

AD - Bernards

04/12/1976

Allan-Deane Corp v. Top of Bernards

Plaintiff's demand for defend. answers to
Interrogatories (first set)

pgs. 60

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 ATTORNEYS FOR Plaintiff

SUPERIOR COURT OF NEW JERSEY
 LAW DIVISION-SOMERSET COUNTY
 DOCKET NO. L-25645-P.W.

THE ALLAN-DEANE CORPORATION,)
 a Delaware corporation, qualified)
 to do business in the State of)
 New Jersey,)

Plaintiff,)

vs.)

THE TOWNSHIP OF BERNARDS, IN THE)
 COUNTY OF SOMERSET, a municipal)
 corporation of the State of New)
 Jersey, THE TOWNSHIP COMMITTEE)
 OF THE TOWNSHIP OF BERNARDS, and)
 THE PLANNING BOARD OF THE TOWN-)
 SHIP OF BERNARDS,)

Defendants.)

Civil Action

INTERROGATORIES

(FIRST SET)

TO: McCarter & English, Esquires
 550 Broad Street
 Newark, New Jersey 07102

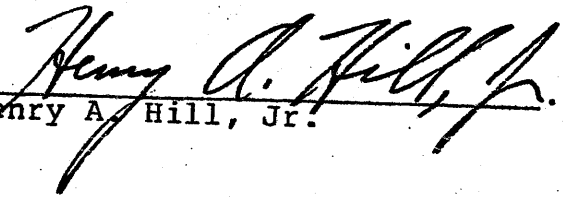
SIRS:

PLEASE TAKE NOTICE that the undersigned demand
 that the Defendants, THE TOWNSHIP OF BERNARDS, IN THE COUNTY
 OF SOMERSET, THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF

BERNARDS and THE PLANNING BOARD OF THE TOWNSHIP OF BERNARDS,
give certified answers to the following Interrogatories,
based upon the knowledge and information available to them
and to their agents and attorneys, within the time period
allowed by the rules of Court.

MASON, GRIFFIN & PIERSON
Attorneys for Plaintiff

By:


Henry A. Hill, Jr.

Dated: April 12, 1976

DEFINITIONS

Whenever any of the following terms are used in the within Interrogatories, such term shall have the following meaning:

PLAINTIFF. shall mean THE ALLAN-DEANE CORPORATION and any of its agents, servants or employees, including any attorneys it may have employed or still employs.

DEFENDANT. shall include THE TOWNSHIP OF BERNARDS, THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF BERNARDS and THE PLANNING BOARD OF THE TOWNSHIP OF BERNARDS and any individual member of the COMMITTEE or PLANNING BOARD, including any attorneys it may have employed or still employs.

PERSON. shall mean any individual, corporation, partnership, or unincorporated association, or sole proprietorship.

DOCUMENT or WRITING. shall mean all documents as defined in Rule 4:18-1 of the New Jersey Rules of Civil Procedure, all writings of any nature whatsoever and all non-identical copies of different versions of the same document (e.g. copies of a printed document with different handwritten notations), in your possession, custody or control or to which you have or have had access, regardless of location, and includes, but is not limited to, agenda, agreements,

INTERROGATORIES

1. (a) Identify those person who were retained to provide expert or other technical services with respect to the adoption of the Defendants' present Master Plan or Zoning Ordinance. Without limitation of the foregoing, specify,

(i) the persons employed or retained by Charles Agle in research, drafting, planning or other functions relating to the Master Plan or Comprehensive Zoning Ordinance;

(ii) any other expert or technical firms or persons retained or consulted;

(iii) the particular studies, services or other functions which each person provided;

(iv) the date when each person was retained; and

(v) the professional qualifications of each such person, including his education, prior employment and publications.

(b) In accordance with Rule 4:17-4(a), identify and attach a copy of all documents relevant to the facts set forth in your answer to Interrogatory No. 1(a) above, which is not more than ten pages in length.

1(a). The only expert employed by the Township for technical services in preparation of the Master Plan was Mr. Charles K. Agle, 10 Nassau Street, Princeton, New Jersey. Mr. Agle was appointed at the Township Committee Organization Meetings on January 2, 1974 and January 1, 1975. Mr. Agle's employees were: Draftsmen - Jack McDonald, Ken Abrams, Bob Allen. Secretary - Terry McQuade. Qualifications will be supplied. In addition, members of the Planning Board of course worked extensively on the Master Plan.

2. (a) Identify those persons who were retained to provide expert or other technical services with respect to the Defendants' present Natural Resource Inventory. Without limitation of the foregoing, specify:

(i) all persons, planning firms, or associations employed, retained or volunteered to do research, drafting, planning or other functions relating to the Natural Resource Inventory;

(ii) any other expert or technical firms or persons retained or consulted;

(iii) the particular studies, services or other functions which each person provided;

(iv) the date when each person was retained; and

(v) the professional qualifications of each such person, including his education, prior employment and publication.

(b) In accordance with Rule 4:17-4(a), identify and attach a copy of all documents relevant to the facts set forth in your answer to Interrogatory No. 2(a) above, which is not more than ten pages in length.

2(a). The only person employed by the Township for technical services with respect to the Natural Resource Inventory was Mr. Peter Larson, Executive Director, Upper Raritan Watershed Association, Far Hills, New Jersey. Qualifications will be supplied.

The Bernards Township Natural Resource Inventory was a product of the Township Environmental Commission as listed in the document.

i. The URWA was retained to do research and drafting.

ii. All other sources of information are contained in the bibliography. Sections of the text were substantially expanded by volunteered expertise from members of the environmental commission as credited in the introductory sections. They utilized their own professional contacts.

iii. These are credited in the Natural Resource Inventory as appropriate.

iv. URWA was generally engaged without formal contract as early as 1972. The environmental commission membership does not serve for pay so retainer is not applicable.

v. See resume Larson. Environmental commission credentials include professional geologist, biologist, lawyer, engineer, ecologist, horticulturist as described in (b) Natural Resource Inventory Vol. 1, introductory page. Other documents will be supplied.

3. (a) Describe the procedural steps taken in the adoption of the present BERNARDS TOWNSHIP Zoning Ordinance, including any and all amendments thereto. Without limitation of the foregoing, specify:

(i) the date the draft Ordinance, and any subsequent amendments thereto, was first presented to the TOWNSHIP COMMITTEE; and

(ii) the date or dates of any and all public hearings held by the TOWNSHIP COMMITTEE or the PLANNING BOARD relating to the adoption of the Zoning Ordinance or any subsequent amendments thereto.

(b) State the names and addresses of, and otherwise identify, all persons having knowledge of the facts set forth in your answer to Interrogatory No. 3(a) above, together with the general substance of their knowledge.

(c) In accordance with Rule 4:17-4(a), identify and attach a copy of all documents relevant to the facts set forth in your answer to Interrogatories No. 3(a) and 3(b) above, including a copy of the minutes of all meetings of the TOWNSHIP COMMITTEE or of the PLANNING BOARD, at which the Zoning Ordinance, or any subsequent amendments or proposed amendments thereto, was discussed.

3(a). Zoning was first adopted in the Township on November 23, 1937. Its first major revision was adopted on September 28, 1954. The zoning ordinance was codified as part of an overall ordinance codification in 1968. This codified ordinance was adopted on August 20, 1968.

Since that time, a series of fourteen amendments have occurred to the zoning ordinance. The following is a list of those amendments and the dates of adoption:

Ordinance No. 261 (Intensity of Use)	December 7, 1971.
Ordinance No. 279 (Creating OLI, OL2, OB)	May 23, 1972
Ordinance No. 282 (Setback Requirements)	June 5, 1972
Ordinance No. 285 (Building Height)	June 20, 1972
Ordinance N.. 294 (Building Permit Fees)	September 19, 1972
Ordinance No. 298 (Upgrading to 3A and 1A)	December 5, 1972
Ordinance No. 309 (Environmental Impact Report)	April 3, 1973
Ordinance No. 313 (Cluster Zoning)	May 22, 1973
Ordinance No. 315 (1A to 3A - Lord Stirling Park)	May 8, 1973
Ordinance No. 347 (PRN)	August 20, 1974
Ordinance No. 361 (PRN - Business Zone)	April 22, 1975

Ordinance No. 364 (Environmental Impact Report)	June 2, 1975
Ordinance No. 366 (PRN - Industrial Zone)	June 17, 1975
Ordinance No. 385 (Balanced Residential Complex)	May 18, 1976

3(c) Minutes of Township Committee meetings at which zoning ordinance and amendments to zoning ordinance were adopted are available for review at Township offices.

4. (a) Identify all litigation in which a Complaint was filed on or after the adoption of the present BERNARDS TOWNSHIP Zoning Ordinance which challenges substantive or procedural aspects of the Comprehensive Zoning Ordinance. Without limitation of the foregoing, specify:

(i) the Court, Docket Number, and parties to such litigation;
(ii) the nature of the claims or allegations of the Complaint; and
(iii) the outcome or present status of the litigation.

(b) State the names and address of, and otherwise identify, all persons having knowledge of the facts set forth in your answer to Interrogatory No. 4(a) above, together with the general substance of their knowledge.

(c) In accordance with Rule 4:17-4(a), identify and attach a copy of all documents relevant to the facts set forth in your answer to Interrogatories No. 4(a) and 4(b) above, which is not more than ten pages in length.

4. There follows to the best of our knowledge a list of all litigation against the Township related to zoning:

<u>Township Atty.</u>	<u>Plaintiff, Docket No., Date</u>
Kearns & Bruder	Vera Dettweiler Easling - L-25293-66 P.W., May 5, 1969
Kearns & Bruder Mahlon Ortman	Selmer Loft - L-25947-69 P.W. (S-7606 P.W.) 1972 Alice J. Hansen (Intervenor)
Farrell, Curtis, Carlin, Davidson & Mahr	John H. & Mary L. Geiger - L-16669-71 P.W., 1972
Kearns & Bruder	Betty M. Olson, et als. - L-35260-66 P.W. 1969 (S-5554)
Kearns & Bruder Wharton, Stewart & Davis	Knights Development Corp. - L-24450-66 (Dismissed 1-10-69)
Kearns & Bruder Wharton, Stewart & Davis	Gunther Krogoll - L-311732-70 (S-8432) Dismissed 11-8-72

Wharton, Stewart & Davis

Alice J. Hansen, et als. -
L-12870-72 P.W. (S9628)
May 20, 1974

Wharton, Stewart & Davis

Theodore Lorenc, et als. -
L-6237-74 P.W., October 18, 1974

- 4(b) Objected to; unduly burdensome and irrelevant.
- 4(c) Having identified the suits and their docket numbers, plaintiff can find information relating to above on file in the office of the Clerk of the Superior Court of New Jersey or in Township files (except privileged matters).

5. (a) Describe all meetings or conversations of Defendants in 1969, 1970 or 1971 with Officials from the American Telephone & Telegraph Co. or the 195 Broadway Corporation regarding A.T.&T.'s request for a rezoning of 24.5 acres from Residential to Office Research (OL-1) in order to allow A.T.&T. to construct its world headquarters in BERNARDS TOWNSHIP. Without limitation of the foregoing, specify:

(i) the time, place and persons present;
(ii) the general substance of what each person said; and
(iii) the conclusions or instructions which resulted.

(b) State the names and addresses of, and otherwise identify, all persons having knowledge of the facts set forth in your answer to Interrogatory No. 5(a) above, together with the general substance of their knowledge.

5. Objected to. The information called for is burdensome. It calls for information on meetings 5 to 7 years ago as to which there may or may not be a record. It also calls for irrelevant information, in that meetings 5 to 7 years ago preceding zoning changes are irrelevant; the fact of the zoning change may or may not be relevant. Plaintiff may inspect all Township files relating to zoning changes (except privileged material, if any).

6. Set forth all facts which support, rebut or pertain in any way to the validity of the rezoning of Residential lands in 1971 to Office-Research use in order to permit the construction of the A.T.&T. world headquarters. Without limitation of the foregoing, specify:

(a) the zoning purpose or purposes as permitted in N.J.S.A. 40:55, which said rezoning was intended to promote;

(b) the manner in which the rezoning followed the objectives of the TOWNSHIP's Master Plan; and

(c) all expert or technical reports, studies, findings or data of any kind which supported the rezoning of 24.5 acres of formerly Residential land to Office-Research.

(d) In accordance with Rule 4:17-4(a), identify and attach a copy of all documents relevant to the facts set forth in the answers to Interrogatory Nos. 6(a), 6(b) and 6(c) above.

6(a). Objected to. Zoning change in 1971 is not at issue. Also burdensome.

(b) Objected to. See 6(a).

(c) A search of the files did not produce any reports. Plaintiff can inspect files.

(d) Same as 6(c).

7. (a) Set forth all representations made by the American Telephone & Telegraph Co. or its subsidiary, 195 Broadway Corporation, regarding the number of employees who would be working at the BERNARDS A.T.&T. facility, the salary or income levels of various categories of employees, and A.T.&T.'s representations with regard to the availability of housing for said employees. Without limitation of the foregoing, specify:

(i) all economic, fiscal or other data conveyed by A.T.&T. or its subsidiaries to Defendants regarding the income levels of the employees who would be working at the BERNARDS TOWNSHIP A.T.&T. facility;

(ii) all expert or technical reports, studies, findings or data of any kind given to Defendants by A.T.&T. or prepared by or for Defendants regarding the income levels of A.T.&T. employees in BERNARDS TOWNSHIP, the housing needs of A.T.&T. employees or the impact of A.T.&T. on the BERNARDS TOWNSHIP region; and

(iii) all expert or technical reports, studies findings or data of any kind prepared by Defendants, A.T.&T. or its subsidiaries, regarding the commercial needs of the employees at the BERNARDS TOWNSHIP A.T.&T. facility for shopping and other services.

(b) In accordance with Rule 4:17-4(a), identify and attach a copy of all documents relevant to the facts set forth in your answer to Interrogatory No. 7(a) above.

7. "Socioeconomic, Environmental and Traffic Impact Report" dated July 17, 1973 was submitted by 195 Broadway Corporation and an Addendum to that report was submitted by the same corporation on September 17, 1974. Both of these voluminous reports are available for review at the Township offices.

AT&T, et al. may have made oral representations or statements at public meetings or in the press. Plaintiff may inspect all minutes of public meetings and has access to media information.

8. Did Defendants receive any advice prior to the rezoning of the 24.5 acres of formerly Residential land to Office-Research (OL-1) from their planners or other experts to the effect that the accommodation of A.T.&T. and the location in BERNARDS TOWNSHIP of a large employment center might obligate the municipality to zone for housing, commercial and service uses in order to meet the needs of the persons duly employed in BERNARDS TOWNSHIP.

9. (a) If the answer to the preceding Interrogatory is in the affirmative, identify the person who rendered such advice to Defendants and the manner in which such advice was rendered. Without limitation of the foregoing, specify:

(i) the date or dates on which such advice was rendered;

(ii) all documents in which the substance of this advice is recorded; and

(iii) the person or persons present when such advice was rendered;

(b) In accordance with Rule 4:17-4(a), attach a copy of all documents identified in the answer to Interrogatory No. 9(a) above.

8 and 9. Same as 6(c).

As a consultant to a private group of citizens in the northern part of the Township, Charles Agle verbally advised the Planning Board that rezoning for industry near the Maple Avenue interchange would bring population growth and increase need for municipal service. This meeting was in 1969, 1970 or 1971, and it is believed AT&T was not mentioned.

Minutes of Planning Board may reflect above recited advice.

10. With respect to Defendant-Planner, Charles K. Agle, set forth:

(a) the date on which he was appointed as Planner for Defendant, PLANNING BOARD;

(b) the period during which he has served as Planner for Defendants;

(c) whether he has written any memoranda to Defendants or given any oral advice to Defendants similar to or touching upon any of the matters discussed in his memorandum of July 10, 1972 to the Bedminster Planning Board entitled "Accommodation of Corporate Offices, e.g. A.T.&T., Western Electric, J-M, etc." If the answer to this Interrogatory is in the affirmative, attach, in accordance with Rule 4:17-4(a), a copy of all documents addressed to Defendants or prepared while working for Defendants relating to or pertaining in any way to his opinions regarding the obligation of municipalities which accommodate large employment generators to zone for housing, commercial facilities or service facilities to provide for the needs of persons employed in that municipality;

(d) specify the professional qualifications of Mr. Agle including his education, prior employment and his publications.

10 (a). See answer to 1(c). Mr. Agle's first employed meeting with the Planning Board was January 1972.

(b) From January 1972 to present.

(c) There is no single document relating exclusively to the housing obligations proportioned to local employment, similar to the Bedminster Document of 10 July 1972. It is, however, implicit in the Master Plan and all discussions and work leading to that document. Handwritten minutes of Planning Board secretary outline presentation of Mr. Charles Agle at Master Plan Hearing on July 29, 1969. Copy of these notes is attached. These notes indicate that Mr. Agle left a report. The report has not been discovered in our files.

(d) Professional qualifications of Mr. Agle will be supplied.

11. (a) Set forth all facts which support, rebut or pertain in any way to the designation of Plaintiff's property on the Master Plan of the TOWNSHIP OF BERNARDS as an area designated for Sparse Residential Development. Without limitation of the foregoing, specify:

(i) all facts which support the distinction in treatment between Plaintiff's lands and the proposed Pingry School;

(ii) all expert or technical reports, studies, findings or data of any kind which supports such proposed limited Residential use; and

(iii) identify the source of all expert or technical reports, studies, findings or data upon which Defendants will rely to support such designation of Plaintiff's lands.

11 (a) and (a)(i). Sparse residential use in the 3A zone is necessitated first by basalt geology and a variety of soil types which make on site sewage disposal not feasible. This is detailed in the Natural Resources Inventory, which also discusses other geological factors. Secondly, the Allan-Deane lands are not well located with respect to transportation or other municipal infrastructures, including sewers, shopping or schools.

More particularly from an environmental assessment, plaintiff's property lies on the second Watchung Mountain trap rock, low in water yield. Soils are generally thin and limited in capability for on site sewage disposal. Because of trap rock, installation of water and sewer would be necessary and very costly. The cost offset would require high density development. That is not appropriate for the mountain area in regional planning as shown by the county plan and other regional plans. Further high density development would adversely affect stream pollution balance as now recognized from nonpoint pollution sources. All available stream capacity for assimilation of sewage will be needed for existing development and to correct existing problems. Expansion of sewerage service is therefore not feasible. The region is already under severe water supply constraints and no allocation plans exist to date to otherwise guarantee major new sources of water to encourage major new development.

Pingry School has similar geological and soils constraints. However, it is located adjacent to an existing water supply system. Uses will be much lower for a school than for residential use. Sewerage is also available to nearby Warren

Township facilities which have the small capacity needs available. Upgrading of that facility will be facilitated by Pingry as a customer so environmental enhancement may likely proceed sooner. Dispersal of effluent to the Warren plant has less effect on the Dead River lower in the watershed than an increase in the Bernards plant would.

Lands of Allan-Deane lie in environmentally sensitive watershed areas which will not support high density land use development.

(ii) and (iii). Natural Resources Inventory; Somerset County Master Plan, all regional reports referred to therein. other experts' reports and regional plan documents will be supplied.

11. (b) State the names and addresses of, and otherwise identify, all persons having knowledge of the facts set forth in the answer to Interrogatory No. 11(a) above, together with the general substance of their knowledge. Without limitation of the foregoing, identify each person or persons who:

(i) first proposed such designation of Plaintiff's property;

(ii) drafted the sections of the Zoning Ordinance designating Plaintiff's property as 3-acre Residential; and

(iii) communicated with Defendants in support of or in opposition to this designation in the Master Plan, and the substance of the communication.

(c) In accordance with Rule 4:17-4(a), attach a copy of all documents relevant to the facts set forth in your answer to Interrogatory Nos. 11(a) and 11(b) above.

Peter Larson
Charles Agle
Tri-State Regional Plan Commission
Regional Plan Association
Somerset County Planning Board
Morris County Planning Board

Defendant's experts names to be supplied.

List of members of Township Committee and Planning Board in 1975 is attached. These members served on the 1975 Master Plan Committee which determined that the sparse development called for on the plaintiff's land was appropriate.

12. If Defendants contend that there are environmental considerations which justify the designation of Plaintiff's lands on the Master Plan as an area limited to Sparce Residential Development and the designation of Plaintiff's property in the Zoning Ordinance as 3-acre Residential, identify those environmental considerations as the same relate to the Plaintiff's property.

12. See answer to No. 11.

13. Set forth in detail each fact or facts upon which the Defendants will rely in order to show that the land uses permitted in the TOWNSHIP OF BERNARDS preserve the quality of any stream and that said stream or streams are an important source of the public water supply. Without limitation of the foregoing, specify:

(a) and identify the source of all expert or technical reports, studies, findings or data which support or pertain in any way to Defendants' conclusion that the existing zoning of Plaintiff's property tends to preserve the quality of any river, stream or tributary;

13. See answer to No. 11.

The property in question is a headwater area of the Dead River. The Dead River is already heavily impacted by pollution from existing development. (Conclusion of Northeast Study, URWA Resource Inventory). The master plan seeks to balance the use of land which should be not sewered with that which is sewered toward preservation of stream quality. Commonwealth Water Company has the franchise for water supply in the region. Its Canoe Brook reservoir pumps water from the Passaic River downstream of Bernards Township.

Supportive studies are found in the N.R.I. bibliography.

The Passaic Valley Water Commission pumps approximately 75 million gallons per day from the Passaic River at Little Falls to supply over 400,000 people in 16 municipalities.

13. (b) and identify all witnesses upon whose testimony the Defendants will rely to establish the facts mentioned in the preceding Interrogatory and, if any of said witnesses are experts, specify:

(i) the date when each person was retained;

(ii) the professional qualifications of each such person, including his education, prior employment and publications; and

(iii) the particular studies, services or other functions which each person provided.

(c) In accordance with rule 4:17-4(a), identify and attach a copy of all documents relevant to the facts set forth in the answer to Interrogatory No. 13(a) which is not more than ten pages in length.

13(b). Peter Larson
Charles Agle

Others will be supplied.

14. State whether or not Defendants contend that Plaintiff's property is an aquifer-recharge area.

15. If the answer to the preceding Interrogatory is in the affirmative, state the names and addresses of all witnesses upon whose testimony Defendants will rely to establish the facts mentioned in the preceding Interrogatory and, if any of said witnesses are experts, identify the field of expertise and attach a true copy of any and all reports submitted in connection therewith and which will be relied upon at the time of trial.

14 and 15. The phrase "aquifer-recharge area" is not understood. All land, wherever situate, acts to some extent as a recharge area for ground water supply unless underlying geological formation is totally impervious.

Names of experts will be supplied.

16. (a) Describe all meetings or conversations of Defendants at which Plaintiff's letter of November 1, 1971 was the subject of discussion. Without limitation of the foregoing specify:

(i) the time, place and persons present;
(ii) the general substance of what each person said; and
(iii) the conclusion or instructions which resulted.

(b) State the names and addresses of, and otherwise identify, all persons having knowledge of the facts set forth in the answer to Interrogatory No. 16(a) above, together with the general substance of their knowledge.

(c) In accordance with Rule 4:17-4(a), identify and attach a copy of all documents relevant to the facts set forth in the answer to Interrogatory Nos. 16(a) and 16(b) above.

16. Objected to as burdensome and irrelevant. Plaintiff is free to inspect all records of plaintiff and minutes of meetings (except privileged material) if plaintiff believes information sought is relevant.

17. (a) Describe all meetings or conversations of Defendants at which Plaintiff's letter of November 11, 1975, was the subject of discussion. Without limitation of the foregoing, specify:

(i) the time, place and persons present;
(ii) the general substance of what each person said; and
(iii) the conclusion or instructions which resulted.

(b) State the names and addresses of, and otherwise identify, all persons having knowledge of the facts set forth in the answer to Interrogatory No. 17(a) above, together with the general substance of their knowledge.

(c) In accordance with Rule 4:17-4(a), identify and attach a copy of all documents relevant to the facts set forth in the answer to Interrogatory Nos. 17(a) and 17(b) above.

17. Objected to. See answer to No. 16.

18. (a) Describe all meetings or conversations of Defendants at which Plaintiff's letter of December 31, 1975, was the subject of discussion. Without limitation of the foregoing, specify:

(i) the time, place and persons present;
(ii) the general substance of what each person said; and
(iii) the conclusion or instructions which resulted.

(b) State the names and addresses of, and otherwise identify, all persons having knowledge of the facts set forth in the answer to Interrogatory No. 18(a) above, together with the general substance of their knowledge.

(c) In accordance with Rule 4:17-4(a), identify and attach a copy of all documents relevant to the facts set forth in the answer to Interrogatory Nos. 18(a) and 18(b) above.

18. Objected to. See answer to No. 16.

19. (a) Describe all communications between Defendants and Charles V. Agle which related to the zoning of Plaintiff's properties or Plaintiff's plans for the development of its properties in BERNARDS TOWNSHIP. Without limitation of the foregoing, specify:

(i) the date, place, manner and source of each such communication;

(ii) the persons present during the communications;

(iii) the general substance of what each person said or wrote; and

(iv) identify the source of all memoranda, reports or studies prepared by Mr. Agle to justify the existing zoning of Plaintiff's properties, Defendants' existing housing policies, criticizing or commenting on the methodologies of Plaintiff's expert witnesses in computing BERNARD TOWNSHIP'S "fair share" of housing, housing density and land costs, or any other subject relative to the issues in this litigation.

(b) State the names and addresses of, and otherwise identify, all persons having knowledge of the facts set forth in the answer to Interrogatory No. 19(a) above, together with the general substance of their knowledge.

(c) In accordance with Rule 4:17-4(a), identify and attach a copy of all documents relevant to the facts set forth in the answer to Interrogatory Nos. 19(a) and 19(b) above.

19. Mr. Agle will supply all files for inspection unless they are already marked in the Lorenc lawsuit and in possession of the Court. Township files are open for inspection. If communication refers to oral contacts, objected to as burdensome and harassing.

20. (a) Describe all meetings or conversations of Defendants at which Plaintiff's proposal presented at a public meeting of the PLANNING BOARD on February 10, 1976, was the subject of discussion. Without limitation of the foregoing, specify:

(i) the time, place and persons present;
(ii) the general substance of what each person said; and
(iii) the conclusion or instructions which resulted.

(b) State the names and addresses of, and otherwise identify, all persons having knowledge of the facts set forth in the answer to Interrogatory No. 20(a) above, together with the general substance of their knowledge.

(c) In accordance with Rule 4:17-4(a), identify and attach a copy of all documents relevant to the facts set forth in the answer to Interrogatory Nos. 20(a) and 20(b) above.

20. Objected to. See answer to No. 16. Plaintiff is free to inspect minutes of all public meetings, except for closed portions thereof, when pending, threatened or anticipated litigation was discussed.

21. (a) Describe all communications between Defendants and Peter W. Larson, Executive Director, Upper Raritan Water Shed Association, or with other members of the Upper Raritan Water Shed Association, which related to the zoning of Plaintiff's properties in BERNARDS TOWNSHIP or Plaintiff's proposal to develop its properties. Without limitation of the foregoing, specify:

(i) the date, place, manner and source of each such communication;
(ii) the persons present during the communications; and
(iii) the general substance of what each person said or wrote.

(b) State the names and addresses of, and otherwise identify, all persons having knowledge of the facts set forth in the answer to Interrogatory No. 21(a) above, together with the general substance of their knowledge.

(c) In accordance with Rule 4:17-4(a), identify and attach a copy of all documents relevant to the facts set forth in the answer to Interrogatory Nos. 21(a) and 21(b) above.

21. See answer to 2(b). Natural Resource Inventory. Defendants believe that there have been no written communications which relate specifically to plaintiff's property on the subject of zoning. There have been over three years many work meetings of the planning board on the N.R.I. and discussions of a general nature, including zoning. There have been several public meetings on presentation of the N.R.I. to the public wherein interpretations were suggested including lands of the plaintiff.

One communication to Ralph Schlenker dealt with suggested environmental density planning factors as a criteria for zoning in general. Will supply.

Defendants believe oral communications were generally of same nature, but obviously cannot recall all oral communications between multiple parties.

22. (a) Describe all communications between Defendants and William E. Roach, Jr., Director of the Somerset County Planning Board or with any other member of the Somerset County Planning Board, which related to the zoning of Plaintiff's properties in BERNARDS TOWNSHIP or to Plaintiff's proposal for the development of its properties. Without limitation of the foregoing, specify:

(i) the date, place, manner and source of each such communication;

(ii) the persons present during the communications;

(iii) the general substance of what each person said or wrote; and

(iv) and identify any correspondence known to Defendants between Mr. Roach and the New Jersey Department of Community Affairs, Mr. Roach and the New Jersey Department of Environmental Protection, or between members of the Somerset County Planning Board or its staff and any employee of the State of New Jersey, relating to the zoning of Plaintiff's properties, Plaintiff's development plans, or that portion of the Somerset County Master Plan which designates the County Planning Board's recommendations as to the proper use of Plaintiff's lands.

(b) State the names and addresses of, and otherwise identify, all persons having knowledge of the facts set forth in the answer to Interrogatory No. 22(a) above, together with the general substance of their knowledge.

(c) In accordance with Rule 4:17-4(a), identify and attach a copy of all documents relevant to the facts set forth in the answer to Interrogatory Nos. 22(a) and 22(b) above.

22. Defendants' files are open for inspection by plaintiff. Request for oral communications objected to as burdensome. Defendants have no specific knowledge other than what is in the Township files.

23. (a) Describe all communications between Defendants and the American Telephone & Telegraph Company or any of its officers or employees, which related to the zoning of Plaintiff's properties in BERNARDS TOWNSHIP or to Plaintiff's proposal for the development of its properties. Without limitation of the foregoing, specify:

(i) the date, place, manner and source of each such communication;
(ii) the persons present during the communications; and
(iii) the general substance of what each person said or wrote.

(b) State the names and addresses of, and otherwise identify, all persons having knowledge of the facts set forth in the answer to Interrogatory No. 23(a) above, together with the general substance of their knowledge.

(c) In accordance with Rule 4:17-4(a), identify and attach a copy of all documents relevant to the facts set forth in the answer to Interrogatory Nos. 23(a) and 23(b) above.

23. Have no knowledge of any such communications. Plaintiff may inspect Township files.

24. (a) Describe all communications between Defendants and the New Jersey State Department of Environmental Protection or the United States Environmental Protection Agency or with any employee of either Department or Agency, which related to the proposed development of Plaintiff's properties. Without limitation of the foregoing, specify:

(i) the date, place, manner and source of each such communication;

(ii) the persons present during the communications; and

(iii) the general substance of what each person said or wrote.

(b) State the names and addresses of, and otherwise identify, all persons having knowledge of the facts set forth in the answer to Interrogatory No. 24(a) above, together with the general substance of their knowledge.

(c) In accordance with Rule 4:17-4(a), identify and attach a copy of all documents relevant to the facts set forth in the answer to Interrogatory Nos. 24(a) and 24(b) above.

24. See answer to No. 23.

25. (a) Describe all communications between Defendants and the New Jersey Department of Transportation, the United States Department of Transportation, or any employee of either Department, which related to the proposed development of Plaintiff's properties or the construction or design of any interchange or access road to Federal Interstate Highways which might affect the development of Plaintiff's properties in BERNARDS TOWNSHIP. Without limitation of the foregoing, specify:

(i) the date, place, manner and source of each such communication;
(ii) the persons present during the communications; and
(iii) the general substance of what each person said or wrote.

(b) State the names and addresses of, and otherwise identify, all persons having knowledge of the facts set forth in the answer to Interrogatory No. 25(a) above, together with the general substance of their knowledge.

(c) In accordance with Rule 4:17-4(a), identify and attach a copy of all documents relevant to the facts set forth in the answer to Interrogatory Nos. 25(a) and 25(b) above.

25. See answer to No. 23.

26. (a) Set forth all facts which support, rebut or pertain in any way to the validity of the requirement in the Zoning Ordinance of BERNARDS TOWNSHIP (Ordinance No. 347) that the smallest permitted unit is a one-bedroom unit with a minimum of 660 square feet of habitable floor area (600 square feet plus 10% additional for storage) in the multi-family residential zones. Without limitation of the foregoing, specify:

(i) the zoning purpose or purposes as permitted in N.J.S.A. 40:55, which such limitation is intended to promote;

(ii) the manner in which the limitation follows the objectives of the TOWNSHIP'S Master Plan;

(iii) all facts which support the prohibition of efficiency units in the PRN zones and the remaining zones;

(iv) all facts which support the selection of the figure of 660 square feet as the total minimum habitable floor area required in a dwelling unit;

(v) and identify the source of all expert or technical reports, studies, findings or data of any kind which supports such limitation or the selection of the figure of 660 square feet as the extent of the limitation;

(vi) and identify the source of all economic, fiscal, health or other data which supports the contention that efficiency units should be prohibited in all multi-family zones.

26. (a) (i) N.J.S.A. 40:55-30

" . . . sizes of buildings . . . "

40:55-32

" . . . safety from fire, panic, and other dangers: promote health, morals and general welfare; provide adequate light and air; prevent the overcrowding . . . of buildings; avoid undue concentration of population".

(ii) 2. "Foster a balance of accommodations for all normal family sizes"

4. "Provide opportunities for a full and happy life at a humane scale . . . "

(iii) In terms of per person housed, the "efficiency apartment" is the most rigid and expensive form of shelter. A one bedroom apartment makes it possible for two people to share the basic cost of a bathroom, kitchen and other mechanical facilities. Particularly with respect to the elderly or infirm, it is highly desirable to preserve the possibility

of two people aiding each other in the case of emergency. Because of these facts the N.J. H.F.A. approved the omission of efficiency apartments from the P.C.H. subsidized project in Princeton, and Mr. Agle recommends their universal prohibition in all new construction everywhere.

- (iv) See "Planning the Home for Occupancy" published by the American Public Health Association in 1950.
- (v) " " " "
- (vi) " " " "

26. (b) State the names and address of, and otherwise identify, all persons having knowledge of the facts set forth in the answer to Interrogatory No. 26(a) above, together with the general substance of their knowledge. Without limitation of the foregoing, identify each person or persons who:

(i) first proposed such limitations;
(ii) drafted the sections of the Zoning Ordinance including such limitations; and
(iii) communicated with Defendants in support of or in opposition to such limitations.

(c) In accordance with Rule 4:17-4(a), attach a copy of all documents relevant to the facts set forth in the answer to Interrogatory No. 26(a) or 26(b) above which is not more than ten pages in length.

26. (b) Charles K. Agle, 10 Nassau Street, Princeton, New Jersey.

(c) Copies of APHA documents will be supplied.

27. (a) Set forth all facts which support, rebut or pertain in any way to the validity of the limitation in the Zoning Ordinance of BERNARDS TOWNSHIP (Ordinance No. 347) which provides that in the PRN zone "no unit or portion thereof may be placed above another unit or portion thereof." Without limitation of the foregoing, specify:

(i) the zoning purpose or purposes as permitted in N.J.S.A. 40:55, which such limitation is intended to promote;

(ii) the manner in which the limitation follows the objectives of the TOWNSHIP'S Master Plan;

(iii) and identify the source of all expert or technical reports, studies, findings or data of any kind which supports the prohibition of apartments in the PRN zone;

(iv) and identify the source of all economic, fiscal or other data which supports the contention that property owners may practically develop their properties for multi-family use with such limitation;

(v) and identify the source of all economic, fiscal or other data which supports the contention that the prohibition against the placement of any unit or portion thereof above another unit in the PRN zone does not necessarily increase housing costs; and

(vi) and identify any other municipality in New Jersey known to Defendants which prohibits placement of any unit or portion thereof above another unit in a multi-family zone.

27. See APHA documents op. cit.

(i) See 26 above.

(ii) " " "

(iii) See APHA documents op. cit.

Apartments are allowed for 1 Bedroom Dwelling Units. Town houses are better and no more expensive for larger dwelling units.

(iv) See Agle monograph, January 1976 "Housing Density and Land Cost".

(v) " " " "

(vi) The P.C.H. project has been approved by the N.J. H.F.A. and H.U.D. and sets a precedent which should be followed as a universal floor of quality livability.

27. (b) State the names and address of, and otherwise identify, all persons having knowledge of the facts set forth in the answer to Interrogatory No. 27(a) above, together with the general substance of their knowledge. Without limitation of the foregoing, identify each person or persons who:

(i) first proposed such prohibition against apartments;

(ii) drafted the sections of the Zoning Ordinance including such prohibition; and

(iii) communicated with Defendants in support of or in opposition to such prohibition.

(c) In accordance with Rule 4:17-4(a), attach a copy of all documents relevant to the facts set forth in the answer to Interrogatory No. 27(a) or 27(b) above which is not more than ten pages in length.

27(b) . . Mr. Charles K. Agle, 10 Nassau Street, Princeton, New Jersey

28. (a) Set forth all facts which support, rebut or pertain in any way to the prohibition in the PRN zones of all two-bedroom units with a minimum habitable floor area of less than 990 square feet and the prohibition of all three-bedroom units with a minimum habitable floor area of less than 1,320 square feet. Without limitation of the foregoing, specify:

(i) the zoning purpose or purposes as permitted in N.J.S.A. 40:55, which such prohibition is intended to promote;

(ii) the manner in which the prohibition is consistent with the objectives of the TOWNHIP Master Plan;

(iii) all facts which support the distinction between the treatment of units in the PRN zones and other zones with regard to the requirement that a percentage increase in areas of indoor storage be added to the minimum habitable area;

(iv) and identify the source of all expert or technical reports, studies, findings or data of any kind which supports such prohibitions or the selection of the figures of 990 square feet and 1,320 square feet as the minimum habitable floor area for two and three-bedroom apartments, respectively; and

(v) and identify the source of all economic, fiscal or other data which supports the contention that property owners in the PRN zones may practically develop their property with such limitations.

28(a). See answers to Nos. 26 and 27.

28. (b) State the names and address of, and otherwise identify, all persons having knowledge of the facts set forth in the answer to Interrogatory No. 28(a) above, together with the general substance of their knowledge. Without limitation of the foregoing, identify each person or persons who:

(i) first proposed such limitations;
(ii) drafted the sections of the Zoning Ordinance including such limitations; and
(iii) communicated with Defendants in support of or in opposition to such limitations.

(c) In accordance with Rule 4:17-4(a), attach a copy of all documents relevant to the facts set forth in the answer to Interrogatory No. 28(a) or 28(b) above which is not more than ten pages in length.

28(b). See answers to Nos. 26 and 27.

29. (a) Set forth all facts which support, rebut or pertain in any way to the limitation on maximum gross density permitted in the PRN zones. Without limitation of the foregoing, specify:

(i) the zoning purpose or purposes as permitted in N.J.S.A. 40:55, which such limitation is intended to promote;

(ii) the manner in which the limitation is consistent with the objectives of the TOWNHIP Master Plan;

(iii) the manner in which the limitation is consistent with the objectives of the Natural Resource Inventory of BERNARDS TOWNSHIP;

(iv) and identify the source of all expert or technical reports, studies, findings or data of any kind which might rebut Plaintiff's contentions that the maximum gross density permitted in the PRN zones is so low as to preclude a possibility of subsidized units;

(v) and identify the source of all expert or technical reports, studies, findings or data of any kind which supports such limitation.

29(a). (i) See above quotation from the Statutes.

(ii) The PRN zone is suitable for a balance of different size dwelling units corresponding to the balance of natural family sizes, including ". . . young and elderly couples, single persons and large, growing families not in the poverty class . . ." the Master Plan contemplates this balance of population, but also recognizes the fact that the total population of the Township is limited by ecological constraints and that total must be distributed to various areas based on the characteristics of those areas.

(iii) Same answer as (ii).

(iv) It is recognized that the density in the PRN area may not be approved for subsidized housing if the land cost is maintained at speculative levels. Subsidized units are the subject of a different ordinance designating approved other areas.

(v) Will be supplied if necessary.

29. (b) State the names and address of, and otherwise identify, all persons having knowledge of the facts set forth in the answer to Interrogatory No. 29(a) above, together with the general substance of their knowledge. Without limitation of the foregoing, identify each person or persons who:

(i) first proposed such limitation;
(ii) drafted the sections of the Zoning Ordinance including such limitation; and
(iii) communicated with Defendants in support of or in opposition to such limitation.

(c) In accordance with Rule 4:17-4(a), attach a copy of all documents relevant to the facts set forth in the answer to Interrogatory No. 29(a) or 29(b) above which is not more than ten pages in length.

29(b). Mr. Charles K. Agle, 10 Nassau Street, Princeton, New Jersey.

30. (a) Set forth all facts which support, rebut or pertain in any way to the validity of the requirement in the BERNARDS TOWNSHIP Zoning Ordinance (Ordinance Nos. 364 and 347) that applicants for approval of a planned residential neighborhood shall pay to the TOWNSHIP OF BERNARDS a filing fee of \$50.00 per acre, plus \$0.02 per square feet of gross floor area, and that applicants for site plan review shall submit an environmental impact report and pay to the TOWNSHIP a fee of \$50.00 per acre of part thereof, plus \$0.02 per square foot of gross floor area of all proposed buildings. Without limitation of the foregoing, specify:

(i) the zoning purpose or purposes as permitted in N.J.S.A. 40:55, which such fee is intended to promote;

(ii) all facts which would tend to support Defendants' contention that this fee is reasonable within the meaning of N.J.S.A. 40:55-59, and bears some rational relationship to the expenses which might be incurred by a municipality in reviewing either an environmental impact statement or an application for approval for a planned residential neighborhood;

(iii) and identify the source of all expert or technical reports, studies, findings or data of any kind which would tend to support Defendants' contentions that this fee schedule is broadly correlative with the expenses which might reasonably be incurred by BERNARDS TOWNSHIP in connection with the review of a development proposal of the size of Plaintiff's proposal;

(iv) whether or not any of the Defendants stated either publicly or privately that the real purpose of this fee schedule was to provide revenues for BERNARDS TOWNSHIP to be used in defending the zoning scheme during litigation; and

(v) and identify the source of all expert or technical reports, studies, findings, economic, fiscal, or data of any kind which bears on the effect of such a fee schedule on housing costs in BERNARDS TOWNSHIP.

30(a). The review fees are not duplicated: the application for a PRN and EIS are the same.

(i) The zoning purposes are found in the preamble of the Statute, and the fees are essential to the administration of 40:55. This is further expanded in the new Municipal Land Use Law.

(ii) These fees were suggested to Bedminster Township by
(iii) Mr. Agle some years ago. Verbal inquiry antedating

this litigation indicated that the fees barely cover special consulting services necessary to check and approve the complexities of large scale development on fragile land.

(The origin of the fee schedule is experience and observation as to the time for review of subdivision at \$50 per acre. The 2¢ per square foot of building corresponds to the cost to Princeton Township for the inspection of buildings in 1970 or 1972.)

See also 40:55-1.1 et seq.

(iv) Defendants deny that anyone with authority to act for them stated that the real purpose of the fee was to finance litigation. If anyone has said so, this is an uninformed opinion since the origin of the fee long antedates any litigation or threat. Defendants have no knowledge of any such statement.

(v) See above.

30. (b) State the names and address of, and otherwise identify, all persons having knowledge of the facts set forth in the answer to Interrogatory No. 30(a) above, together with the general substance of their knowledge. Without limitation of the foregoing, identify each person or persons who:

(i) first proposed such fee schedule;

(ii) drafted the sections of the Zoning Ordinance including such fee schedule; and

(iii) communicated with Defendants in support of or in opposition to such fee schedule.

(c) In accordance with Rule 4:17-4(a), attach a copy of all documents relevant to the facts set forth in the answer to Interrogatory No. 30(a) or 30(b) above which is not more than ten pages in length.

30(b). Mr. Charles K. Agle and the members of the Planning Board and Township Committee -- primarily verbal discussion.

31. (a) Set forth all facts which support, rebut or pertain in any way to the designation and selection of the PRN zones. Without limitation of the foregoing, specify:

(i) all expert or technical reports, studies, findings or data of any kind which support the selection of the specific sites for multi-family use;

(ii) all facts which support the distinction in treatment between the lands chosen in the PRN zones for multi-family use and the designation of Plaintiff's properties for sparse residential development;

(iii) all expert or technical reports, studies, findings or data of any kind relating to the environmental appropriateness of the area designated in the PRN zones for multi-family development;

(iv) all expert or technical reports, studies, findings or data of any kind relating to the ownership of the land in the PRN zones, the amount of land in institutional use, and the amount of land not reasonably available for development due to environmental restraints;

(v) all expert or technical reports, studies, findings or data of any kind relating to the actual housing unit yield which might be expected from the lands designated in the PRN zones for multi-family housing;

(vi) and identify the source of all communications between Defendants and the United States Army Corps of Engineers regarding the construction of a flood control reservoir in the PRN zones;

(vii) whether the PLANNING BOARD provided a report or other evaluation of the Ordinance No. 347 creating PRN zone 6 and PRN zone 8. If written, attach a copy of such report; if oral, state the full substance, by and to whom communicated, and the date or dates of the communication;

(viii) whether the Planning Consultant provided a report or other evaluation of the Ordinance No. 347 for the designation of the particular areas chosen in the PRN zones. If written, attach a copy of such report; if oral, state the full substance, by and to whom communicated, and the date or dates of the communication; and

(ix) state the date or dates of any and all public hearings by the PLANNING BOARD or the TOWNSHIP COMMITTEE relating to Ordinance No. 347.

31(a). (i) See documents in files of Township and Mr. Agle. See list of publications in biography. Reasons for specific sites proposed in Bernards are first proximity to sewerage; second proximity to 178 Interchanges; third appropriate location overlooking flood plain as permanent open space.

- (ii) Allan-Deane land lacks all three reasons supporting PRN location.
- (iii) See NRI and ordinance provision requiring sewerage.
- (iv) See map and files. The Doria flood was mapped by the Township Engineer the day after the event.
- (v) See files.
- (vi) See file for such communications, if any.
- (vii) See Planning Board files. Planning Board recommendations were primarily verbal, based on report in (viii) below.
- (viii) Agle provided a recapitulation report dated 13 February 1975, in the form of a memo to the Planning Board. A copy will be supplied.
- (ix) See Township records for dates and minutes of public meetings.

31. (b) State the names and ~~address~~ of, and otherwise identify, all persons having knowledge of the facts set forth in the answer to Interrogatory No. 31(a) above, together with the general substance of their knowledge. Without limitation of the foregoing, identify each person or persons who:

(i) first proposed the designation of the particular areas chosen for PRN use;

(ii) drafted the sections of the Zoning Ordinance designating such PRN zones; and

(iii) communicated with Defendants in support of or in opposition to the designation of such areas for PRN use.

(c) In accordance with ~~PR~~ 4:17-4(a), attach a copy of all documents relevant to the facts set forth in the answer to Interrogatory Nos. 31(a) and 31(b) above which is not more than ten pages in length.

31(b). Charles K. Agle, members of Planning Board and Township Committee, Township Engineer. Other employees of defendants may have knowledge. All persons who attended public meetings where the ordinance was discussed.

32. (a) Set forth all facts which support, rebut or pertain in any way to the prohibition of mobile homes in the entire TOWNSHIP. Without limitation of the foregoing, specify:

(i) the zoning purpose or purposes of as permitted in N.J.S.A. 40:55, which such prohibition is intended to promote;

(ii) the manner in which the prohibition is consistent with the objectives of the TOWNSHIP'S Master Plan;

(iii) all facts which support the prohibition of mobile homes in the entire TOWNSHIP;

(iv) all expert or technical reports, studies, findings or data of any kind which support such prohibition; and

(v) all economic, fiscal or other data of any kind which supports the contention that Plaintiff may practicably develop its properties with such prohibition.

32(a) Answers not yet available; will supply.

32. (b) State the names and addresses of, and otherwise identify, all persons having knowledge of the facts set forth in the answer to Interrogatory No. 32(a) above together with the general substance of their knowledge. Without limitation of the foregoing, identify each person or persons who:

(i) first proposed such prohibition;
and
(ii) communicated with Defendants in support of or in opposition to such prohibition.

(c) In accordance with Rule 4:17-4(a), attach a copy of all documents relevant to the facts set forth in the answer to Interrogatory Nos. 32(a) and 32(b) above which is not more than ten pages in length.

32(b). See answer to No. 31.

33. (a) Set forth all facts which support, rebut or pertain in any way to the validity of designating Plaintiff's properties in a three-acre residential zone. Without limitation of the foregoing, specify:

(i) all economic, financial or other studies which indicate that a market for residential housing on three-acre lots in such zone exists;

(ii) all facts which support the use of such area for three-acre residential housing; and

(iii) the manner in which such residential use promotes the objectives of the TOWNSHIP'S Master Plan.

33(a). See answers to prior interrogatories and all documents cited there or supplied in response to Request to Produce or in answer to these interrogatories, and in particular Nos. 1, 2, 11, 12, 13.

Plaintiff's properties were zoned for single family residential use on minimum lots of 3 acres prior to plaintiff's purchase of same, and there has been no reason to change the zoning thereof.

33. (b) State the names and addresses of, and otherwise identify, all persons having knowledge of the facts set forth in the answer to Interrogatory No. 33(a) above together with the general substance of their knowledge. Without limitation of the foregoing, identify each person or persons who:

(i) first proposed the zoning for such areas; and

(ii) communicated with Defendants in support of or in opposition to the proposed zoning for such areas.

(c) In accordance with Rule 4:17-4(a), attach a copy of all documents relevant to the facts set forth in the answer to Interrogatory Nos. 33(a) and 33(b) above which is not more than ten pages in length.

33(b). See answer to No. 33(a).

34. (a) Describe all meetings, conversations or communications (written or verbal) between or among Defendants during the period from November 11, 1975 and March 11, 1976, which related to Plaintiff's development proposal. Without limitation of the foregoing, specify:

(i) the date, parties and place;
(ii) the general substance of what was said or written by each person; and
(iii) the identities of all persons present during each meeting or conversation.

34(a). Objected to as burdensome and harassing. Plaintiff attended many public meetings with shorthand reporter. Plaintiff may inspect Township files. Interrogatory is too broad, vague and is overreaching.

34. (b) State the names and addresses of, and otherwise identify, all persons having knowledge of the facts set forth in the answer to Interrogatory No. 34(a) above together with the general substance of their knowledge.

(c) In accordance with Rule 4:17-4(a), attach a copy of all documents relevant to the facts set forth in the answer to Interrogatory Nos. 34(a) and 34(b) above which is not more than ten pages in length.

34(b). See answer to No. 34(a).

35. (a) Describe all communications to Defendants from TOWNSHIP residents which commented upon Plaintiff's proposed use of its properties. Without limitation of the foregoing, specify:

- (i) the date, manner and source of the communication;
- (ii) the general substance of the communication;
- (iii) if the communication was verbal, identify all persons present during the conversation; and
- (iv) what response, if any, was made by Defendants to the communication.

35(a). Objected to. See answer to No. 34. Plaintiff may inspect files. Plaintiff attended many public meetings with shorthand reporter.

35. (b) State the names and addresses of, and otherwise identify, all persons having knowledge of the facts set forth in the answer to Interrogatory No. 35(a) above together with the general substance of their knowledge.

(c) In accordance with Rule 4:17-4(a), attach a copy of all documents relevant to the facts set forth in the answer to Interrogatory Nos. 35(a) and 35(b) above which is not more than ten pages in length.

35(b). See answer to No. 35(a).

36. (a) Identify all proposed expert witnesses together with the field of their expertise and their qualifications.

(b) Identify all books, articles and other writings or documents or parts thereof that each such expert witness ever authored or which in any way touch upon the area of his expertise, upon which he will testify at trial;

(c) In accordance with Rule 4:17-4(a), attach a copy of all reports or provide a summary of all oral reports received, together with the date thereof, relevant to the facts set forth in the answer to Interrogatory No. 36(b) above.

36(a). Charles K. Agle
Peter Larson
General William Whipple
A. W. Martin & Associates

Others will be supplied.

37. Identify all persons having knowledge of the facts set forth in the Complaint or of any facts relevant to this action, other than those named in the answers to any Interrogatories hereinabove set forth, stating, as to each such person, the general substance of the facts of which he or she has knowledge.

37. Parties, their servants, agents and employees.

All persons named in interrogatory answers and depositions.

All members of Township Committee, Planning Board and Environmental Commission since 1967.

38. (a) State whether there are in existence any documents in any way discussing or pertaining to any matters referred to in the within action, other than those identified in the answers to any Interrogatories hereinabove set forth or not disclosed herein for any reason whatsoever, and, if so, state the description, nature, custody, contents, location and otherwise identify the same, including, but without limitation of the foregoing, the date of each and the name of each addressee or recipient thereof, where applicable.

(b) In accordance with the Rules, attach a copy of all documents identified in the answer to Interrogatory No. 38(a) above.

38. Objected to as too broad, vague, burdensome and harassing; insofar as it pertains to client-attorney communication, privilege is invoked.

39. (a) Describe all meetings, conversations or communications (written or verbal) between or among Defendants during the period between March 11, 1975 and the present, which related to Plaintiff's development proposal. Without limitation of the foregoing, specify:

(i) the date, parties and place;
(ii) the general substance of what was said or written by each person; and
(iii) the identities of all persons present during each meeting or conversation.

39. Objected to. See answers to Nos. 34, 35 and 38. Plaintiff may inspect all public Township files for details of meetings, including minutes, except for meetings closed to public to discuss pending, threatened or anticipated litigation.

40. Did one or more members of Defendant public bodies attend a meeting on March 18, 1976, called by the Somerset County Planning Board to discuss the zoning of the Somerset Hills or the ALLAN-DEANE development proposals?

Yes.

41. (a) If the answer to the preceding Interrogatory is in the affirmative, identify all persons present at that meeting and describe all conversations at that meeting. Without limitation of the foregoing, specify:

(i) the time, place and persons present;

(ii) the general substance of what each person said; and

(iii) the conclusion or instructions which resulted.

41(a) (i) Thursday, March 18, 1976 at 8:00 P.M. in the First Floor Conference Room of County Administration Building. Persons who attended from defendants were: Robert M. Deane, William W. Allen, Godfrey K. Preiser and Ralph Schlenker.

(ii) The meeting consisted of a general discussion of the Somerset County Master Plan.

(iii) No conclusions or instructions resulted.

41. (b) State the names and addresses of, and otherwise identify, all persons having knowledge of the facts set forth in the answer to Interrogatory No. 41(a) above, together with the general substance of their knowledge.

(c) In accordance with Rule 4:17-4(a), identify and attach a copy of all documents relevant to the facts set forth in the answers to Interrogatory Nos. 41(a) and 41(b) above.

41 (b) and (c). Persons who attended.

Shorthand reporter was present pursuant to order of Judge Leahy.

CERTIFICATION

I certify that the foregoing statements made by me are true to the best of my knowledge, information and belief, and with the understanding that the information to furnish answers to interrogatories has been gathered from records of the Bernards Township Committee, the Planning Board of the Township of Bernards, consultants, including Charles Agle and Peter Larson, by our attorneys, McCarter & English, Esqs. and from various documentary sources. The accuracy of all said answers is subject to verification by all documents in the Township files and to revision as discovery in this action progresses. I have made a conscientious effort to obtain documents and answers, as required by our attorneys.

Because the defendants in this action include the Township Committee and the Planning Board, and because questions are directed to those defendants concerning "communications", and since the persons who served on said Committee and Planning Board are numerous and may no longer be in office, it is difficult to answer all questions directed to "communications" by and/or between defendants with a great deal of accuracy, particularly as to oral communications, which may or may not have been noted in the files of the Township.

The answers are further made upon information and belief due to the fact that I was first employed by Bernards Township on January 1, 1975.

I further certify that copies of reports of expert witnesses to be furnished to the attorneys for plaintiff will be true and complete copies of all reports of expert witnesses which may be furnished to me from time to time, and I will serve them promptly upon the attorneys for plaintiff after they have been received.

I am aware that if any of the foregoing statements made by me are wilfully false, I am subject to punishment.

THE TOWNSHIP OF BERNARDS, IN THE
COUNTY OF SOMERSET

By _____
Fred Conley, Administrator

TOWNSHIP COMMITTEE OF THE TOWNSHIP
OF BERNARDS

By _____
Fred Conley, Administrator

THE PLANNING BOARD OF THE TOWNSHIP
OF BERNARDS

By _____
Fred Conley, Administrator