborhood of fractions; not in
9 the neighborhood of doubling or tripling. Part of
10 the reasons for that is the subsidized programs do
11 make some attempt in their administration to screen
12 the families and put families into housing units
13 based on a formula which has to do with the sexes and
14 the ages of the children, of things like that. So
15 they do make a strong attempt to provide as normal a
16 household in people within the unit as you would get
17 in the conventional household. And so they make
18 every effort to make it work, to try and be as very
19 similar as possible. Within that confines, I still
20 think there would be a slightly larger amount of
21 children; as I said, fractions.

22 THE CHAIRMAN: Could I interject
23 a question, please? I asked this of a prior witness
24 and maybe you could help me. On the subsidized
25 housing, the local community has no say whatsoever

1 who flows into the subsidized housing? It's either
2 state or Federal that decides who occupies those
3 units?

4 THE WITNESS: They administer the
5 program. Well, let's put it this way, they don't
6 necessarily administer the program. It depends on
7 how much of an effort the local government want to
8 make. In the town I worked in in Michigan, we had
9 virtually 100 percent say because we wished to
10 exercise great control. But the town next to us
11 didn't want to have any control and didn't want to
12 have any people in its own government dealing with
13 that issue. So they didn't exercise control. So I
14 guess there's, you know, an 180 degree end to that.

15 THE CHAIRMAN: If the local
16 community wanted to provide the personnel and
17 exercise that control, they are given first option to
18 do so before the state or the Federal government
19 steps in and dictates?

20 THE WITNESS: Yeah, they can
21 structure it to give priority in -- not all programs,
22 but in a good variety of the programs, they can
23 structure it to give priority to the residents of
24 their own community. And that's within communities
25 where senior citizen housing -- and the best I can

1 describe it, the community sort of got a middle-aged
2 population and has their families who are present,
3 who might want to be close by, who would be the
4 required age or older. And they have their children,
5 who may be 21, 22, just starting out and whose
6 incomes certainly aren't in the thirty and \$40,000
7 range. An awful lot of communities desire that.
8 They want to be able to have housing to have members
9 of their families to live within their community.

10 Again, the Federal Government, you got to beat
11 them over the head with a club, all the time. It's
12 possible, in many cases, to do it. And a lot of
13 communities decide that's how they're going to meet
14 their obligation. I can't, you know, guarantee that
15 that's what it's going to be like in four years or
16 two years or that's what you are going to do.

17 THE CHAIRMAN: From past
18 experience?

19 THE WITNESS: I can from two
20 experiences, one where it was done that way and one
21 where it wasn't.

22 THE CHAIRMAN: Mainly in one case
23 the community wanted to exercise that control and one
24 they wanted no part of it.

25 THE WITNESS: Right.

1 BY MR. HERMAN:

2 Q. Mr. Radway, I'm going to try to expedite
3 the balance of my questions. Maybe you can keep your
4 answers short.

5 The thrust, one of the major thrusts of
6 your direct testimony seemed to be saying that the
7 present enrollment in the municipal school system is
8 lower than it used to be and, therefore, implicit in
9 that, that additional children produced by Colts Neck
10 Village will not seriously strain the existing
11 facilities. I think that was one of the basic
12 premises that you were making. Are you aware of the
13 extent to which the municipal school system was taxed
14 when it had more students in it than it presently has?
15 Can you explain further -- by "taxed" I don't mean
16 from the revenue standpoint. But, do you know the
17 methods and the things that the school administrators
18 were forced to do in order to accommodate the number
19 of children that were in the school system a couple
20 of years ago?

21 A. My discussion with Dr. Unger, he expressed very
22 strongly the difficulty that -- the capacity,
23 obviously, was done by the state formulas, was not --
24 well, it's calculated and it's -- there's a lot of
25 people have to live with that number. It certainly

1 didn't provide for the students in the school. He
 2 had difficulty going back up, if enrollments went
 3 back up to 1,500. You know, it would be extremely
 4 difficult again. And I think that I indicated also
 5 that general awareness of that.

6 Q. I appreciate your present answer,
 7 because frankly, I didn't get the impression from
 8 your direct testimony that you felt quite the way you
 9 just said.

10 Are you aware of the partitions that
 11 were used by the school system to create classroom
 12 and cafeteria space and because the children were
 13 literally busting the seams of the existing
 14 facilities?

15 A. Yes, Dr. Unger did point that out to me.

16 Q. Are you also aware of the additional
 17 programs that have been mandated in very recent years
 18 by the State of New Jersey which have caused the
 19 municipal school system to have to engage in new
 20 programs, set up new classrooms, set up new
 21 procedures which further tax the physical plant today
 22 and will in the future, more than they did yesterday
 23 or the day before? By "yesterday", I mean the recent
 24 yesterdays?

25 A. The recent yesterday, last month? Yes, in my

1 discussion with Dr. Unger I don't think he probably
2 discussed every specific type of effect but he did
3 describe a variety of them and did indicate that, you
4 know, any increase in enrollment would be a severe
5 problem. And I think, you can ask him when you
6 examine him, I don't think that I misrepresented
7 anything that he said; or, if our numbers had come up
8 to 1,400 they come up to 1,400 and we would be
9 obligated to say that, you know, there's likely to be
10 a problem.

11 Q. Did you not mean to imply in direct
12 testimony that the mere fact that the school
13 population caused by Colts Neck Village will not
14 exceed the population that at one time existed here,
15 you don't mean to imply that that would not severely
16 tax the existing facilities?

17 A. I think you asked me if you went to 1,400 would
18 there be problems. And I would agree that, yes, if
19 it went to 1,400, there would be problems.

20 Q. I noticed absent in your report both
21 oral or written was any effect based on the school
22 population for the grades nine through 12. Can you
23 tell us why that didn't get a prime study and
24 consideration on your part?

25 A. Yeah. It was discussed at the initial

1 testimony I gave. From the information Dr. Unger
2 provided me about the uncertain status of the
3 regional high school going on, about withdrawing from
4 the school district and that the drop in trends
5 between 8th grade in public school and then the split
6 of students between 9th grade public school and
7 parochial school and a variety of other things, we
8 felt it was not reasonable for us to try to come into
9 the middle of a situation which is already very muddy
10 and try and pose as experts and provide information
11 when some of the local people we talked to wouldn't
12 pose themselves as experts. We certainly -- we can't.

13 Q. So what you are saying because of your
14 conversation with Dr. Unger made apparent some
15 uncertainties about the high school situation, you
16 decided not to study it?

17 A. We provided some information as to the number
18 of students we think would be in that nine to 12 age
19 group; and, additional investigations indicated, you
20 know, that there's some capacity for them but to go
21 beyond that, we decided that it really wasn't going
22 to be productive for us and probably wouldn't be
23 productive with this Board.

24 Q. Because of the speculative nature of
25 what you might learn? So what you are saying,

1 because it was difficult to ascertain that, this
2 Board shouldn't render a decision without really
3 having any input with regard to the promised number
4 of high school age children?

5 A. No, that this Board should seek advice and
6 information from somebody who knows a lot more about
7 that situation than I do.

8 Q. Do you know if the developer has planned
9 to present us with such a witness?

10 MR. FRIZELL: No, we don't plan
11 to present you with such a witness. We, quite
12 frankly, think that all the fiscal information is
13 gratuitous.

14 BY MR. HERMAN:

15 Q. Are you aware of the means of
16 ascertaining equal evaluations in assessing this
17 municipality for the cost of enrolling students in
18 the regional high school that is a part of it?

19 A. I don't think I have inquired as to the formula.
20 I have gotten the information on the tax base and the
21 rates and that information.

22 Q. But you didn't --

23 A. I've not generated the formula or checked the
24 formula.

25 Q. Have you used it for purposes of your

1 presentation to this Board?

2 A. Not for the regional school district, no.

3 Q. So that the increase in ratables that
4 will occur in this municipality as a result of Colts
5 Neck Village and the effect that will have on the
6 additional contribution that Colts Neck will have to
7 pay to the region is not part of your study?

8 A. Correct, it's not apart of this information.

9 Q. Did you take into consideration the
10 effect of certain major developments, not to the
11 Township but in the area, that might impact on the
12 number of households and the number of school age
13 children in conformance with the zoning, present
14 zoning ordinance, i.e., the proposed expansion by
15 Bell Laboratories in Holmdel and Middletown
16 projecting almost 4,000 employees; or, the effect
17 that Route 18 will have on the Township, again, in
18 conformance with the present zoning which will differ
19 from the historical reference that you've used?

20 MR. FRIZELL: I'm not sure I
21 understand in question. Do you understand it?

22 A. Do you mean did I interpolate how many new
23 housing units will be in Colts Neck because of those
24 things?

25 Q. Precisely; and, also the number of

1 children?

2 A. -- No, I didn't speculate as to either number of
3 households or number of students that might come five
4 years from now from that development.

5 Q. Is it reasonable to say that in two
6 buildings alone to add almost 4,000 employees to the
7 immediate vicinity, that it might substantially
8 change the expectations for building units in this
9 municipality?

10 A. It might but I wouldn't say it -- not under
11 present zoning. The Township of Bedminster is
12 substantially more -- ITT long lines and
13 substantially more employees over the last 10 years
14 and builds less houses than Colts Neck and has very
15 similar housing and similar costs. And I don't think
16 there's a direct correlation between new jobs in a
17 region and specifically any one community.

18 Q. You did say before that the general
19 conditions in a community are what -- in and around
20 the community are what causes the single greatest
21 impact on both the school population and the
22 development of the town. And I think you said that
23 before when you were referring to East Windsor
24 vis-a-vis the other Burlington County?

25 A. (No verbal response.)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MR. HERMAN: I have nothing further of this witness

THE CHAIRMAN: Planning Board have any questions?

CROSS-EXAMINATION BY MR. MARKS:

Q. Mr. Radway, I notice this report on the police services was prepared by Wayne Senville. Is he with your firm?

A. Yes, he is.

Q. And what is his degrees or whatever? I notice it's Esquire?

A. Yeah, he's a lawyer.

Q. Does he have any specialized training beyond that?

MR. FRIZELL: I think we can agree that that qualifies him to do nothing.

MR. MARKS: That's the whole point of my cross-examination. You beat me to the punch.

THE WITNESS: He's qualified to do a whole lot of things.

BY MR. MARKS:

Q. He doesn't hold a planning degree?

1 MR. FRIZELL: Do you know?

2 A. No, he does not hold a planning degree. He's a
3 Masters candidate in the regional planning program at
4 Penn.

5 Q. Did he just call up someone and ask for
6 the information that he put down on this?

7 A. It's information that comes -- yeah,
8 essentially he did call people up and find out what
9 they knew. The information that comes on that
10 memorandum is as a result of probably contacts with
11 20 to 25 different people to find out and resulted in
12 that specific information.

13 Q. Excuse me, but if you look at this, it
14 says the memo summarized conversations with -- and it
15 only lists three people not 20 to 25. Am I correct?

16 A. Right.

17 Q. So how is it 20 or 25 and it's only just
18 three?

19 A. -- That's what it says. It summarizes what those
20 three people provided. To get to those three people,
21 there was a substantial amount of contact with other
22 people.

23 Q. So he went through 22 dead ends until he
24 got to these three live ends; is that it?

25 A. We went to 22 people who knew different things.

1 But these people specifically addressed the questions
2 that were raised by the Board.

3 Q. So this report then is based upon Mr.
4 Senville's discussion, end discussion, with three
5 people; is that correct? I'm just interested in how
6 it's produced.

7 A. Right. I guess. I don't know if any -- I
8 can't speak for a fact.

9 Q. If you don't know -- is that your answer,
10 you don't know?

11 A. I can't speak for a fact that any of the
12 information on here was gathered from any other than
13 those three people. So I would say the information
14 on here represents his conversations with those three
15 people.

16 Q. I see. And the other 22 people was just
17 a stepping stone to get to these three people?

18 A. In many ways, yes.

19 Q. Now this Mr. Bellochio (phonetic), where
20 does he work? I'm a little confused about that.

21 A. Well, it says on there, Police Administrative
22 Services Bureau, Department of Law and Public Safety
23 in Newark.

24 Q. In Newark? So he works for the City of
25 Newark; is that correct?

1 MR. SAGOTSKY: If you know.

2 THE WITNESS: I don't know that
3 he works for the City of Newark or the State Highway
4 Department. I didn't talk to him.

5 MR. FRIZELL: That's a reference
6 to the Department of Law and Public Safety of the
7 State of New Jersey which has offices at that address
8 in Newark

9 MR. MARKS: That's not clear to
10 me. I want to know if he works for the City of
11 Newark or what he's attached to.

12 MR. FRIZELL: Mr. Radway doesn't
13 know. He said he doesn't know.

14 MR. MARKS: I would like the
15 witness --

16 MR. FRIZELL: He said it.

17 BY MR. MARKS:

18 Q. Is that correct, Mr. Radway, you don't
19 know?

20 A. -- I said I didn't talk to him and I don't know.

21 Q. Do you know what the duties of the chief
22 administrative analyst is or are?

23 A. No, I don't.

24 Q. Why was a contact made with Police Chief
25 Burnay (phonetic) in Branchburg? Do you know why

1 that contact was made?

2 A. Uh huh.

3 Q. would you tell me?

4 A. One of the questions that was asked and
5 discussion about at -- the first time I came here was
6 what would be necessary to establish a police force
7 and the size of the police force and perhaps how many
8 bodies for 24 hour, seven day a week protection. And
9 he's now the police chief, as it says, newly
10 established Branchburg force. He's gone through just
11 recently the problems of --

12 Q. Do you know how someone becomes a police
13 chief? Do you know how someone becomes a police
14 chief?

15 A. Sure, it varies in many different communities.
16 The City of Philadelphia hires their's substantially
17 different than Colts Neck will.

18 Q. Is one of the qualifications to become a
19 police chief is that you have to set up a police
20 department?

21 A. I don't suppose that it is.

22 Q. Well, what makes you think that a police
23 chief is involved in setting up a police department?

24 A. Well having worked for a city government for
25 five years as the assistant city manager.

1 Q. Then you would know what's involved in
2 setting up a police department then because you
3 worked for a city government for five years; is that
4 correct?

5 A. Well, that wasn't about what I was to say.

6 MR. FRIZELL: Why don't we let
7 the witness finish his answers one at a time before
8 we interrupt?

9 Q. Well, I would like to find out.

10 A. Well, I would like to continue with the track.
11 Having been in that position and observed on a daily
12 and weekly basis how the police force operates I
13 would be inclined to suspect that most police chiefs
14 have a good understanding of administration.

15 Q. You'd be inclined to suspect. What does
16 that mean?

17 THE CHAIRMAN: Let him finish,
18 Mr. Marks. I think he was going to say some more.

19 MR. SAGOTSKY: He objected to his
20 quote inclination to suspect.

21 MR. MARKS: Either he knows or he
22 doesn't know.

23 MR. SAGOTSKY: That's the part --

24 THE CHAIRMAN: I was hoping that
25 the inclination to suspect would lead to something

1 concrete.

2 MR. MARKS: That's pretty tenuous.

3 MR. NIEMAN: Can I ask where
4 we're going with this?

5 MR. FRIZELL: I would like to
6 know. That was the best information Mr. Radway could
7 get. He was asked by the Board about the information.

8 MR. MARKS: I'm sure this
9 memorandum was prepared with every good intention but
10 I think it's probative value is zip.

11 MR. FRIZELL: You are certainly
12 entitled to make that argument at the end of the case.
13 But really, it was obviously prepared by Mr. Radway's
14 office.

15 MR. MARKS: Without too much
16 detail, correct?

17 MR. FRIZELL: The detail that is
18 there is there. I don't think any anybody needs are
19 great elucidation to know but police chief, in
20 general, knows some things -- probably more than I do --
21 about how to run a police department. I don't know.
22 For what it's worth --

23 MR. SAGOTSKY: Mr. Chairman, if I
24 may add at this point, the Board will conclude as to
25 the examination of the report. I think Counselor has

1 brought out how it was prepared and the extent to
2 which it was prepared. I think at this juncture, I
3 would suggest that it would your evaluation, unless
4 Counselor wants to bring out further on cross, the
5 way the matter was reported. But I would say at this
6 juncture of the case the point been pretty well made
7 out.

8 MR. MARKS: Fine. I'll move on
9 to another line of inquiry.

10 BY MR. MARKS:

11 Q. Mr. Radway, excuse me, I don't recall
12 from the last time. You are a planner?

13 A. Correct.

14 Q. If you were to assume for a second that
15 the location of the Colts Neck Village was, let's say,
16 a mile and a half away from where it is in either
17 direction, but so long as it remains in Colts Neck
18 Township, would that have any change -- would that
19 change your figures, your analysis in any way?

20 A.--- well, I guess I wouldn't know that until I did
21 the analysis.

22 Q. Well, do you think that the fact that it
23 would be located, let's say, a mile away rather than
24 a mile and a half away from the present site, would
25 that change the conclusions that you reached in your

1 report?

2 MR. FRIZELL: I think there's an
3 awful lot of assumptions.

4 MR. MARKS: I want the witness to
5 answer the question.

6 MR. FRIZELL: I'm objecting.

7 MR. MARKS: Make your objection.
8 If he's in trouble, object.

9 MR. SAGOTSKY: I guess you looked
10 the wrong way, Mr. Frizell, so --

11 MR. FRIZELL: I was looking at
12 George Washington on that wall, Mr. Sagotsky.

13 THE CHAIRMAN: All levity aside,
14 it's quite obvious to the Chair what Mr. Marks is
15 getting at. Let's see if we can get an answer. If
16 not -- you can't give him an answer?

17 MR. FRIZELL: My objection is --

18 THE CHAIRMAN: It's quite obvious,
19 if this PUD were somewhere else in the Township --

20 MR. FRIZELL: Mr. Schrumpf, if
21 you please, I will finish my objection. If you want
22 to make comments, please --

23 THE CHAIRMAN: I thought you were
24 done.

25 MR. FRIZELL: I don't know how

1 that's possible, since I didn't even say a word.

2 The question is improperly stated
3 because it makes an assumption that the same types of
4 houses and the same types of price ranges, et cetera,
5 could be achieved elsewhere in this Township. And I
6 think -- I don't think that assumption can be made.
7 And I don't think it can be demonstrated and is
8 certainly not within the province of the knowledge of
9 this witness.

10 MR. MARKS: One doesn't have to
11 prove anything on an assumption, Mr. Chairman, and
12 that's all I asked the witness to do.

13 THE CHAIRMAN: I think it's
14 pretty obvious that the witness, by some means or
15 another, has been instructed not to answer the
16 question; so, please proceed.

17 MR. MARKS: Would this be another
18 instance of the Board not receiving a response to a
19 question, Mr. Chairman?

20 THE CHAIRMAN: I would construe
21 it as such, yes.

22 MR. FRIZELL: I didn't instruct
23 the witness not to answer the question.

24 THE WITNESS: Can the witness
25 provide a comment?

1 MR. SAGOTSKY: before you do that,
2 may I again interrupt? I think if, as Chairman, in
3 consultation with your Board, I think if you should
4 make a ruling, objection sustained, objection
5 overruled; then I think we could get on with it.
6 We're not always going to be right in our rulings or
7 wrong. But in the interest of certainly settling a
8 controversy -- and that is often a purpose of the
9 hearing -- if you would issue a ruling I think you
10 would obviate any need --

11 THE CHAIRMAN: would you be
12 willing to attempt an answer?

13 THE WITNESS: Yeah, I might be
14 willing to attempt an answer. I would like to ask,
15 what was the ruling that you made?

16 THE CHAIRMAN: I'm going to make
17 the ruling. I just want to know, if you weren't
18 willing to attempt an answer, it would be very simple,
19 we'll go on to something -- the objection is
20 overruled. You attempt the answer in your own words
21 and if you don't care to answer, state so.

22 THE WITNESS: well, as a planner
23 and -- also, the comment I wanted to make was that I
24 don't know about any other witness, either for the
25 Applicant or for the town, but, as far as I am, as a

1 witness, we have not rehearsed or discussed the
2 direction of any comment or any cross-examination.
3 And I would be very upset if you would construe my
4 testimony as anything else.

5 On the second question from a
6 general planning, would be speculative. I think the
7 question was asked, would there be a likely
8 difference. That's so highly theoretical, in the
9 absence of some kind of specific area in the
10 community, as to render it useless, except to give a
11 very, very vague and general answer. One way on the
12 other side, one mile the other way may be exactly
13 identical or entirely different. I really do think
14 it's so speculative that within the narrow amount of
15 information I've been talking about tonight, it's
16 been virtually useless to answer.

17 THE CHAIRMAN: I think in the
18 area of specificity, that you are right. And that's
19 about all you really could answer. If Mr. Marks
20 would like to be a little more specific, maybe you
21 could answer.

22 BY MR. MARKS:

23 Q. Assume the same number of houses, exact
24 same layout on another parcel of property, same
25 acreage a mile down the road, in either direction.

1 would that change your figures?

2 A. School children or what? There's a lot of
3 figures.

4 Q. All your figures or any of them that you
5 think might change.

6 A. It could change the cost of the infrastructure
7 or improvements that a site --

8 Q. What do you mean by infrastructure?

9 A. Cost of roads, how it relates --

10 Q. I'm not talking about roads. I'm not
11 talking about development. I'm just talking about
12 school costs.

13 A. I'm sorry. I misunderstood your question to be
14 pretty general. I would suspect that we would
15 probably project the same number of students based on
16 exactly the same mix as you described. The costs of
17 the school might be different due to the different
18 busing conversion plan. I wouldn't have any
19 knowledge on that, specific enough to give you an
20 answer. It may reduce it, it may increase it. The
21 question is really so speculative as to render the
22 information --

23 MR. SAGOTSKY: Please don't
24 volunteer. Just answer the best you can. But
25 volunteering is a bad thing at this hour, Mr. Radway.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

THE CHAIRMAN: Another question,

Mr. Marks?

BY MR. MARKS:

Q. Would that change the number of school children that would be generated by this project?

A. Not given the assumptions that you set out.

MR. FRIZELL: Same houses?

Q. Same housing.

A. Same houses, same price range, same mix, same development plan, same phasing, all of those things the same, I would provide you with the same estimates about school children. You haven't changed anything.

MR. MARKS: Okay. That's all I wanted to know.

THE CHAIRMAN: It took a long time getting there. Next question.

Q. Mr. Radway, are you familiar as a planner what special reasons consist of, in particular, special reasons?

MR. FRIZELL: I'm going to object. Special reasons is a defined term in the law that probably has 600 cases attached to it. And I doubt very much if Mr. Radway is qualified to answer that question.

MR. MARKS: Well, he said he was

1 a planner. I asked him if he knows.

2 MR. FRIZELL: Planners don't
3 necessarily -- Mr. Radway may know or may not know.
4 I don't know. I think that's the Board's province to
5 get into special reasons. I mean, Mr. Radway's
6 testimony was very defined and limited. I really
7 don't think we should try to prove the whole case
8 with every single witness. And I think it's -- well --

9 MR. MARKS: I would like him to
10 answer the question, Mr. Chairman.

11 MR. FRIZELL: I think it's well
12 outside the scope of Mr. Radway's testimony. If Mr.
13 Marks has argument to make at some point in time, he
14 can make it. I don't -- really don't think we're
15 getting anywhere with Mr. Radway, who came here as a
16 fiscal analyst.

17 MR. NIEMANN: Could I ask Mr.
18 Sagotsky if he would define special reasons for the
19 Board and then applying the facts as they may relate
20 to the legal definition, perhaps then the question
21 could be answered.

22 MR. FRIZELL: Could I just
23 interject? I'm sorry before this session is over, I
24 suspect both the Planning Board and Mr. Sagotsky and
25 myself will supply what we regard the special reasons

1 or lack of them. And Mr. Sagotsky will have an
2 opportunity to investigate the case law. It's a very
3 broad question.

4 MR. NIEMANN: How about within
5 the area of his expertise as a planner?

6 MR. SAGOTSKY: I think that
7 before making a determination upon the propriety of
8 the question, perhaps he could answer the question
9 which, if I recall correctly, was if he knows what
10 they are, just generally speaking he might say no or
11 he might say --

12 MR. NIEMANN: I'm trying to
13 satisfy Mr. Frizell and Mr. Holland to avoid --

14 THE CHAIRMAN: Mr. Marks.

15 MR. NIEMANN: I'm sorry

16 MR. SAGOTSKY: I just thought we
17 would get a ruling.

18 MR. NIEMANN: If you would get a
19 legal definition then we can translate as to effect
20 and then address it to him in his area of expertise.

21 MR. MARKS: I asked a simple
22 question: From a planner point of view, does he know
23 what special reasons are.

24 MR. SAGOTSKY: And my ruling
25 would be, let him answer if he knows or if he doesn't

1 know. You've heard the argument. You are entitled
2 to hear the argument of Counsel. You might find it
3 is a very good argument. If so, the objection would
4 be sustained. Otherwise, you would override at this
5 juncture.

6 THE CHAIRMAN: would you try to
7 answer that? If you can't, say so.

8 MR. SAGOTSKY: In other words,
9 you are overruling the objection for the moment?

10 THE CHAIRMAN: Yes, yes.

11 MR. SAGOTSKY: If you can, say so.

12 THE WITNESS: I know some limited
13 ones.

14 MR. SAGOTSKY: Repeat that?

15 THE WITNESS: I said I know, in a
16 limited way, some of the special exceptions that I've
17 had occasion to deal with.

18 MR. SAGOTSKY: Special reasons
19 and special exceptions are different I would confine
20 your remarks -- correct me if I'm wrong -- that
21 actually you are saying you don't know. I think
22 that's what you are saying.

23 THE CHAIRMAN: The Chair would
24 have to believe that maybe we can extract this
25 information, present it later on in some specific

1 areas. Mr. Marks, I don't think we're going to get
2 the answer and let's proceed. We have other
3 witnesses.

4 MR. MARKS: But I think it's
5 important at least for where I am going to know. I
6 didn't quite hear the answer from the expert. I'm
7 not sure whether he says he knows what some reasons
8 are.

9 MR. SAGOTSKY: Would you want to
10 sit over there?

11 THE WITNESS: I've had occasion
12 to deal with some applications that have been
13 requesting exceptions or variances in front of zoning
14 boards or planning boards. I have very limited
15 knowledge. And as far as I understand, I wasn't
16 either presented as an expert witness on that behalf
17 nor to provide any testimony or any comment relevant
18 to it. This is some of my response.

19 BY MR. MARKS:

20 Q. Do you know whether or not increased
21 school costs or decreased school costs result from a
22 particular development that bears upon special
23 reasons?

24 MR. FRIZELL: Let me object. I
25 don't think what Mr. Radway thinks is important about

1 that. He simply provided information.

2 BY MR. MARKS:

3 Q. Mr. Radway, do you know if special
4 reasons are affected by whether more school children
5 are added by the development or more school costs
6 affect special reasons?

7 A. I think I have to answer that, no.

8 Q. Has no effect on them?

9 A. I didn't say it has no effect. I said I didn't
10 know the answer to that.

11 Q. You don't know?

12 MR. SAGOTSKY: His answer is, I
13 believe, no.

14 A. The answer is no. His question was, do you
15 know?

16 MR. SAGOTSKY: He says no.

17 THE CHAIRMAN: He construed the
18 question, do you know; no.

19 MR. NIEMANN: I don't know.

20 THE CHAIRMAN: Meaning, I don't
21 know.

22 MR. MARKS: Okay. I have no
23 further questions.

24 THE CHAIRMAN: Is there anyone
25 from the audience that would like to ask a question?

1 THE CHAIRMAN: Mr. Brennan has a
2 question.

3 MR. BRENNAN: First, Mr. Frizell,
4 let me ask you, there are 1,137 units planned?

5 MR. FRIZELL: Yes.

6 MR. BRENNAN: Mr. Radway --

7 MR. FRIZELL: Including the
8 senior citizens, 120 units.

9 MR. BRENNAN: Mr. Radway, on your
10 schedule on page five, "Colts Neck Village School
11 Considerations" it's only estimated the population
12 that would be generated from the non-subsidized
13 section of the project. You excluded the 120 units?

14 THE WITNESS: Right.

15 MR. BRENNAN: The previous
16 witness, Mr. Sendell of Larson Mortgage -- I give you
17 this for background -- indicated that subsidized
18 housing would probably be leaning more towards low
19 income rent subsidy and away from senior citizen
20 because the pool of funds available for senior
21 citizen housing was shrinking.

22 MR. SAGOTSKY: That's correct.

23 MR. BRENNAN: Let us assume that
24 this will be low income, rent subsidized, 120 units.
25 Could you apply statistical data such as you have on

1 the schedule on page five and tell us if we do have
2 120 units of low income, mid-rise housing, the number
3 of children that would be generated from those units.

4 THE WITNESS: Within the same,
5 you know, confines of projecting methods, yes

6 MR. BRENNAN: Based upon your
7 experience of doing studies like this in other areas
8 could you come up with a number? Would it be 0.4
9 students per dwelling unit or --

10 THE WITNESS: It would depend
11 upon two primary things. It would depend upon your
12 determination of whether it's a large family or
13 regular family, which will relate to the number, the
14 size of the unit and the number of bedrooms.

15 MR. BRENNAN: Could you give it
16 to me for large family? What would be a fair
17 statistical number to apply; and, then for medium
18 family? I assume that you are referring to family
19 size and not income when you say large, medium?

20 THE WITNESS: Yeah. It would
21 relate to the bedrooms. Again, it will be according
22 to bedroom application. It would probably be
23 straight on the basis of three, four and five. And I
24 would say over a project that size an average might
25 be, probably, be one student.

1 MR. BRENNAN: That would be for a
2 large?

3 THE WITNESS: well, the
4 information I have seen really is on the average
5 basis relatively large projects. It's gotten regular
6 and large families. It's been about one student --
7 what would correspond to one elementary student per
8 unit.

9 MR. BRENNAN: Is this for large
10 as opposed to medium?

11 THE WITNESS: It would be the
12 average of them.

13 MR. BRENNAN: Average of both.
14 well, then if this were low income, we could
15 anticipate 120 students. Is that fair? 1.0 times
16 120 units. You, earlier in your testimony, said that
17 the impact on the non-subsidized portions in the
18 first four years would run in the 50's, from 52
19 students to 51 students to the year four and then we
20 must have a power outage or something, you jump to 81
21 students in year five. Now, you then made an
22 outrageous assumption and doubled the number of
23 students and I believe that was where you drove the
24 school population up to the 1,475 students. Is that
25 correct?

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

THE WITNESS: Yes.

MR. BRENNAN: Well, then if the mid-rise goes low income, rent subsidized as opposed to senior citizens and generates 120 students --

MR. FRIZELL: Mr. Brennan, I don't want to interrupt you, but perhaps you've forgotten. The family housing was, I believe, 70.

MR. SAGOTSKY: Or ninety?

MR. FRIZELL: Ninety.

MR. BRENNAN: Well, then I'm missing 50 units someplace -- or, unless unit --

MR. FRIZELL: Yeah, the plan that you have assumes the 120 senior citizens. We did not plan out but we estimated if it was family, it would be ninety.

MR. BRENNAN: So then the number would be 90 students?

THE WITNESS: The different form of development would assume a significantly different area on the land.

MR. FRIZELL: To the extent that the planning was done for that, 80 percent one bedroom and 20 percent two bedroom of the 90, which would be 72 one bedroom and 18 two bedroom, subsidized units.

1 MR. BRENNAN: Well, then that
2 would certainly generate --

3 THE WITNESS: Lower.

4 MR. BRENNAN: Would it be fair to
5 use your three basis points for the one bedroom that
6 you have in the garden apartments for one bedroom?

7 THE WITNESS: My inclination
8 probably would be to reduce that a little bit because
9 you will have one parent instead of two present, they
10 do a little built different thinking within the unit.
11 Not within a one bedroom unit, you'd still have new
12 children because they're pretty strict about the sex
13 of occupants of the same unit and age within the two
14 bedrooms. It would be probably a little bit higher.

15 THE CHAIRMAN: Interjected point.
16 You said, they're pretty strict. Who is they or
17 they're?

18 THE WITNESS: The guidelines are
19 pretty strict, the Federal guidelines of how many
20 people can be in a unit and whether they can be, for
21 example, a mother and 19 year son in the same single
22 bedroom unit would not be considered as nearly as
23 favorably as a three year old daughter. Those types
24 of general considerations.

25 Back to the other point, as

1 planner within the community or somebody from without
2 the community, that's kind of a different point.

3 There will be things, you know, nice little
4 checkerboard of different issues.

5 MR. DAHLBOM: These are Federal
6 rules there you are quoting now?

7 THE WITNESS: Yeah. Again they
8 vary by programs because some of the state programs
9 operate differently than some of the Federal programs.
10 As far as it goes it's very -- the thrust of where
11 you are going might mean there would be more students
12 than obviously --

13 MR. BRENNAN: I'm trying to
14 figure out approximately -- at the 120, I went over
15 your peril point.

16 THE WITNESS: Not really, because
17 the 120 would not structured so that they come on
18 line or are put in in one fell swoop at the beginning
19 of September. We're still going to have phasing,
20 staging, occupancy, screening. So, in fact, it will
21 tend to come more in a spread basis.

22 MR. BRENNAN: Even if we brought
23 in 60 in the first year, when the building's
24 completely occupied the total number of students
25 would be 120 coming from that building.

1 THE WITNESS: If it takes five
2 years --

3 MR. BRENNAN: To fill up a
4 six-story mid-rise --

5 MR. FRIZELL: This is family
6 housing. The mid-rise --

7 MR. BRENNAN: I'm merely
8 addressing the mid-rise now.

9 MR. FRIZELL: There is no
10 mid-rise family housing. Mid-rise is strictly senior
11 citizens.

12 MR. BRENNAN: I did not believe
13 that was a fact. Now you are saying that the
14 application that you are submitting will limit the
15 mid-rise, located on the westerly central part of the
16 property, exclusively to senior citizens?

17 MR. FRIZELL: Yes, Mr. Brennan,
18 and I'm sorry --

19 MR. SAGOTSKY: That's a mid-rise?

20 MR. FRIZELL: If it was family,
21 Mr. Sendell said it will to be one story units. The
22 only reason we put in mid-rise is, we originally
23 planned low-rise units even for the seniors. But the
24 reason we came to the mid-rise, was based on Mr.
25 Sendell's advice to us that you have to have an

1 elevator for senior citizens units. If the senior
2 citizens were low-rise, that's the way we originally
3 planned it, because the different number of units and
4 why we had to come to a mid-rise or slightly greater
5 number of units.

6 MR. BRENNAN: Have you now ruled
7 out low-rise, low income?

8 MR. FRIZELL: Family, no senior
9 citizens, yes.

10 MR. BRENNAN: Well, then I would
11 like to get back to my low-rise, 72 one bedroomers
12 and 18 two bedroomers and try and figure out what the
13 student population coming from those units might be.

14 MR. FRIZELL: I'll be glad for
15 Mr. Radway do it. I would only say that we didn't
16 ask them to do it because of the fact the senior
17 citizens was our first priority.

18 THE WITNESS: Using these factors
19 as a point of reference in that mix, it would be
20 rounded off to the highest tenth would be ten
21 students an error of two, double it, would be 20
22 students. If the 20 students say off two years,
23 which might be a reasonable time of getting the
24 people into the building and into the school system,
25 ten per year. If there's a couple of years, it

1 certainly will change the numbers and it would have
2 some effects siding through, but it's not at all the
3 same as adding 100 students. And the reason it
4 wasn't addressed in here specifically was, for the
5 purpose of the application we considered the senior
6 citizens units.

7 THE CHAIRMAN: Any more questions?

8 MR. FRIZELL: I have three short
9 ones.

10

11 REDIRECT EXAMINATION BY MR. FRIZELL:

12

13 Q. What income level does the 95th
14 percentile nationally represent approximately?

15 A. Family income of approximately \$25,000.

16 Q. So when you were saying that that income
17 level was what the houses for sale here would be in
18 order to be able to buy, that's the income level that
19 you are referring to; is that correct?

20 A. -- Yeah, that was correct, yes.

21 Q. Do you know what the -- do you know
22 yourself what the median income level is in Monmouth
23 County?

24 A. The only data I have is about 1977 data. And
25 it's -- at that point, it was about 25 -- excuse me.

1 I'm sure -- no, lower. It was about 20. Yeah, I'm
2 sorry.

3 Q. Do you know, were you ever asked to
4 analyze in terms of Monmouth County income levels
5 where this project -- that is, those houses for sale
6 that you referred to?

7 A. Not specifically analyze, asked to analyze in
8 the context of the specific income of Monmouth County.

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

11 MR. HERMAN: Mr. Chairman, I have
12 no more questions for Mr. Radway. But I didn't hear
13 his last answer.

14 Did you say in response to Mr.
15 Frizell that of some 1977 data that in Monmouth
16 County, the median income level was approximately
17 \$20,000?

18 THE WITNESS: Yes. I'm nodding,
19 yes. That's from -- the source of that would be
20 Delaware Valley Regional Planning Commission data.

21 THE CHAIRMAN: He put in a
22 rejoinder that it probably wasn't accurate

23 MR. FRIZELL: Not accurate, today.

24 THE WITNESS: It's not
25 representative of 1980's. But as of --

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MR. SAGOTSKY: Are you finished, Mr. Frizell?

MR. FRIZELL: I'm finished, yes.

THE CHAIRMAN: Do you have a question, Mr. Sagotsky?

MR. SAGOTSKY: I just wanted to make sure.

MR. TISCHENDORF: When you say percentile of income distribution and you are saying median income in Monmouth County, are we talking of a family earning unit, earning unit that includes retired people, the singles you've talked about?

MR. FRIZELL: That's family of four?

THE WITNESS: It's family, yeah. It's median family income is obviously --

MR. SAGOTSKY: Mother, father and two children?

THE WITNESS: Right. But it's derived from all the income in the household, not necessarily earned income. The sources that you were talking about, the sources are not knocking on everybody's door. So we have to be aware of the data, of the deficiencies.

MR. TISCHENDORF: Your 95th

1 percentile, what was that in reference to again, a
2 family unit?

3 THE WITNESS: That reference was
4 within the generally available information through
5 1980 and the interest rates in 1980.

6 MR. TISCHENDORF: We have more
7 prevalence now of single people. Are they in this
8 distribution you say 95th percentile?

9 THE WITNESS: Yeah, they're in
10 that distribution of all household. But they're not
11 in the figure that collates a median income in
12 Monmouth County.

13 THE CHAIRMAN: Any other
14 questions?

15 Thank you, Mr. Radway.
16 (Whereupon the witness is
17 excused.)

18 MR. HERMAN: Mr. Chairman?

19 THE CHAIRMAN: We have a request.
20 It's already been made let's see if we can't get
21 going on this. The School Board has a witness for a
22 short time that cannot be secured at any other time.
23 would you agree to let him appear at this time, Mr.
24 Frizell? I think -- I know you still have Mr. Krakow.

25 MR. FRIZELL: I have Mr. Krakow

1 here for the third time, Mr. Chairman. And, quite
2 frankly, I did not anticipate the extended
3 cross-examination. Not that it wasn't appropriate,
4 Mr. Herman; but, Mr. Krakow has been here three times
5 and I would like to have him testify.

6 MR. HERMAN: If I could be heard?
7 At the conclusion of the last meeting, we had, after
8 considerable discussion over it between Mr. Frizell
9 and myself and others, he agreed to permit me to have
10 Mr. Noland testify first because he would not be
11 available between now and the conclusion of all of
12 the hearings that are scheduled. And I don't know if
13 the Reporter has the minutes from the last meeting
14 but it is critical for us to put Mr. Noland on now
15 because he is leaving now.

16 THE CHAIRMAN: Can you estimate
17 the amount of time he would be?

18 MR. HERMAN: The direct
19 examination to be about 20 minutes to a half hour.

20 MR. SAGOTSKY: How long do you
21 think Mr. Krakow would be?

22 MR. FRIZELL: Well, it's the
23 environmental report, Mr. Sagotsky.

24 MR. HERMAN: I think, as a matter
25 of fact, when you mentioned it at the last meeting,

1 Mr. Raleigh indicated a preference not to have that
2 heard.

3 MR. FRIZELL: I don't care what
4 Mr. Raleigh felt. I don't recall saying that Mr.
5 Noland would come on first. I have no problem with
6 hearing Mr. Noland I would like to get Mr. Krakow
7 started.

8 MR. SAGOTSKY: You couldn't tell
9 me, the direct would be how long with Mr. Krakow?

10 MR. FRIZELL: Half hour. I could
11 be finished certainly by 11 o'clock and if you can
12 hear Mr. Noland after that time --

13 MR. HERMAN: Perhaps we could
14 hear Mr. Noland first and Mr. Krakow afterwards. His
15 testimony will tie in some respects with what Mr.
16 Radway has to say because it is by way with dealing
17 with the school

18 MR. SAGOTSKY: It's now 10:20.
19 If the Board would be willing to go another hour you
20 could divide the direct examination between the two.

21 THE CHAIRMAN: Half hour for each
22 and then the problem would be if there were any
23 cross-examination of Mr. Noland, that would be a
24 problem unless he could get back here another time.
25 Mr. Krakow probably could.

1 MR. HERMAN: Mr. Noland will not
2 be available for a month as of tomorrow morning.

3 MR. FRIZELL: I mean just to put
4 this in context, quite frankly, as I said earlier,
5 the whole school fiscal analysis was really presented
6 because we simply present it as a PUD. As Mr. Marks
7 was alluding to, it really, the whole issue, is
8 informational. I really didn't intend to go to the
9 extent that it did when I presented it because it's
10 really not -- it's not one of the main issues before
11 the Board. The fiscal impact of this particular
12 development I think maybe can be considered in the
13 general context. We really did it to allay fears.
14 But it's really not directly, I don't think, needed --

15 MR. HERMAN: Mr. Frizell --

16 MR. FRIZELL: -- for the purpose
17 of testimony.

18 MR. HERMAN: I think you are
19 saying that the testimony we just heard isn't needed.
20 But it doesn't help us with the problem.

21 MR. FRIZELL: Mr. Herman, you
22 have a tendency to put words in peoples' mouths,
23 including my own. But all I'm saying is that I don't
24 think it should be extended. Let's just do it and
25 get the information in and be done with it. I think

1 that it's not -- considering the context of this
2 entire case, it's of minimal and marginal relevancy
3 and importance.

4 THE CHAIRMAN: I think if it
5 falls within the thought of anything that has
6 substantial detriment to the public good, we should
7 hear it. And I would certainly feel that that school
8 report did. And we appreciate your presenting it.
9 There are possibilities that it might have
10 substantial detriment to the public good.

11 MR. FRIZELL: I don't admit,
12 understandably. But in the context of all of the
13 information we have to consider, let's not blow a
14 small fraction of it out of proportion. Because we
15 do have time limits. I have lived within my time
16 limits, I think, pretty well until these kinds of
17 issues began being blown out of proportion in
18 relation to the case.

19 THE CHAIRMAN: It has to be a
20 ruling from the Chair.

21 Mr. Noland, you sit tight right
22 over there. We're going to hear you from 11:00 to
23 11:30. We're going to give Mr. Frizell from now
24 until 11 o'clock to present Mr. Krakow. If he has to
25 come back for cross-examination, it will be at a

1 later date.

2 MR. FRIZELL: We submitted it
3 last week and I think we marked it into evidence, so
4 that everybody could look at it that chose to, the
5 environmental report.

6
7 T H O M A S K R A K O W, a witness called on behalf
8 of the Applicants, having been duly sworn according
9 to law, testified as follows:

10
11 THE WITNESS: Thomas Krakow,
12 Abbington-Ney Associates, 65 Gibson Place, Freehold.

13
14 DIRECT EXAMINATION BY MR. FRIZELL:

15
16 Q. Mr. Krakow, do you hold any degrees?

17 A. Yes. I have a Bachelor of Science, civil
18 engineering, degree from Newark College of
19 Engineering. I also hold a Masters of Science degree
20 from the same school. My degree of specialty was in
21 environmental engineering, which -- in which I
22 studied for preparing environmental impact statements.
23 My final paper or thesis paper was on the preparation
24 of environmental impact statements.

25 Q. How long have you been involved in the

1 business of preparing environmental impact statements?

2 A. I have been preparing environmental impact
3 statements since 1972 when I became a member of
4 Ackerman-Ney Associates. That has since become
5 Abbington-Ney Associates.

6 Q. Can you estimate how many projects a
7 year you become involved in?

8 A. I am involved in perhaps 20, 20, 30 projects on
9 an annual basis in which we are directly related to
10 the environmental impact assessment procedures.

11 Q. Could you describe as a general
12 framework in the environmental impact analysis what
13 are you attempting to do?

14 A. The purpose of an environmental impact analysis
15 is to determine what degree of effect the proposed
16 project will have upon the existing environment; to
17 the surrounding community as well as to the site,
18 itself. The parameters that we investigate range
19 from air quality, water quality, noise, soil
20 conditions; numerous other aspects which are
21 typically covered in an environmental review.

22 Q. In the analysis of those aspects what
23 sources of information do you use?

24 A. Well, first we try to gather as much field data
25 as possible based upon a site inspection by myself

1 and my staff. We gather the data such as soil
2 samples, vegetation inspection. We try to take noise
3 readings, find out the water quality, if that
4 information is available. Typically, we also use
5 information that is available from the various
6 regional planning agencies and state regulatory
7 agencies that typically have this information
8 available for their own use as well as the use of the
9 public. Other sources of information that we use are
10 logs of information from environmental handbooks that
11 are often cited in our studies.

12 Q. In your analysis of the soils and
13 topography of the site, did you come to any
14 conclusion with respect to what if any adverse impacts
15 would result from the development of the Colts Neck
16 Village?

17 A. Yes, we did come to a conclusion about that.

18 Q. And what was the conclusion?

19 A. The conclusion was that the site has upon it,
20 the kind of soils that are suitable for land
21 development. They are typically, in general, well
22 drained; have the capability of supporting structures.
23 They can maintain vegetation. They can also maintain
24 their own slope profile, meaning that they're not
25 susceptible to wind erosion and also water erosion,

1 which is an important factor. And that the soils
2 on-site would not require an extensive amount of
3 reconstruction or refurbiration (sic), if you will,
4 to bring them up to standard. Typically, we find
5 that the soils on-site are well maintained at this
6 particular time; they have not undergone any severe
7 erosion and that the conditions are conducive towards
8 developments of this type.

9 Q. In terms of vegetation, what kind of
10 vegetation currently exists on the site?

11 A. Typically, the property is a mixture of various
12 forms of vegetation ranging from agricultural use to
13 natural woodland. The largest portion of the various
14 types of vegetation would be found typically in the
15 woodland type. And this type of vegetation is found
16 to the south portion of the tract and is traversed by
17 Route 18. The other segments of the site tend to
18 have basically field grasses, agricultural use; and,
19 then there is some remnants of the nursery species in
20 the portion of the site in the immediate vicinity of
21 the building, the existing structure there on-site.

22 Q. And did you come to any conclusions as
23 to what, if any, impact the development of the site
24 would have on vegetation?

25 A. Yes, it is -- well, the project will obviously

1 displace the agricultural activities on-site. That
2 would be one loss to the property. However,
3 typically the open field grasses of the site will be
4 maintained and intact, enhanced by virtue of the fact
5 that the planning of the development will require a
6 restoration of the site with permanent vegetation as
7 part of the requirements of the Freehold Soil
8 Conservative District.

9 In the wooded areas, there will be need of
10 clearing of the trees within the roadway pavement
11 sections and within the building, immediate building,
12 site areas for the various structures. However, in
13 the design an attempt was made to position single
14 family homes and the less dense type housing in the
15 wooded areas so as to preserve as many of the woods
16 as possible and retain the character that it exhibits
17 at this time. It is our opinion, then, that the
18 actual loss to the environment in the form of
19 vegetation would not be significant because what will
20 happen is, on one hand when we lose some of the woods,
21 there will be a substantial addition of vegetation
22 in the form of trees and shrubs placed throughout the
23 site, citing the landscaping plans that have been
24 submitted as part of the application.

25 Q. Are you now referring to the landscape

1 plan which is part of A-31?

2 A. Yes.

3 Q. In terms of water quality of the site,
4 what did you do in terms of investigating water
5 quality?

6 A. We have evaluated the stream patterns, the
7 hydraulic patterns of the site and also determined
8 where the water goes from once it leaves the site; to
9 what extent is this site a factor in relationship to
10 the total drainage area; and, also it's the quality
11 of the effluent as it leaves the site at the present
12 time. Primarily we had employed the qualitative
13 analysis and quantitative analysis that were
14 performed by the consultant for the sewer extension.
15 The sewer plant work is the basis for our assessment
16 of the water quality under existing and proposed
17 conditions. And utilizing those factors we were able
18 to assess the water quality impact.

19 Q. And did you reach any one conclusions as
20 to what impact the site would have on water quality?

21 A. Yes, we did take a very careful analysis of the
22 water quality. And there are many underlying factors
23 that go into it. One, the degradation of water
24 quality; and, two, the improvement of it when it
25 relates to the land development and typically any

1 land use. For example, agricultural use although may
2 not, over a long term, create a significant impact
3 with regard to metals and deposition of that type of
4 material, you'll find that it typically does deposit
5 substantial amounts of silt; and, in the Spring and
6 Fall, a substantial ground loading of nutrients due
7 to the fertilizers that are deposited on the site.
8 It has been found in studies that overall, generally,
9 the farmland will give off approximately the same
10 amount of solids as will the single family homes.
11 Therefore, wherever we are proposing single family
12 homes on the tract, we will get virtually a net of no
13 incremental increase in solids and in nutrient
14 loading to the downstream areas.

15 In addition, in areas where you are going to
16 have numerically higher density development, you will
17 create additional impacts on the stream. However,
18 the proposal here is to incorporate a series of
19 surface ditches and swales that will deliver the water
20 to a controlled retention pond. You'll see there are
21 several of them on the property, in order to one,
22 allow for surface water to penetrate into the
23 subsurface; two, to allow for the silts and other
24 deleterious materials to be trapped in the grassways;
25 and, three, reduce the total amount of water that

1 enters the downstream area from the site to the
2 amount that presently exists. When you combine these
3 three improvements by means of installing these
4 swales, then also installing the detention ponds, we
5 feel that the impacts are really insignificant and
6 that there will not be a substantial impact on the
7 downstream areas.

8 Q. Would you describe, Mr. Krakow, in terms
9 generally what the term "urban runoff" refers to?

10 A. Urban runoff refers to the surface water that
11 would be generally discharged from the pavement
12 surfaces and carries any number of metals and oils.
13 Typically it is discharged into a drainage pipe and
14 then it enters into the drainage course.

15 Q. Now, other -- well, do I understand then
16 that the drainage swales that you are talking about
17 are intended to decrease the possible adverse impacts
18 of urban runoff?

19 A. Yes.

20 Q. Are there any other -- I understand then
21 the detention facilities serves the same purpose?

22 A. Yes, that's correct.

23 Q. And the urban runoff would be deposited
24 into the detention facilities so that any pollutants
25 would settle out? The pollutants would sink to the

1 bottom?

2 A. --- There's two activities that are undergone in
3 any lake or water body. The first is a settling of
4 any type of heavy solids, since the water becomes
5 quiescent and the solids are allowed to settle out.
6 The other important aspect of the lake is that it
7 acts as a treatment body. And it has been found that
8 the reduction in the strength of the pollutants,
9 typically by chemical oxygen demand, which is the
10 standard measure of the organic level in the water,
11 is reduced by approximately 30 to 40 percent. And
12 this is largely due to the biological activity within
13 the stream as well as the exchange of oxygen with the
14 surface of the water.

15 Q. Are you familiar with the term "best
16 management practices"?

17 A. Yes, I am. Best management practices are
18 aspects of maintaining a quality of runoff by doing
19 specific items which would enhance the quality of the
20 water as it travels to the point of the discharge;
21 namely, the drainage course. These best management
22 practices vary for different sources and different
23 uses. For example, a best management practice would
24 be instead of installing curbs along a roadway and
25 draining directly into an inlet, you would put in a

1 grass strip before the water enters into the drainage
2 course, if it is a pipe, in order to allow for the
3 deposition of the surface materials that would come
4 off the paving surface. Another best management
5 practice would be the employment of your detention
6 facility as we have proposed. Others --

7 Q. Who promulgates best management
8 practices?

9 A. They can be promulgated by either an owner
10 developer of a project or it also could be
11 promulgated by the municipality.

12 Q. And do different Federal and state
13 agencies provide guidelines in terms of best
14 management practices?

15 A. Yes, sir, they do.

16 Q. And best management practices as
17 promulgated by Federal and state agencies can be
18 incorporated into the Colts Neck Village development
19 plan?

20 A. -- Yes, they do. They are cited in the EIS.

21 MR. FRIZELL: I'm sorry?

22 MR. SAGOTSKY: Is it the
23 Environmental Impact Statement, Colts Neck Village?

24 MR. FRIZELL: That's the report.

25 MR. SAGOTSKY: It was marked

1 7/17/80.

2 BY MR. FRIZELL:

3 Q. Mr. Krakow, do you have an opinion as to
4 whether or not the proposal for the Colts Neck
5 Village development as evidenced by the plans that
6 have been submitted to the Board has attempted, the
7 plans themselves, have attempted to not only
8 incorporate the best management practices but to
9 minimize wherever possible any adverse impacts on the
10 water quality?

11 A. Yes.

12 Q. And what's that opinion?

13 A. My opinion is that this project has taken every
14 advantage of the tract to minimize any impact to the
15 downstream areas.

16 Q. All right. Now, what factors besides
17 the use of the drainage swales and detention
18 facilities lead you to that conclusion?

19 A. The land use itself as an important aspect in
20 that the natural drainage corridors that exist on the
21 site were not disturbed in the design concept of the
22 project. The ^{dis}position of the sanitary sewer waste
23 once treated would be entering into Hohockson Brook
24 and not into Slope Brook so as to minimize any impact
25 on the Swimming River Reservoir.

1 MR. BRENNAN: Does it minimize or
2 eliminate?

3 THE WITNESS: Minimize.

4 MR. BRENNAN: So some would still
5 go into Slope?

6 THE WITNESS: What I'm saying,
7 would minimize any impact on the Swimming River
8 Reservoir.

9 MR. BRENNAN: I thought
10 everything was going to drain to Hohockson and not
11 over to Slope.

12 THE WITNESS: So far as the sewer.

13 THE CHAIRMAN: I think one of the
14 expert witnesses designated by Judge Lane as an
15 expert witness did testify to that fact. Other than
16 the sewer, the other did drain toward the reservoir.

17 BY MR. FRIZELL:

18 Q. Well, did you have more?

19 A. The area I'm referring to, the best management
20 practices is found on page 63 of my Environmental
21 Impact Statement. And typically it concerns the
22 prevention of contaminants from reaching the surfaces
23 that would be in a project of this type. You,
24 typically, do not have outdoor storage of any
25 materials that would be deleterious to the stream.

1 However, you do have concerns about certain areas
2 such as dumpsters. And so long as these elements are
3 controlled, enclosed containers, that would reduce
4 the impact. And this particular project does
5 incorporate that feature.

6 The control of subsurface wastes entering into
7 the stream is an important aspect. Typically, Colts
8 Neck utilizes extensively septic system design, which
9 although is adequate for treating waste and getting
10 rid of waste water, it does have an impact on stream
11 areas. And typically what happens is that the ground
12 water carries off some of the effluent and it does
13 leach into the stream. This particular project does
14 not have that aspect or does not provide for a septic
15 system disposal and therefore will not have the
16 detrimental impact on the stream areas.

17 Controlling litter, again, this relates to the
18 proper operation and sufficient supply of the
19 dumpster control which I have indicated previously.

20 The storm drainage systems within the dedicated
21 areas would be maintained by the municipality and
22 those areas which are not dedicated would be
23 maintained by the management. That's an important
24 aspect of maintaining a proper system, minimizing the
25 downstream impacts. Any disturbed areas would

1 obviously have to be maintained during construction
2 and there is a soil erosion settlement control
3 certification requirement for this particular project
4 in which that aspect is addressed at length. And
5 there are specific detailed requirements for soil
6 erosion sediment control relating to the minimum
7 amounts or maximum amounts of time that land can be -
8 remain disturbed without having vegetation growing on
9 it or mulch or some other forms of stabilization
10 placed upon it. This project does incorporate those
11 features.

12 Q. Let me ask you, did you participate in
13 the consultation which led to the development of the
14 plans for the project?

15 A. No, I did an independent analysis of the
16 project.

17 Q. Go ahead and continue.

18 A. Other concerns would be, reduce the runoff rate.
19 And that all relates to the swales and development of
20 buffer strips between the development and the water
21 courses, which this project does incorporate. And
22 typically that is the concern and that is the method.
23 The best management practices that are being
24 incorporated into this project leads me to believe
25 that the impact on water quality would be relatively

1 insignificant.

2 Q. In terms of wildlife on the site what
3 sources of information did you use?

4 A. The wildlife impact was addressed by a staff
5 member of mine. He has a Master of Science degree in
6 landscape architecture and he has conducted a
7 vegetation and wildlife investigation on several
8 projects. In this particular case, we had
9 collaborated relative to what we feel is going to be
10 the impact of the project.

11 It is our opinion that the impact on wildlife
12 has already been accomplished with the construction
13 of the Route 18 freeway through the tract. We feel
14 that for the following reasons: The land use that
15 surrounds the property presently consists of the
16 school, commercial development on Route 34, there is
17 a junk yard that is nearby on Route 34; and, that is
18 the open field and agricultural use which tends --
19 primarily the agricultural use -- which tends to
20 inhibit and displace wildlife. To the east of the
21 property is a large grazing field for steer and that
22 also tends -- which is fenced and tends to restrict
23 wildlife development. The only portion of the site
24 that has any value from a wildlife use or utilization
25 is primarily the wooded tract to the south of the

1 property. And as I indicated, the Route 18 freeway
2 that bisected the woodland to the point where there's
3 remaining area of approximately 80 acres on the north
4 side of route 18 and the southern portion is
5 contiguous with the woodland of Earle Ammunition area.
6 The freeway restricts the movement of wildlife
7 substantially. And the value of the 83 acres or the
8 80 acres has diminished greatly and in fact is
9 blocked in by Route 18 freeway, Route 34 and the land
10 use along Route 34 to the point where it is not a
11 significant wildlife stand or significant wildlife
12 forage. And it is our opinion that the development
13 is only a minimal intrusion into this area in the
14 fact it faces -- the fact that the damage has already
15 been done when the Route 18 freeway came through.

16 Q. In terms of noise impacts, what did you
17 analyze?

18 A. We typically had measured the existing
19 conditions and established that the primary noise
20 factor that will be of any disruptive value on this
21 project will be during the construction phase. There
22 will be an increase in the background noise once the
23 development is complete due to the fact that there
24 will be a larger population. But it is not the
25 intensity of a noise that would be disruptive to any

1 surrounding land owners or persons. The typical --

2 THE CHAIRMAN: You mean
3 disruptive to anybody within that particular
4 development not those around?

5 THE WITNESS: All right. That's
6 an interesting point. But it would not be disruptive
7 to the people within it that would be typically
8 saying that anyone living in a urban environment with
9 a density of this type of approximately six unit an
10 acre is in an offensive condition. And that's not
11 the case. Those things that bring offensive noises
12 tend to be industrial users or a high activity area
13 such as an amusement park, things of that nature
14 where noise reaching levels of approximately 80 to 90
15 decibels are found.

16 You will note that the project,
17 once completed -- well, getting back to my original
18 comment, the primary noise factors will be due to the
19 construction on the site. The method of abatement is
20 one merely of control rather than abatement and that
21 is limiting the project to, in any event, development
22 so that there not be an extensive amount of
23 construction traffic on the entire site for a very
24 short period of time. The construction traffic
25 typically generates noises from about 75 to 90

1 decibels as measured from about 50 feet from the
2 source. And that noise is reduced by approximately
3 60-percent as you get further away by doubling the
4 distance. In other words if you were 100 feet away
5 from the same source instead of measuring 75 decibels
6 you would be measuring 69 decibels on a noise meter.
7 And that's measured in the scale which is what
8 typically what the ear can pick up in the various
9 octave bands. It is our opinion that once the
10 project is complete, the noise levels will be in the
11 evening approximately from 45 to 50 decibels as a
12 background noise level and during the daytime, 60 to
13 65 decibels. And that's just a typical average level
14 due to the various activities associated with
15 residential developments.

16 Q. Where is noise measured, at the property
17 line?

18 A. Typically throughout the project.

19 Q. Did you analyze the potential impact of
20 the development on any aesthetic qualities or unique
21 scenic or historical features which may be associated
22 with the site?

23 A. Yes, we had taken on this in our investigation
24 of the site, we had made an assessment of the
25 aesthetic values of the site. And primarily the

1 aesthetic value and primary feature of the entire
2 site relates to the water bodies and the wooded areas.
3 In both cases, we are preserving those areas and in
4 fact will be enhancing the value of those areas by
5 placing buffers between the dwellings that will
6 surround these areas and the water bodies themselves.
7 With regard to the woodland, as I indicated earlier,
8 the proposal is to minimize the amount of the tree
9 removal so as to preserve the woodland and their
10 value and to provide the buffer zone which will
11 maintain the wooded appearance from Route 18 once
12 viewing this site. Therefore, it is our opinion that
13 the aesthetics of the site will not be substantially --
14 let me rephrase that. Therefore, the aesthetic focal
15 point of the site that I've just referred to will not
16 be substantially damaged to the point of the
17 detriment of the surrounding areas. Obviously there
18 will be a transition of the site from an open field
19 to a residential development. Now, that is a matter
20 of taste as to whether that is going to be
21 aesthetically pleasing or aesthetically offensive.

22 Q. In terms of historic or scenic features
23 on the site did you investigate -- did you
24 investigate to see if there were any?

25 A. As far as the historical features, based upon

1 our investigation, there does not appear to be any
2 historical buildings that play an integral role in
3 the history of Colts Neck or an integral role in the
4 history of Monmouth County to the point where it
5 would be worthy of preservation or citation in the
6 national landmarks program.

7 Q. Did you attempt to summarize in your
8 report any adverse, irreversible or irretrievable
9 impacts?

10 A. Yes, we did.

11 Q. And what were they?

12 MR. HERMAN: Mr. Chairman, I
13 don't want to be rude. By my watch it's after 11
14 o'clock

15 MR. FRIZELL: That's my last
16 question.

17 THE WITNESS: We had -- the rear
18 portion of the Environmental Impact Statement
19 established what the adverse and irreversible and
20 irretrievable impact on the project will be.
21 Primarily they are as follows: Under geology, there
22 would be increased impervious cover to the amount of
23 21 percent over existing conditions. Number two,
24 soil conditions during construction activities.
25 There will be some loss of soils as a result of the

1 just reiterating the fact that we incorporate the use
2 of swales and retention ponds to minimize the ground
3 water runoff and to maximize ground water recharge.
4 Also are included is the fact that we're not going to
5 significantly make any major cuts or fills on the
6 property based on the existing topography, which
7 means that the integrity of the various formations
8 will remain as they are today and will not react in
9 any different fashion than they do today.

10 With regard to the soil, the
11 project will require a major soil erosion and
12 sediment control certification from the Freehold Soil
13 Conservation District. And the soil quality on-site
14 will also be enhanced by the installation of
15 additional vegetation in the form of permanent
16 plantings around the buildings and in the open field
17 areas.

18 With regard to the hydrology
19 there are going to be the overland swales that we
20 discussed earlier as well as three detention
21 facilities which will store the runoff and provide
22 for aesthetic focal points on-site.

23 With regard to the vegetation, as
24 I indicated previously, there is a landscape plan
25 that has been included in the design documents which

1 will enhance the quality of the open field areas and
2 also enhance the quality of the structures to be
3 placed on-site.

4 with regard to the wildlife, over
5 the long term there will be the restoration of the
6 bird life and small indigenous animal life returning
7 to the site by virtue of the fact that the vegetation
8 will become matured and provide an urban environment
9 for wildlife rather than the rural environment that
10 portions of the site are exhibiting now.

11 With regard to the water quality,
12 obviously the aspect of maintaining the swales and
13 controlling the best management practices are going
14 to go a long way towards improving the quality of the
15 water to the point where there will be no significant
16 impact on the downstream areas.

17 And finally, with regard to the
18 air quality, the fact that the project has been
19 designed to accomodate the vehicles to minimize any
20 congestion, we have assessed the fact that there will
21 be a less -- the project will not generate a
22 degradation of the air quality to the point where it
23 would violate any state standard

24 MR. FRIZELL: Mr. Chairman I will
25 yield the floor to my honored colleague from the

1 School Board.

2 (Whereupon the witness is
3 excused.)

4
5 K E N N E T H N O L A N D, a witness called on
6 behalf of the Colts Neck Township Board of Education,
7 having been duly sworn according to law, testified as
8 follows:

9
10 THE WITNESS: Kenneth Noland,
11 business address, Atlantic Elementary School; 59
12 Clearview Drive, Tinton Falls, New Jersey

13
14 DIRECT EXAMINATION BY MR. HERMAN:

15
16 Q. Mr. Noland, what do you do for a living?

17 A. Principal, Atlantic Elementary School.

18 MR. HERMAN: For the purposes of
19 the record, is this A-34B?

20 MR. FRIZELL: Yes.

21 Q. Would you locate the Atlantic Elementary
22 School?

23 A. Right in this position.

24 Q. Let the record show that it's
25 immediately adjacent to the proposed Orgo Farms site.

1 How long have you been principal at the
2 elementary?

3 A. Nine years.

4 Q. Prior to that, what were you doing?

5 A. I was principal of the Cedar Drive School for
6 five years.

7 Q. In your capacity as principal of the
8 Atlantic Elementary School, what is your function
9 there?

10 A. I'm responsible --

11 Q. Keep in mind the President of the Board
12 is here.

13 A. I'm responsible for everything that takes place
14 of an instructional nature, inside the school
15 building and on the school grounds. And I'm
16 ultimately responsible for everything that takes
17 place in the building and on the grounds.

18 Q. Okay. That would include classroom
19 instruction, direction of personnel, use of the
20 physical plant?

21 A. Yes, and any activities related to those.

22 Q. What grade levels are taught at Atlantic
23 Elementary?

24 A. Grades four and five.

25 Q. That's all?

1 A. That's correct.

2 Q. You are aware generally of the proposed
3 application for the Orgo Farms tract?

4 A. Yes, generally.

5 Q. And you are aware generally of the
6 number of dwelling units and other things that are
7 planned for the tract?

8 A. Yes.

9 Q. Would you tell the Board what the --
10 approximately what the school enrollment was for the
11 last school year, '79-'80, in your school building,
12 in Atlantic Elementary?

13 A. We began the school year with approximately 306
14 students and we had a peak somewhere during the
15 school year, 312. We ended the year with 306.

16 Q. How does it compare historically to what
17 the census in that school building used to be ten
18 years, five years and three years ago?

19 A. We -- three years ago -- this is an increase in
20 the past three years. Back ten years ago I would
21 have to make a guesstimate, but I would say
22 comparable to ten years ago.

23 Q. But you are saying it's greater now than
24 it was three and four years ago?

25 A. Yes, yes, it is. It was for this past year.

1 And for the coming year, we presently have 292
2 students scheduled at this time.

3 Q. Do you anticipate that between now and
4 when school opens in September that will increase or
5 decrease?

6 A. Based on the telephone calls and letters I have
7 received I expect that to increase by "X" amount of
8 students.

9 Q. Could you approximate "X"? Are you
10 talking about approximately ten?

11 A. I would stay ten, yes.

12 Q. In your opinion as being chief executive
13 of that building, if I can call you that, how would
14 you classify the extent to which the capacity of that
15 building is used by the students in it?

16 A. I feel that the building, the use of the
17 building, is certainly at its maximum use. And, in
18 fact, I feel that it is inadequate in many respects.

19 Q. Less than adequate?

20 A. Less than adequate, yes.

21 Q. With regard to that opinion, there are
22 several aspects, of course, to the building. There's
23 the amount of land, the amount of ballfields or play
24 areas for children, the amount of classrooms, certain
25 general common facilities in the building. Can you

1 be more precise as to those various categories, why
2 you think it's being used to its maximum or perhaps
3 beyond that?

4 A. Well, speaking of the library, this is a common
5 use facility, the library has a square footage of 520
6 square feet. The state recommended size for a
7 library of the school of this size is 2,500 square
8 feet or 80 percent below the the state recommendation.
9 The gym is 1,750 square feet. The recommended state
10 size for a gymnasium in a school of this capacity is
11 3,500 square feet or 50 percent below the recommended.
12 The cafeteria, 770 square feet or 40 percent below
13 the stte recommended size of 1,272 square feet. The
14 music room, 560 square feet or 44 percent below the
15 state recommend size of 1,000 square feet. The art
16 room, 600 square feet or 40 percent below the state
17 recommended size of 1,000 square feet.

18 Q. I'm not going to take you through each
19 one of those rooms again; but, for instance, the
20 gymnasium, do you know of a smaller gymnasium used
21 for this age level children anywhere?

22 A. I know of no smaller gym in use in Monmouth
23 County that's smaller than this for this age group of
24 grades four and five.

25 Q. Would you make reference to classrooms?

1 Do you have enough classrooms in the building
2 presently?

3 A. We have 13 regular classrooms and we have 13 in
4 use and we have 13 classrooms.

5 Q. Have you taken any steps to create
6 additional rooms whether they be for ordinary
7 classroom instruction or some kind of special
8 instruction or special facilities? Have you taken
9 any steps to increase the number or do you have the
10 need to do that?

11 A. Instructional areas, yes. We have -- we are
12 presently using a stairwell as an instructional area
13 which is lovingly referred to as the "patio". It's
14 an area of approximately eight by seven which we use
15 at times for small group instruction by supplemental
16 instructors. We use the cafeteria.

17 Q. Can I stop you there for a second? with
18 regard to this patio area, did you say it was a
19 stairwell?

20 A. It is a stairwell.

21 Q. It is not a room?

22 A. No, it is a stairwell. It is an exit.

23 Q. It's an exit to the building?

24 A. Correct.

25 Q. How many children are commonly receiving

1 instruction in it?

2 A. From one to four, maximum of four, usually.

3 Q. And one teacher?

4 A. Yes.

5 Q. And do they sit on the stairs?

6 A. No. We have desks that we move in for that
7 purpose.

8 Q. And do you have to move them in and out?

9 A. Yes.

10 Q. Why haven't you put them in one of the
11 13 classrooms?

12 A. Because the 13 classrooms are in use and these
13 are students who need special instruction in order to
14 meet their specific needs in, primarily, reading or
15 math.

16 Q. Is this, in your opinion, a desirable
17 feature of your facilities?

18 A. Certainly less than desirable.

19 Q. Why do you do it?

20 A. Because there's no other space in the building
21 that can be invented, created or found that can be
22 used for that purpose.

23 Q. Can you move on?

24 A. I was going to comment on the cafeteria. When
25 the cafeteria is not in use as a cafeteria, it's in

1 use as another instructional area. The teacher who
2 oftentimes uses the cafeteria will move the students
3 in the art room when the art room is not in use for
4 art, so that students have to remember whether they
5 meet with their teacher in the art room or in the
6 cafeteria. So those facilities are in use at every
7 opportunity.

8 Q. Do you have a resource room in the building?

9 A. Yes, we have a resource room. The resource
10 room was used as a regular classroom until we had
11 begun using it as a resource room. And by that,
12 resource room, I mean that is used for small
13 instruction dealing with students with special needs
14 in reading.

15 Q. And is the room that you are using, in
16 your opinion, of adequate size and location for the
17 job that's going on there?

18 A. This is one of the rooms that had formerly been
19 used as a classroom. We discontinued it's use for
20 that purpose in favor of use of this small group
21 because of the noise, call it noise pollution, from
22 537. So in those terms, this is less than adequate
23 facilities. It is the best -- in my opinion, the
24 best use of that room.

25 Q. Some of these things we talked about,

1 compensatory education that's meeting on the patio
2 and remedial, some sort of remedial education that's
3 meeting in the resource room, are these and or other
4 programs that are ongoing in the school programs that
5 you've always had there?

6 A. No.

7 Q. Why are they there now?

8 A. They are there now to meet the state
9 requirements. Compensatory education is a program to
10 meet the needs of those students that fall below the
11 minimum standards of the State of New Jersey in
12 reading and or math.

13 Q. Is it fair to say that with regard to
14 the compensatory education resource room, gym and
15 other things, they are established obligations
16 imposed on you in very recent years by the State of
17 New Jersey?

18 A. Yes.

19 Q. Are those standard obligations creating
20 a demand for more space even with the same number of
21 students?

22 A. Yes, they do.

23 Q. You spoke before, or maybe I did, about
24 the size of the overall facilities. Do you know the
25 size of the school grounds?

1 A. Approximately seven acres.

2 Q. And what type of outdoor facilities are
3 there?

4 A. Of the seven acres that are available for
5 playground use, we have an area which would be an
6 equipment area, swing, slides, the usual playground
7 equipment; and, then an open field area that's a
8 little bit larger than a soccer field. It has a
9 soccer field down the middle and on one corner, the
10 back up for a softball field.

11 Q. Do you have a separate softball or
12 baseball field?

13 A. No. This common area is used for several
14 different activities. Soccer during soccer season,
15 football, softball. It is shared by playground as
16 well as physical education instruction.

17 Q. In your opinion, is the soccer field or
18 all purpose field, I think you described it, is that
19 adequate for the needs of the students in the
20 building?

21 A. It's certainly cramped, in my opinion, and is
22 inadequate.

23 Q. You mentioned before the cafeteria. I
24 think you described it in size and how far below the
25 state standard it is?

1 A. Yes.

2 Q. How -- how many different eating
3 sessions do the children have in that room during the
4 day?

5 A. Four.

6 Q. Now when you say four, one child doesn't
7 eat four times. But in other words --

8 A. Four groups of students, four different times.

9 Q. Why do you have four different --

10 A. Because there is not room in the cafeteria to,
11 I believe, the capacity of the cafeteria is about 90.

12 Q. Does that necessitate some children eating
13 before what most of us would consider a normal lunch
14 hour?

15 A. It extends the lunch hour over a long period of
16 time so that those who eat first are eating
17 rather early and those that are eating last are
18 eating rather late.

19 Q. What time?

20 A. -- The early eating session is 11:40 and the last
21 is 1:10.

22 Q. In your opinion is that desirable for
23 children of that age?

24 A. That is undesirable. It is a long -- it's a
25 long period of time.

1 Q. There's been testimony before you by Mr.
2 Radway on behalf of the Applicant that, in his
3 opinion, there might be three hundred or more
4 additional students in the K through 8 grades
5 generated by Colts Neck Village. Approximately what
6 portion of the K through 8 population attend Atlantic
7 Elementary, what percentage?

8 A. We presently have 292 and our 300 -- I would
9 say 305 of a total population of 1,200. So it's --

10 Q. Roughly?

11 A. -- 25 percent, yes.

12 Q. If Mr. Radway is correct and there are
13 approximately 300 K through 8 children produced by
14 this development, that translates to the 75 or more
15 children being added to the burden that's on Atlantic
16 Elementary; is that correct?

17 A. Yes, it is.

18 Q. What is your opinion of what that would
19 be to the function of education in that building?

20 A. Atlantic School at the present time is already
21 over subscribed in terms of the use. As far as I'm
22 concerned, this would force us to return every
23 classroom space to classroom use and and programs
24 that we have there now, either we have to ship our
25 students to other areas for all of the supplemental

1 instruction. It wouldn't house it. That's all.

2 Q. By other areas are, you talking about
3 other parts of the hallways?

4 A. I was thinking of other places in town;
5 sometimes doing funny things, shipping students
6 around to other schools.

7 Q. To your knowledge, are there any places
8 in town where these children might be educated?

9 A. I don't know. I really wouldn't know.

10 Q. You mentioned before something about
11 noise being a factor or problem --

12 A. Yes.

13 Q. -- in some of the classrooms. Would you
14 explain what you mean by that?

15 A. We have two classrooms that front on 537.
16 Those two classrooms have historically been less than
17 desirable because of the noise pollution. My game
18 plan in the building has been to remove those two
19 classrooms from regular classroom use as soon as
20 possible. That has been achieved in the past two
21 years by using one room as a resource room; using the
22 other room as a room that houses what we call the
23 "resource enrichment program", which is our gifted progr.

24 Q. You put fewer numbers of children in the
25 room because of the noise problem?

1 A. Yes, because we have no classroom teacher standing
2 up addressing an entire class having to compete with
3 trucks and traffic. They are now used by teachers
4 addressing small groups.

5 Q. An observer of your testimony might
6 think to himself that sounds contrived for this
7 application. Would you tell us any incidents that
8 may have occurred that caused substantial problems in
9 the school in regard to noise in this building; when
10 they came about?

11 A. The last time room five, which is one of these,
12 was used as a regular classroom, I moved -- I had to
13 move a teacher from that room because of voice strain.
14 She was having difficulty competing with the noise of
15 the traffic. I moved her to another room completely
16 away from the noise to protect her voice.

17 Q. So that the steps that you've taken to
18 alter the use of those classrooms which are closest
19 to Route 537 were, if anything, long before you heard
20 of the Orgo Farms proposal?

21 A. Absolutely.

22 Q. Tell us something about the noise. You
23 mentioned as an aside trucks. But for the record,
24 explain where that noise comes from?

25 A. It comes from Highway 537. The building is

1 approximately 80 feet at the most from the front step
2 to curb of 537. And the major noise comes from the
3 trucks, some cars, but mainly trucks or large
4 vehicles that go by the school. It's particularly
5 those that are going in an easterly direction because
6 they're stopped at the stop light at 34 and they are
7 changing gears in front of the school.

8 Q. Are you aware of the prior testimony
9 that Henry Ney gave to this Board on this application?

10 A. Yes, I'm aware.

11 Q. Are you aware that he estimates that
12 there will be an increase of traffic on the road?

13 A. Yes.

14 Q. In your opinion, will that increase or
15 decrease, affect a change with the noise that you
16 have with the building?

17 A. I'll really don't now how to answer that,
18 except to say that it certainly wouldn't decrease it
19 any.

20 Q. Are you aware that Mr. Ney talked about
21 a proposal or recommendation to widen Route 537 in
22 front of the school?

23 A. Yes.

24 Q. Are you aware that his testimony was
25 that probably all of the proposed widening that takes

1 place there should take place on the southerly side
2 of 537?

3 MR. SAGOTSKY: May I interrupt?
4 That includes the septic tank being removed and its
5 affecting the septic tank. Are you going to cover
6 that?

7 THE WITNESS: That's a question --

8 MR. SAGOTSKY: Withdraw the
9 question.

10 MR. FRIZELL: Why don't we --
11 we're going to give him a sewer.

12 MR. HERMAN: Is that a commitment?

13 MR. FRIZELL: Sure.

14 BY MR. HERMAN:

15 Q. What effect do you think the road
16 widening would have in front of the building?

17 A. Widening the road in front of the Atlantic
18 Elementary School, 18, 20 feet whatever it is, will
19 have the greatest effect -- well, certainly will have
20 some impact on the noise. It would bring the noise
21 that much closer. How much that will, our
22 environmental expert could be a little more specific
23 here. Probably -- will certainly increase the noise.
24 The decibels will be increased. But the greatest
25 impact, I think, would be on the parking, the parking

1 lot.

2 Q. With regard to the noise, of the aspect
3 of the road widening, there are other classrooms,
4 aren't there, that are near the front but perhaps
5 facing easterly and westerly?

6 A. Yes.

7 Q. In your opinion, will noise levels
8 become difficult to tolerate in those rooms with the
9 road widening?

10 A. I really don't know how to discuss that. But I
11 would say that that's a good possibility because we
12 right now are -- we're just within the tolerability
13 level.

14 Q. Have you checked to see if that proposed
15 road widening would necessitate removing any of the
16 mature trees on the front lawn?

17 A. Yes. I measured and I certainly believe that
18 there will be one tree that must be removed, else we
19 have a tree planted right on the shoulder of the road.
20 There are possibly as many as five that would have to
21 be removed. But probably if you just take your
22 yardsticks and go out and measure, I would say that
23 more than likely there would be three trees that
24 would have to be removed.

25 Q. You are talking about substantial --

1 A. Trees that are mature. These trees that have
2 been there for years.

3 Q. They cut down on the noise?

4 A. That, indeed, cuts down the noise.

5 Q. Would you talk about the greater effect
6 on the parking? Would you explain that?

7 A. We have room for approximately 43 cars,
8 depending on how you count it, 48. By removing 18 to
9 20 feet from the parking lot you remove one entire
10 row of available parking spaces, which would be 16
11 cars.

12 Q. Let's assume for the moment, although it
13 was contrary to Mr. Ney's testimony, they take --
14 only eight or nine feet were removed, because maybe
15 the road could be widened on the north or south of it.
16 Would you save your 16 spaces?

17 A. No, because if anyone has observed, the parking
18 lot -- the parking lot flows up, dead up against 537.
19 We have a curbstone. I would say the nose of a car
20 would be approximately three to four feet from the
21 edge of 537. The cars are right up against it.

22 Q. In your opinion, at the present time,
23 with the 48 spaces, is that parking facility adequate
24 for the building?

25 A. It is definitely inadequate.

1 Q. In your opinion, why and how many more
2 spaces do you think you ought to have?

3 A. During the course of the day, we have just
4 space enough for our own school personnel. In the
5 course of the day, you have parents coming to school
6 for various reasons that deal with school business,
7 programs and just bringing children to and from
8 school. We have difficulty as it is with our present
9 facility finding a place to park and the parking
10 spaces could be doubled and we wouldn't be
11 extravagant. But I would say, conservatively, 20.

12 Q. Why hasn't the parking lot been expanded?

13 A. There is no space to expand the parking lot
14 unless if we expanded parking plot at the expense of
15 playground space. Our playground space is already at
16 a premium.

17 Q. Then your opinion is, if you lost 16
18 spaces, how would you cope with that?

19 A. We would have to create a parking space
20 somewhere.

21 Q. On the ballfield?

22 A. On the ballfield.

23 Q. Let's talk about bus circulation. You
24 have buses come and go?

25 A. Yes.

1 Q. In the morning and the afternoon?

2 A. Yes.

3 Q. Can you tell the Board where those buses --
4 what portion of the property they use?

5 A. Well, let's go to the end of school. The time
6 of greatest impact is the close of the school day.
7 We have all -- because they're all students going out
8 from their classrooms, getting ready to go home.
9 This past year we had eight buses, three buses in
10 their little semicircle in front of the building,
11 five buses on the curve near the sidewalk. The
12 sidewalk curves around the parking area. The buses
13 would line up, the five buses line up in that area
14 for dismissal.

15 Q. Is there ample room for those buses? Is
16 there extra room for those buses?

17 A. There is just room for the buses presently. If
18 we were to lose that parking space, perhaps those
19 cars would be parked up against where the bus
20 normally comes. We have a marked off drive where the
21 buses come in and park presently. That area
22 certainly would be lost.

23 Q. So you are saying if the road was
24 widened, you lost part of the parking lot, you
25 wouldn't know where to put the buses? X

1 A. we wouldn't have a place for the buses to pull
2 into.

3 Q. At the present time, with the available
4 space, is there, in your opinion, any problem or
5 hazard with the buses coming in, the ingress and
6 egress to and from the semicircle and to and from the
7 little parking lot due to traffic hazards on 537?

8 A. Traffic on 537 is most noticeable at the close
9 of the day. It is quite common for traffic to be
10 backed up, as we're getting ready for the buses to
11 pull out on 537, it is quite common for traffic to be
12 backed up from the -- lined up at the fire hall or
13 past the middle of the school, sometimes even past
14 the school.

15 Q. You are saying the traffic, not from the
16 school, from 537 is often backed up from 34 beyond
17 the school?

18 A. Say the westerly drive to the eastern driveway
19 to the parking lot is very common.

20 Q. How do your buses cope with that?

21 A. We have -- the Township is good enough to provide
22 us with a crossing guard that crosses the -- in this
23 case, a student and stops the traffic to get the
24 buses out on 537.

25 Q. The student that you referred to, what --

1 A. He lived directly across the street.

2 Q. He walked to school?

3 A. Correct.

4 Q. If traffic were increased or the road
5 were widened, do you see an additional problem, an
6 additional problem for the buses and the cars coming
7 and going from your facility? +

8 A. with the increased traffic at that time of the
9 day. I don't know how the impact would be in the
10 morning. We may have a whole set of new problems in
11 the morning. I don't know what that would bring.
12 But in the afternoon, we have traffic problems as it
13 is. More cars certainly do increase the traffic
14 problem.

15 Q. Did you ever have a safety hazard with
16 regard to the road in terms of the children?

17 A. Yes.

18 Q. I am not talking about the vehicular
19 traffic?

20 A. The children, yes.

21 Q. How does that problem come about?

22 A. By the fact that the playground is already very
23 close to 537. We have the buffer zone, as the
24 parking lot. And occasionally we have one of our
25 playground balls roll out into the parking lot and

1 have rolled out onto 537.

2 Q. You mean you can't control the children
3 from running into the street?

4 A. we can control the children. we can't always
5 control the balls.

6 Q. Looking at this plan, A-34B, do you see
7 some kind of a pond in the northwesterly corner of
8 the Orgo Farms tract?

9 A. Yes.

10 Q. In your opinion, would that pond create
11 a hazard at the school or any kind of attractive
12 nuisance for the children?

13 A. water is always an attraction to the children.
14 And it is very close or, by the model, it appears
15 very close. It is conceivable to me it could be an
16 attractive nuisance. I don't know how it would be
17 constructed, but it's very close to the school.

18 Q. One last question, Mr. Noland. Based on
19 what you know of the Applicant's proposal, the
20 proximity of the school, the effects we just talked
21 about with regard to the noise, safety, room in the
22 facilities, vehicular traffic, lack of adequate
23 playing area and so forth, what is your opinion of
24 the effect that this proposal would have upon your
25 school building if approved?

1 A. I think it would have a negative effect upon
2 the school.

3 MR. HERMAN: I have no further
4 questions. I thank the Board's indulgence for the
5 hour.

6 THE CHAIRMAN: Members of the
7 Board, any questions of Mr. Noland?

8 MR. NIEMANN: Yeah. If this
9 project is phased in over a number of years, would
10 you envision any kind of noise problems or problems
11 associated with construction of the project in the
12 operation of your daily activities of the school?

13 THE WITNESS: I don't know how
14 that would affect our school and -- I don't know. We
15 just heard testimony about the fact that construction
16 noise would be the noise that would be of the
17 greatest during that period of time. Our noise, at
18 the moment, comes more from 537. I really don't know
19 how to answer that.

20 MR. DAHLBOM: Has the Township at
21 all made any plans for expanding the Atlantic School?

22 THE WITNESS: None to my
23 knowledge

24 MR. DAHLBOM: So you are in
25 trouble today and in year 1978 and you indicate in

1 worse trouble if the development goes ahead.

2 THE WITNESS: That's right.

3 MR. DAHLBOM: Why haven't we
4 planned to expand the ground there around that school?

5 MR. HERMAN: Maybe we didn't know
6 we were getting this project.

7 THE WITNESS: What was your
8 question again, please?

9 MR. DAHLBOM: Why haven't we made
10 any plans to get additional land for expanding
11 Atlantic School?

12 THE WITNESS: I would say that
13 Atlantic School is a victim of lack of long range
14 plans and we're kind of in a holding pattern as to
15 what happens in Colts Neck. We, very simply,
16 Atlantic school is -- right now we have no long range
17 plans. We are in a holding pattern to determine what
18 kind of renovation we make to the building in terms
19 of whether or not we should try to expand our grounds;
20 in terms of whether or not we should -- there are a
21 number of options that have been discussed. But we
22 have no long range plans for this building

23 MR. DAHLBOM: Wouldn't it be more
24 appropriate to abandon the school and put a school in
25 some other part of the Township? It's in a bad

1 location to start with.

2 THE WITNESS: That's one of the
3 options.

4 MR. DAHLBOM: You are in such
5 trouble today, you don't have much in the way of
6 options.

7 THE WITNESS: The school has been
8 there since 1922. I really feel that it will be
9 there next year, the year after that and I can very
10 well retire right there.

11 MR. DAHLBOM: Yeah, I think you
12 could.

13 THE CHAIRMAN: Mr. Noland, there
14 is a -- with the possibility of 75 new students and
15 no facilities for them, is there any possibility that
16 we could lose accreditation?

17 THE WITNESS: We would have to
18 seek permission to do some extraordinary things. I
19 don't know about losing accreditation. That's one of
20 the possibilities. But we would have to seek
21 approval for whatever plans we might come up with to
22 remedy the situation. That approval could come from
23 the County Superintendent of Schools. We already
24 will be -- in fact, we just discussed this today --
25 petitioning the Superintendent to allow us to keep

1 the partition up for another year in the cafeteria,
2 that separates the cafeteria from the music room.
3 It's a temporary partition that somehow simply became
4 permanent. It's been there for several years. Every
5 year we go through the same process.

6 THE CHAIRMAN: Any other
7 questions from the Board members?

8 Mr. Frizell?

9 MR. FRIZELL: No questions.

10 THE CHAIRMAN: Planning?

11 MR. MARKS: No questions.

12 THE CHAIRMAN: Anyone from the
13 audience would like to ask Mr. Noland a question?

14 THE CHAIRMAN: Thank you, Mr.

15 Noland.

16 (Whereupon the witness is
17 excused.)

18 I'll entertain --

19 MR. BRENNAN: Move we adjourn the
20 meeting.

21 MR. DAHLBOM: Second.

22 (Whereupon the meeting is
23 adjourned at 11:50 p.m.)

24

25

1
2
3
4 CERTIFICATE
5

6 I, KATHLEEN M. SHAPIRO, a Registered
7 Professional Reporter and Notary Public of the State
8 of New Jersey, certify that the foregoing is a true
9 and accurate transcript of the proceedings as taken
10 before me stenographically on the date hereinbefore
11 mentioned.
12

13 
14 KATHLEEN M. SHAPIRO, R.P.R., C.P.

15 Dated: July 31, 1980
16 My Commission Expires on
17 June 7, 1983
18
19
20
21
22
23
24
25