

RULS - AD - 1971 - 100

12/29/1971

- DEPOSITION OF ROBERT CATLIN

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SOMERSET COUNTY  
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THE ALLAN DEAN CORPORATION, :  
A Delaware Corporation :  
qualified to do business in :  
the State of New Jersey :

RULS - AD - 1971 - 100

Plaintiff, :

Vs. :

DEPOSITION

THE TOWNSHIP OF BEDMINSTER, :  
A Municipal Corporation of the :  
State of New Jersey, and the :  
TOWNSHIP OF BEDMINSTER :  
PLANNING BOARD, :

OF

ROBERT T. CATLIN

Defendants. :

.....

December 29, 1971  
Basking Ridge, New Jersey

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

WILLIAM W. LANIGAN, ESQ.  
Attorney for Plaintiff

EDWARD D. BOWLBY, ESQ., and  
MESSRS McCARTER & ENGLISH  
BY: NICHOLAS C. ENGLISH, ESQ.  
Attorney for the Defendants.

KABOT, BATTAGLIA & HAMMER  
Certified Shorthand Reporters  
24 Commerce Street  
Newark, New Jersey  
622-6644

1 (Before Robert L. Eick, a Shorthand  
2 Reporter and Notary Public of the State of  
3 New Jersey, at the offices of William W.  
4 Lanigan, Esq., 59 South Finley Avenue,  
5 Basking Ridge, New Jersey, on Wednesday,  
6 December 29, 1971, at 10:00 p.m., pursuant  
7 to notice.)

8 R O B E R T T. C A T L I N, sworn.

9 DIRECT EXAMINATION BY MR. ENGLISH:

10 Q Mr. Catlin, what is your profession or  
11 occupation?

12 A I'm a professional city planning consultant.

13 Q And under what style do you carry on that  
14 activity?

15 A I am president of the Robert Catlin & Associates  
16 city planning consultant with offices in Denville, New  
17 Jersey.

18 Q And do you have any address other than--

19 A 2 Valley Road.

20 Q I show you a sheet indicating qualifications  
21 and ask you if that summarizes your professional qualifi-  
22 cations as a planner?

23 A Yes, it does.

24 MR. ENGLISH: May I have that marked?

25 (D-1 for identification.)

1           Q       Mr. Catlin, have you published any articles  
2 or books or materials in connection with your professional  
3 activities?

4           A       Well, we have published several copies of each of  
5 the master plans that we have prepared for various  
6 municipalities that are listed in the qualification sheet.  
7 I have also written articles, open space zoning, and  
8 published by the American City Magazine, I believe, in  
9 1957. To the best of my knowledge, this was the first  
10 article on open space zoning in New Jersey.

11          Q       Any other magazines or any professional  
12 journals contain articles by you?

13          A       Not that I can think of off hand. There have  
14 been magazine articles that have written stories on some  
15 of the work that I was involved in. The Saturday  
16 Evening Post, about 1954 I believe, published an article  
17 on a project that I worked on in Grand Rapids, Michigan,  
18 which was the question of buffer parks, residential areas  
19 from industrial areas.

20          Q       Could you give me the names of the munici-  
21 palities in Morris County from which you have acted as  
22 a planning consultant, and if you can include the dates  
23 of your engagement in that respect, please do so.

24                   THE WITNESS: Bill, do you have a  
25 firm procedure? Otherwise I am going to

1 mix these and there are nineteen of them  
2 in Morris County.

3 A You want a list of the municipalities and what else?

4 Q The date that you worked for each.

5 A All right.

6 Q Mr. Catlin, I understand that you will  
7 prepare and shortly send to me a list of the municipalities  
8 in both Morris and Somerset Counties?

9 A That's correct.

10 Q For which you have served as planning  
11 consultant at any time, together with the dates during  
12 which you were serving each such municipality.

13 A Yes, I will.

14 MR. ENGLISH: Thank you.

15 Q Mr. Catlin, as a professional planner, do  
16 you require a five-acre minimum lot size in a lot zone un-  
17 desirable in every instance?

18 A No.

19 Q As a professional planner, do you regard a  
20 minimum lot width of 350 feet in a residential zone as  
21 undesirable in every instance?

22 A No. There are many instances in some municipalities  
23 where it would be quite desirable.

24 Q Could you indicate, generally, the kinds of  
25 circumstances where, or a situation where either a five-acre

1 minimum lot zone or a 350-foot minimum width in a resi-  
2 dential zone would be desirable?

3 A I can only answer it in this way, Mr. English,  
4 that after making the number of planning studies for a  
5 municipality and taking into consideration many factors,  
6 it may be quite reasonable to have that municipality  
7 zoned for a five-acre minimum lot size and lot width.  
8 This can only be determined after making voluminous studies  
9 that cover a period of twelve to eighteen months, and for  
10 me today to say that these, if these factors are evident  
11 then five acres is justified, would be kind of a hypothet-  
12 ical situation. But you would have to consider such  
13 things as the street pattern, topographic considerations,  
14 the availability of sanitary sewers and water, the type  
15 of community that you are looking at, the kinds of land  
16 use in that community--not only in the community but in  
17 the surrounding communities. All of these things would  
18 lead to a conclusion that five acres was or was not  
19 realistic.

20 Q As a professional planner is it your position  
21 that every municipality in New Jersey should make provision  
22 in its zone ordinance for some multi-family housing?

23 A I really don't know. I am certainly cognizant,  
24 as a professional planner, of what is happening in the  
25 state. I am certainly cognizant of the tremendous need

1 throughout the state for multi-family housing. And I  
2 am also cognizant of the fact that governor has indicated  
3 that this need and this responsibility should be born  
4 by each municipality. The legislature has indicated a  
5 need, a housing crisis in the state. We get involved  
6 in social obligations, and when we talk about this hous-  
7 ing need, so that whereas earlier, three or four years  
8 ago, I have taken a strong position that each munici-  
9 pality had the right to determine what that municipality  
10 could permit, what it should permit, however, now within  
11 the last three years my thinking has been somewhat  
12 changed in that I think that there is an increase in  
13 responsibility on the part of every municipality to pro-  
14 vide their share of meeting this housing need. Now, what  
15 form this is going to take I just don't know. We thought  
16 about this in various staff meetings in my firm. We  
17 have even gone as far as to explore the feasibility of  
18 some kind of a land formula where we could equate the  
19 number of people in the low-income category in the State  
20 of New Jersey and how that would be prorated, either by  
21 population, or whether or not a municipality had a non-  
22 residential tax base, such as industry, and see if we  
23 could devise some formula that would do just what you say.  
24 Each municipality should provide their share of multi-  
25 family housing. I think this is coming. What form it

1 is going to take, whether it is going to be judicial  
2 precedent or legislative act, I just don't know, but I  
3 am more and more convinced that each municipality is  
4 going to have to face up to this problem.

5 I don't think I am in a position today to state  
6 that every one of the 565 municipalities in the State of  
7 New Jersey should have garden apartment or townhouse  
8 development. I am in a position to say that this is an  
9 increasing problem. We are going to look at it, and more  
10 and more municipalities are going to have to provide for  
11 a kind of housing that's so sorely lacking in New Jersey,  
12 and particularly in the Somerset Hills area.

13 Q Why do you think the municipalities in the  
14 Somerset Hills area need to provide a larger share of  
15 multiple-family housing?

16 A Well, there is a tremendous housing shortage in  
17 Somerset County. Studies made by the Somerset County  
18 Planning Board indicate that the employment opportunities  
19 and the number of jobs are increasing at an accelerating  
20 rate and the number of housing units available are  
21 decreasing at an accelerating rate. And I think from  
22 experience in working in some of these municipalities  
23 in the Somerset Hills area, there is a housing need for  
24 this type of housing. There are very few municipalities  
25 that make provision for any kind of housing other than



1 large lot zoning, one acre or up--three acres, five acres,  
2 etcetera.

3 Q Have you ever served as a planning consultant  
4 in Bernards Township?

5 A My firm has, yes.

6 Q And can you tell me the dates and period of  
7 time that that covered?

8 A I can tell you approximately the time that we  
9 served there. We were retained there in December of  
10 1969, I believe, and we served there approximately three  
11 or four years prior to that date, so that would take us  
12 about '66 to '69. One reason, by way of explanation, I  
13 am somewhat vague on this is that my partner, one of my  
14 partners, Russell Montley, is the planner who served that  
15 municipality and I never attended a Planning Board meeting  
16 in Bernards Township.

17 Q Anyway, your firm resigned that position  
18 or relationship in December, 1969?

19 A Yes.

20 Q When was your firm engaged by the plaintiff,  
21 Allan-Dean Corporation?

22 A I believe the date was in February of 1970 or  
23 thereabouts.

24 Q Is there any connection between the resig-  
25 nation of your firm from its relationship with Bernards

1 Township and the engagement of your firm by the Allan-  
2 Dean Corporation?

3 A Yes, there is.

4 Q What is that?

5 A When we were notified--when we had been in touch  
6 with Allan-Dean Corporation about the time that our  
7 contract was to terminate, and as soon as we had been  
8 retained by Allan-Dean, we knew that we could not also  
9 be consultants to the Township, so we explained to the  
10 officials of the Township why we were resigning and they  
11 understood; and we just did not want to get involved in  
12 any conflict.

13 Q When did Allan-Dean first approach you,  
14 whether formally or informally?

15 A I am not sure. I have given you the approximate  
16 date.

17 Q Well, give it to us as close as you can.  
18 Was it prior to your resignation from Bernards Township  
19 in December, '69?

20 A It was about the same time. I would say within a  
21 matter of weeks. We were approached by Allan-Dean at the  
22 time that we were still consultant to the Township, but  
23 it was near that end of the year. Our contract runs on  
24 an annual January through December basis. And we explained  
25 to the Town officials we had been approached by them, and

1 in the event that they retained our firm to do this job,  
2 we could not serve them.

3 Q Do you have a written contract with  
4 Allan-Dean Corporation?

5 A Yes.

6 Q Do you have it here?

7 A I will have to check. The contract was in the  
8 form of a proposal and they acknowledged this proposal  
9 in letter form and essentially said we accept the terms  
10 of this, and go ahead, and go and do the work. I have a  
11 copy of our letter dated February 20, 1970, which was the  
12 proposal we submitted at the request of Mr. Smith, who  
13 is president of Allan-Dean Corporation. And sometime  
14 shortly thereafter they reviewed this proposal and accepted  
15 it in letter form. I have the proposal, but I do not have  
16 the acceptance.

17 Q Could I see the proposal, please?

18 A This is a covering letter.

19 MR. ENGLISH: This is just a copy.

20 Should we-- Let's get a photo and then mark  
21 it. Okay.

22 Q Mr. Catlin, do I understand that you are the  
23 individual in your organization who directly dealt with  
24 Allan-Dean or directly supervised the work for them?

25 A That's correct.

1           Q       What instructions did you receive from  
2 Allan-Dean Corporation with respect to the scope and  
3 purpose of the work?

4           A       The instructions that we received were pretty  
5 much outlined in our proposal as to what we understood  
6 they were looking for when we were first interviewed.  
7 It is my understanding that--and I found this information  
8 out after they retained us--that they had interviewed  
9 some 28 other clients. Their basic instruction was that  
10 they had acquired this property. They wanted a profes-  
11 sional planner to prepare a master plan for this property,  
12 to propose the best use for the property, to take into  
13 consideration not only what they could make money on,  
14 but how it would be accepted by the various municipalities.  
15 In other words, we could not go in and propose something  
16 that would, we would not ordinarily propose if we were  
17 doing the job for the municipality. So we really had no  
18 specific instructions such as: Justify this kind of use  
19 in this area, or: We want to see a certain other kind of  
20 use in another area. We were pretty much given a free  
21 rein as we proposed for this area.

22           Q       Well, from your answer do I understand  
23 correctly that there were two general guidelines: one,  
24 to develop the property in some appropriate way, and  
25 the other, to give due consideration to the income that

1 Allan-Dean might receive from the property?

2 A No. They never said this. This we know. They  
3 are not a philanthropic corporation. We want to assume  
4 they want to make money, or else they wouldn't get the  
5 property in the first place. They never said in so many  
6 words: See how much we can make. They didn't have to  
7 say it. They were interested in making money. Their  
8 charge to us: Here we have got 1466 acres. I would like  
9 to retain a consultant to tell us and show us how we can  
10 plan this property in some form of master plan that would  
11 be good for the community and good for us.

12 Q Now, who was the individual, or were the  
13 individuals if there were more than one, who conveyed  
14 this information or impression or instructions to you?

15 A My first interview with the Allan-Dean Corporation  
16 was with Mr. Smith.

17 THE WITNESS: And Bill, can you help  
18 me? What was the man who was his assistant  
19 that was interviewing consultants? I can't  
20 think.

21 MR. LANIGAN: Yes.

22 A Mr. Zetel.

23 Q How do you spell that?

24 A Joseph Zetel.

25 MR. LANIGAN: He isn't doing any work.

1 Q There were only two people that sat in on  
2 that, Mr. Smith and Mr. Zetel. And for the record, Mr.  
3 Smith was and is the president of Allan-Dean Corporation?

4 A That's correct.

5 Q And since that initial discussion with  
6 Mr. Smith and Mr. Zetel, have you received any further  
7 instructions from the plaintiff?

8 A We have met, after we developed our preliminary  
9 plan, with various individuals from Allan-Dean Corporation  
10 to show them our preliminary findings and there were  
11 certain policy decisions that were made at those meetings  
12 as to what we would do with the property, the main one  
13 being the golf course. Was some question on the economic  
14 feasibility of constructing a golf course on this property.  
15 We felt that it was not economically feasible from their  
16 point of view. However, they felt that this is something  
17 they were willing to underwrite, so to speak, to put that  
18 into the plan. So we did, as a result of some of these  
19 discussions, have to revise the plan to incorporate that  
20 golf course on top of the mountain.

21 Q Whose idea was it to include an office  
22 research facility?

23 A It was our idea, as part of the development of  
24 the plan.

25 Q And whose idea was it to include a lodge,

1 motel, conference center?

2 A I am really not sure how this came about, if  
3 this was something that we had proposed or if it came  
4 out of discussions with the people, with the Allan-Dean  
5 officials as an adjunct to this office building complex.  
6 I just don't recall.

7 Q Now, for the record, will you please  
8 produce the supporting materials to your--well, the  
9 material here requested, letter to Mr. Lanigan of  
10 December 2, which includes all the studies, reports, maps  
11 or other materials which were prepared with the proposed  
12 development of the Allan-Dean property in both Bedminster  
13 and Bernards Township. And this includes any studies,  
14 reports, maps or other materials prepared by others which  
15 were used by Catlin, for example such things as the  
16 topographic surveys of Donald H. Stiers Associates and  
17 the traffic studies of Garmen Associates.

18 MR. LANIGAN: May I say for the record  
19 we prepared for submission here today the  
20 report which was submitted for the entire  
21 property, which encompasses both Bernards  
22 and Bedminster Townships. The plan which is  
23 submitted to you does not contain any reference  
24 to the plan with respect to Bernards Township  
25 other than certain general maps of the property

1 which encompass both townships, so to that  
2 extent the report is not the complete  
3 report submitted to Johns-Manville and it  
4 is incomplete in the sense that we are not  
5 furnishing you with that material which was  
6 furnished to Johns-Manville and Allan-Dean  
7 with respect to Bernards Township.

8 MR. ENGLISH: Is that document or  
9 pamphlet in Mr. Catlin's hand the report  
10 you are referring to, Mr. Lanigan?

11 MR. LANIGAN: Yes.

12 MR. ENGLISH: Would you be good  
13 enough to state on the record your reason for  
14 eliminating the matters pertaining to Bernards  
15 Township?

16 MR. LANIGAN: Yes. As of this date,  
17 there has been no formal submission of a plan  
18 to Bernards Township. While there have been  
19 preliminary informal meetings the last of  
20 which was on June 28th, 1971, there has been  
21 no formal submission. There has been no public  
22 submission of any kind, and there has been no  
23 delivery of any documents with respect to the  
24 plan to the Bernards Township officials other  
25 than a proposed PUD ordinance which was submitted



1 to the Town Attorney for his education, really.  
2 As such, it would be premature to disclose  
3 material which has not been disclosed previously,  
4 which is not part of the suit against the  
5 Township of Bedminster, and which is neither  
6 relevant nor has any direct bearing upon the  
7 development which is being contemplated in the  
8 Township of Bedminster. It is on that basis  
9 that we have, in fact, I have deleted any  
10 reference to Bernards Township in submitting  
11 a report to you which is essentially a report  
12 prepared for the tract as contrast these an  
13 individual township.

14 MR. ENGLISH: May I have the report  
15 marked for identification?

16 (D-3 for identification.)

17 Q Mr. Catlin, would you describe for the  
18 record this large map which I have handed to you, so that  
19 I may have this marked P-4 for identification.

20 A This is a map that shows the locations of the  
21 various kinds of buildings in the Bedminster portion of  
22 the tract. It also shows the dimensions of the buildings  
23 and the parking lots as requested by the Board of Adjust-  
24 ment pursuant to that use variance application.

25 Q And for the record, it is, except for the

1 additional material on dimensions, it is substantially  
2 equivalent to the map which appears between pages 17 and  
3 18 in the report which has already been marked D-3 for  
4 identification?

5 A That's right.

6 MR. ENGLISH: Thank you.

7 May I have the large map marked?

8 (D-4 for identification.)

9 Q Well, now, let's get back. I understand,  
10 Mr. Catlin and Mr. Lanigan, that we will be furnished with  
11 copies of certain exhibits which have been introduced by  
12 Allan-Dean Corporation before the Bedminster Zoning Board  
13 of Adjustment and which fall within the scope of our  
14 request. And I recognize that it is not practicable to  
15 mark these exhibits for identification. However, they  
16 include three colored pictures of models of the proposed  
17 lodge and office research facility, and also an architectural  
18 drawing indicating typical elevations, which I understand  
19 relates to the proposed townhouses.

20 A That's correct.

21 MR. LANIGAN: I will furnish you with  
22 whatever report was made with respect to the  
23 Bedminster property from Larry Smith to Johns-  
24 Manville. I will get the copy from them; and  
25 also with respect to the Gormen Associates

1 report. There was a report done, but it  
2 was not furnished to anyone other than me.  
3 But it is relevant to Bedminster, and to  
4 that extent I will furnish that to you as  
5 well.

6 With respect to the Stiers studies,  
7 they are limited to the topo maps, though  
8 we have consulted his office without any  
9 written questions and without written  
10 answers as to drainage, and it is my inten-  
11 tion to include a map from his office as  
12 part of my presentation before the Board  
13 of Adjustment at the hearing on January 19  
14 and that will be the first time that anyone  
15 hears or sees this report in writing. We  
16 have had conferences. He and I have had  
17 several days worth of conferences, but there  
18 was no report as such.

19 We have also looked at a report on the  
20 sewer master plan that was prepared by the  
21 Township consultant, but I think they already  
22 have that, so that I say that just for the  
23 sake of completeness.

24 MR. ENGLISH: Can you identify the name--

25 MR. LANIGAN: Elston, Killian and Associates,

1 E-l-s-t-o-n K-i-l-l-i-a-n. And that I think  
2 is a matter of public record.

3 MR. ENGLISH: Mr. Lanigan, is the Killian  
4 report you referred to one that includes a  
5 number of municipalities in addition to  
6 Bedminster?

7 MR. LANIGAN: Yes.

8 MR. ENGLISH: And extending to Hunterdon  
9 County?

10 MR. LANIGAN: I have never seen the  
11 report. I looked at the map, and we did look  
12 at the map.

13 MR. ENGLISH: Now, I guess we can mark a  
14 copy of the proposal from Mr. Catlin's firm to  
15 the plaintiff, which has previously been given  
16 the number of D-2 for identification.

17 (D-2 for identification.)

18 Q Mr. Catlin, for the record, will you describe  
19 briefly what is your proposal for the development of  
20 plaintiff's property in Bedminster Township.

21 A Well, our proposal was to prepare a master plan  
22 showing the proposed development of the 1466-acre tract  
23 lying in both Bedminster and Bernards Township. This  
24 would be in the form of a specific proposed planned uses  
25 involving both residential and non-residential buildings.

1           The plan that was proposed for that portion of the  
2 tract in Bedminster Township was to develop approximately  
3 64 acres for single-family homes, which would result in  
4 52 single-family structures. It would sell for an  
5 average of \$90,000. This would be located very near the  
6 municipal boundary line of Bernards Township on top of  
7 the mountain. We have also proposed to develop 33 acres  
8 that would result in 264 townhouse units on top of the  
9 mountain also on the municipal boundary line of Bernards  
10 Township, and these units, for the most part, would be  
11 surrounded by the single homes I previously mentioned.

12           There are also two holes of an eighteen-hole  
13 golf course that would act as a buffer that would separate  
14 the single-family homes and the 264 townhouse units.

15           There is also, as part of these 264 townhouse units,  
16 there was a string of townhouses out on a peninsula in  
17 the southern part of the tract that would be served off  
18 from one large cul-de-sac, a spine road that would have  
19 these townhouses developed on either side of that service  
20 road.

21           Q       And by peninsula, sort of a projection,  
22 height of land?

23           A       That road down the center of the so-called peninsula,  
24 and it drops off sharply on both sides of that road back  
25 150 or 200 foot depth.

1           Also part of the proposed plan was the develop-  
2           ment of approximately 600,000 square foot of office  
3           building down on the relatively level portion of the  
4           property which has a slope of approximately four per cent,  
5           and that includes 92 acres of site and it runs back from  
6           Route 202-206. That would have a frontage on the 92  
7           acres back to the treeline, which is an area that is  
8           approximately halfway from Route 202-206 to the Bernards  
9           Township municipality boundary line.

10           The last remaining land use category would be a  
11           motel lodge which would be developed in connection with  
12           the office building complex. It would have rooms that  
13           would be available to transients that would basically  
14           use Routes 287 and I-78. It would also provide meeting  
15           rooms for conferences, conventions and so forth, that  
16           may possibly be generated by the office building complex.  
17           This would include approximately six acres for the motel  
18           lodge, and it's proposed that it would have 120 units.

19           Q       By units, you mean bedrooms?

20           A       Bedrooms. 120 transient rooms. It would also  
21           have other rooms that would be used for meetings and  
22           conference rooms and the necessary maintenance operation  
23           facilities, air conditioners and things of this nature.

24           Q       Now, do your plans as you have just outlined  
25           them conform to the Bedminster Zoning Ordinance?

1 A No, they do not.

2 Q Were you familiar with the Bedminster Zone  
3 Ordinance when you prepared your plans?

4 A Yes.

5 Q Can you describe in general terms the  
6 zoning plan set forth in the Bedminster Zone Ordinance for  
7 the entire township, including this particular tract which  
8 is now owned by the plaintiff?

9 A So that I understand the question, you want me to  
10 describe the zoning pattern of Bedminster?

11 Q Yes.

12 A I would say that the vast majority of land in  
13 Bedminster is zoned for five acre minimum lot size. There  
14 are a few exceptions. One is in the vicinity of Pluckemin,  
15 which is the area that we are primarily concerned with.  
16 There is a small business zone at the four corners of the  
17 intersection of Route 202-206 and Washington Valley or  
18 Burnt Mills Road. Immediately contiguous and extending  
19 out from the business zone at that intersection is an  
20 R-1, which is a single-family minimum lot size one acre  
21 residential zone. This extends back across the subject  
22 property for a distance of 1320 feet, running parallel  
23 to Route 202-206. The balance of subject property is in  
24 a five-acre minimum lot size lot zone. There is also a  
25 very small one-acre residential zone around the intersec-

1 tion of County Route 6, which is an extension of Burnt  
2 Mills Road, and Cowperthwaite. There is also a small  
3 one-acre and two-acre single-family residential zone in  
4 the Pottersville area, as well as a very tiny business  
5 zone at the intersection of Hacklebarney Road and Potters-  
6 ville Road. The only portion of the township that is not  
7 zoned for five-acre single-family residence is in the  
8 Bedminster Village section, and this includes the center  
9 of Bedminster which is basically zoned for business,  
10 along with a strip zone along Lamington Road, and it  
11 extends, I would say, 400 feet west of Route 202-206 in an  
12 easterly direction for a distance of approximately three-  
13 quarters of a mile. This is off the map. South of this  
14 business zone on both sides of Route 202-206 there is a  
15 residential office zone. On the east side--I am sorry--  
16 on the west side of Route 202-206, which runs from Old  
17 Dutch Road south to the cemetery on Route 202-206, there  
18 is an R-2 zone, which is a single-family two-acre residential  
19 zone. This extends westerly back from Route 202-206 for  
20 a distance that I would estimate to be about the same 1320  
21 feet that is in the Pluckemin area. There is also an R-1  
22 single-family one-acre residential zone lying on both  
23 sides of Route 202 in the Bedminster area east of the  
24 aforementioned business zone and the Raritan River, and  
25 the area north of this R-1 single-family residential zone



1 that extends from Route 202--I am sorry--that extends  
2 from Route 206 over to the Lamington River up to the  
3 Peapack-Gladstone Borough municipality boundary line  
4 is also zoned for R-2 single-family two-acre residential  
5 zone.

6 Q Excuse me. The the North Branch of the  
7 Raritan. You said Lamington.

8 A I am sorry. That's the North Branch of the  
9 Raritan River, which is the municipal boundary between  
10 the Borough of, between Far Hills and Bedminster Township.

11 Q Well, Mr. Catlin, would you characterize  
12 the zoning plan of the Township of Bedminster as  
13 predominantly single-family residences?

14 A Yes, I would.

15 Q With what relatively minor business zones,  
16 seemingly designed to serve only the local trade?

17 A There are only four small business zones, and  
18 each of the villages, Bedminster, Pottersville, each has  
19 their own little business zone.

20 Q And how big is the research office zone  
21 that you mentioned near Bedminster Village?

22 A I don't know the exact area, but the distance--  
23 let's take each parcel. There are two parcels or two  
24 zones. The OB zone, the one that is owned--

25 Q It's RO zone.

1 A RO zone. The one that's on the southwest  
2 corner of Lamington Road and Route 206 extends southerly  
3 from Lamington Road a distance of 1200 feet and it  
4 extends back from Route 206 a distance of 650 feet.  
5 You want that in acres?

6 Q Yes. Can you give me an approximation of  
7 the acreage?

8 A That would work out slightly under 18 acres, if  
9 my slide rule is correct.

10 Q Right. And the 18 acres, or approximately,  
11 refers to RO zone on the southwest corner of Lamington  
12 Road and Route 206?

13 A Yes.

14 Q Would you agree, Mr. Catlin, from just  
15 looking at the revised zoning map of Bedminster, that  
16 the RO, that the portion of the RO zone on the east side  
17 of Route 206 is roughly the same size as the westerly  
18 part which you computed?

19 A I would think it would be quite the same. It's  
20 somewhat smaller. I would guess it would be about 15  
21 acres.

22 Q Now, is there anything in the zoning plan  
23 of Bedminster Township as it presently exists to suggest  
24 that it contemplates a research office facility with  
25 600,000 square feet of office building space in a tract

1 of 92 acres?

2 A Certainly nothing on the zoning map.

3 Q Is there anything in the zone ordinance of  
4 Bedminster which makes provision for a motel or lodge  
5 or a conference center such as you have planned for?

6 A If there is, it would probably be in the business  
7 zone district. That would be on page 5, 6 and 7 of the  
8 zoning ordinance. This zone permits any business uses  
9 listed on page 6. It does permit a restaurant, a licensed  
10 bar, a lunch wagon, diner, roadside stand, refreshment  
11 stand, outside vending machines.

12 Q Mr. Catlin, if I may interrupt you, the  
13 ordinance excludes lunch wagons, diners, roadside stands,  
14 restaurants and outside vending machines, does it not?

15 A Well, it says--let's see--"In a business zone  
16 no building or structure, plot or lands shall be used  
17 and no building or structure shall be erected or altered,  
18 which is arranged and intended or designed to be used,  
19 except for one or more of the following uses:

20 Q Right.

21 A Then the first use is any use permitted in the  
22 R-1 and R-2 zone. Number two is office building--I am  
23 sorry, office building or bank. Three is personal service  
24 establishments, including, but not limited to tailor  
25 shop, barber shop and beauty parlor, or retail store or

1 group thereof, which excludes all open fronts and outdoor  
2 stalls, storage and merchandise. Five is restaurants to  
3 which a duly licensed bar may be accessory; excludes  
4 lunch wagons, diners, roadside stands, refreshment stands  
5 and outside vending machines and so forth. It lists a  
6 whole page of permitted uses.

7 Q My question is: Does it not indicate that  
8 lunch wagons, diners, roadside stands, restaurant stands  
9 and outside vending machines are excluded? That partic-  
10 ular provision 5 permits restaurants and duly licensed  
11 bars, but it specifically excludes lunch wagons, diners?

12 A Yes. You are correct. All of these things are  
13 permitted that I have listed except 5, it does specifically  
14 exclude lunch wagons and so forth.

15 Q Yes. And as you peruse the balance,  
16 Article IX of the ordinance, do you see a specific reference  
17 to a lodge, motel or conference center?

18 A No, I do not see any specific reference to a  
19 motel.

20 Q All right. Then can we agree that your  
21 suggested lodge, motel, conference center is not in  
22 compliance with the existing zoning ordinance?

23 A Yes, that's right.

24 Q Now, would it be possible to develop the  
25 plaintiff's property in Bedminster in strict compliance

1 with the Bedminster zone ordinance?

2 A Certainly. It's possible to develop that property  
3 in a number of ways, one of which would be to conform  
4 to the zoning ordinance.

5 Q Why did you not suggest to Allan-Dean  
6 Corporation that its property be developed in accordance  
7 with the zone ordinance?

8 A I don't think it's a realistic use of the property  
9 because of the physical limits of the property, the  
10 mountain on one side and two interstates on the other  
11 three sides.

12 Q What is unrealistic about it?

13 A I think that it's discriminatory and that this  
14 piece of Bedminster is unique in that it's physically  
15 separated from other parts of the township. It's an  
16 opportunity to develop that property that would not be  
17 detrimental to the community. It would not adversely  
18 affect the surrounding properties. It would provide a  
19 housing need in the community and in the area and it  
20 would be a tax advantage to the municipality. Taking  
21 all these things into consideration, in the municipality,  
22 and in its infinite wisdom to ignore all these things  
23 and say we still want to keep Bedminster Township as a  
24 five-acre residential community, this is the whole  
25 subject of why we are here today. Is it reasonable to

1 exclude all of these uses on a piece of property that  
2 could be developed for these uses without, as I say,  
3 being adversely affected by the surrounding community  
4 and wouldn't in any way be detrimental to the zone plan?  
5 And I, as a professional planner, don't think it would.

6 Q Well, it would be, certainly, different  
7 from the existing zone plan.

8 A No question about that. It would be a great  
9 departure from the zone plan.

10 Q Yes. Are your stated reasons for, that  
11 you have described for developing the property as you  
12 have suggested essentially economic for tax revenues  
13 for the municipality or economic return for the owner?

14 A I think it's economic. The physical problem  
15 with the property. And then there is a social problem  
16 involved in the whole fabric of housing in New Jersey.  
17 So we are talking about a lot of things here, other  
18 than just the economics to the community.

19 I think it's fortunate that this property can be  
20 developed in such a way that we meet these other factors  
21 and still have it a plus factor as far as the economics  
22 to the community is concerned.

23 Q Well, you would not deny that the research  
24 office center and the lodge, motel, conference center  
25 would be a tremendous plus factor to Allan-Dean Corpor-

1           ation?

2           A           I don't think there is any question about that.  
3           I think it would be a tremendous plus factor to Allan-Dean.  
4           I think it would be a tremendous plus factor to the  
5           municipality, as far as providing employment opportunities  
6           and also the taxes that would be derived from it.

7           Q           Now, would you agree, Mr. Catlin, that the  
8           steep slope of the hill which is generally west of the  
9           housing you have proposed is really unsuitable for  
10          development purposes?

11          A           Well, "suitable" is a relative term. It's very  
12          steep. It has a slope of over 20 per cent. It would  
13          be very difficult to develop. It would tear up the  
14          terrain and affect the ecology of that whole mountain.

15          Q           Right. And this is why you essentially  
16          left it as is in your proposals?

17          A           This is why; as a planner, I thought it would be  
18          much more realistic to take those 52 single families and  
19          put each one of them on a lot size of one acre and take  
20          the balance of that whole mountain and leave it in that  
21          state instead of laying out that whole mountain in five-  
22          acre minimum lots.

23          Q           Even if the property were developed on a  
24          five-acre minimum lot basis, that would be no compelling  
25          reason to actually put houses on the steep slope, would

1 there?

2 A You have had to use that land to meet the  
3 minimum lot size requirement of five acres.

4 Q Why could you not leave the steep slope  
5 in its present condition without any buildings on it,  
6 even if you were trying to comply with the zoning ordin-  
7 ance?

8 A You couldn't develop it with the minimum lot  
9 size of five acres.

10 Q No. But would you violate the zone ordin-  
11 ance if you left it undeveloped?

12 A You wouldn't violate the zone ordinance, but  
13 you would not be able to physically develop it with a  
14 minimum lot size of five acres. In other words, you  
15 could put maybe ten or twelve homes up on top of the  
16 mountain and leave the rest of the land open, but this  
17 is--it's not economically feasible or practicable.

18 Q It's not economically feasible to Allan-  
19 Dean Corporation.

20 A It's not economically feasible to anyone who  
21 tries to develop that land to only develop the top part  
22 that we are talking about without townhouse and single  
23 family homes. Keep in mind we are talking about approx-  
24 imately 85 acres up there that will be developed, town-  
25 houses and single family houses, and if we are going to



1 take that 85 acres and make each one a minimum lot size  
2 of five acres, we are talking about what?--5 into 85 is--

3 Q Seventeen, something like that.

4 A We are talking about approximately 17 homes  
5 which then means we are going to take all the rest of  
6 the mountain that's a slope of over 20 per cent and leave  
7 it that way. In effect, we are talking about a couple  
8 of hundred acres and only getting 17 homes out of it.  
9 Now, this could be done, certainly.

10 Q Right.

11 A Physically it can be done.

12 Q Right. But your chief objection, the  
13 economic consequences both to the owner and, you say, to  
14 the township.

15 A My objective is to show how that land can be  
16 developed economically to the developer and also have  
17 a tax plus to the community. And also, most importantly,  
18 not permit a developer--whoever he may be, Allan-Dean or  
19 anyone else--to go and try to develop that mountain,  
20 which I think would be disastrous. They start cutting  
21 down the trees on a twenty per cent and putting in  
22 driveways and septic tanks and whatever they may do  
23 to develop that under its present zone, I think the end  
24 result is far worse than what we are talking about.

25 Q Is there anything in here unsuitable about

1 the area where you have placed the office research  
2 center for single-family housing on five-acre minimum  
3 lots?

4 A Physically unsuitable, no. That land can be  
5 developed for just about any kind of land use. It's  
6 very desirable land. As I said earlier, it has a gradual  
7 slope of about four per cent and it's an open field, for  
8 the most part, so you can put almost anything in there  
9 physically.

10 Q Well, what would be your objection to  
11 developing that part of the plaintiff's tract for single-  
12 family houses in accordance with the zoning ordinance?

13 A Well, it's not so much that I have an objection  
14 as I think a more appropriate use is the use that we have  
15 shown for the reasons that I have outlined previously.  
16 It's desirable land. It's near Interstate 287 and 78.  
17 It would provide a very attractive ratable to the  
18 community. It would provide employment. That could be  
19 done in such a way it would not adversely affect Pluckemin.  
20 So it really is a question of what is the most appropriate  
21 use for this land.

22 Now, I could not sit here and say it cannot be  
23 developed into single-family homes, because, of course,  
24 it can. But is this the best use of the property? And  
25 in my opinion, it's not necessarily the best use for the

1 applicant, whoever he may be, or it's not necessarily  
2 the best use for the municipality.

3 Q And, again, are you ultimately considering  
4 best use in economic terms?

5 A This is one factor, but not the only factor.

6 Q Is it the predominant factor?

7 A No, I don't think it's the predominant factor.  
8 It certainly is a factor that's part of this over-all  
9 comprehensive plan. If there was, as a result of this  
10 development, if this in some way was going to detract  
11 or adversely affect some other parts of Bedminster and  
12 in close proximity, then I think you have to weigh what  
13 you are getting here with what you are taking away  
14 someplace. But in this instance, we don't have that  
15 situation.

16 Q If the office research facility was not to  
17 be permitted to be built, in your judgment, it would  
18 make the entire development in both townships impractical  
19 or uneconomic for Allan-Dean Corporation?

20 A I think we have to split that in that, in my  
21 opinion, I don't think it would be uneconomic to develop  
22 the entire tract. But I think if we do not include this  
23 part of the acres of Bedminster, I do not think it would  
24 be too logical to develop the upper portion in Bedminster.  
25 It's all done as part of a package.

1           Q       I understand. You said earlier, I think,  
2           that as you were developing your plan there were some  
3           discussions with Allan-Dean about whether or not to have  
4           a golf course.

5           A       That's correct.

6           Q       If the office research facility were wiped  
7           out of the plan, would that, for economic reasons, wipe  
8           out the golf course, too, in your judgment?

9           A       I don't really know. And the reason that I say  
10          this is that the Allan-Dean Corporation is very unique  
11          and unlike most developers that I have had any contact  
12          with in that they are really not concerned that this may  
13          be a losing proposition, this golf course. I think there  
14          are people on that board that are going to have that  
15          golf course before they are going to have anything else,  
16          even if they are going to lose money. So, knowing this,  
17          and having dealt with these people, and having them at  
18          one time say to me, "We don't care if it's not going to  
19          pay it's way, we want it," I would be inclined to answer  
20          your question that if the OB zone or the office building  
21          development does not take place, you may very well still  
22          have that golf course. I just don't know. I can't speak  
23          for them.

24          Q       I am sure it's not your decision.

25          A       I am giving you the background of my very unique

1 discussion with them. I only guess that there must be  
2 a lot of golfers on that board of directors of Allan-  
3 Dean.

4 Q One of them is Robert Trent Jones.

5 A I don't know if he is on the board of directors  
6 or not, because it was not involved in this.

7 Q There are golf enthusiasts?

8 A That's an understatement.

9 Q Now, you have made a calculation, Mr. Catlin,  
10 of the tax revenues that would accrue to Bedminster from  
11 the proposed Bedminster research facility.

12 A Yes.

13 Q Why did you make those calculations?

14 A Well, we have found in working with municipalities  
15 and many times we are sitting on the other side of the  
16 table where somebody else such as development corporations  
17 come into a municipality where we are the consultants to  
18 that municipality, and the first thing that municipality  
19 wants to know: What effect is that potential development  
20 going to have on the over-all tax situation in the com-  
21 munity. And we did this so that we could show Bedminster  
22 that what we are proposing was not going to be a liability.

23 Q Well, would it be incorrect to say that  
24 one of the reasons you made the calculation was to try to  
25 persuade the township to permit this office research

1 facility, notwithstanding the existing prohibition  
2 established by the zone ordinance?

3 A I believe I just said essentially the same  
4 thing, that we wanted to show the community when we  
5 talked with them informally and presented this plan  
6 that if this was developed it would not be a tax  
7 liability to the community. I guess you can say that  
8 another way and say this was trying to convince the  
9 municipality it was a good thing. It's saying the  
10 same thing.

11 Q Did you calculate how much revenue Allan-  
12 Dean might receive from the office research facility?

13 A I believe this was part of the economic feasibility  
14 study prepared by Larry Smith. I don't have those  
15 figures.

16 Q You, yourself, did not make a calculation--  
17 or did you?

18 A To Allan-Dean?

19 Q Yes.

20 A I don't believe so.

21 Q Now, what were the conditions that dictated  
22 or resulted in the size of the office research facility  
23 which you have told us, I think, is 600,000 square feet  
24 of office space?

25 A Right. I think this is a result of two things.

1 One was the findings of Larry Smith's economic feas-  
2 ibility study as to what he felt the area could absorb;  
3 and the other was the physical limitations of this  
4 property, being such as they were, that the lower area,  
5 the relatively flat area of the tract in close proximity  
6 to the interchange of 287 and I-78 pretty much determined  
7 the area of the zone. And then working backward within  
8 the framework of accepted standards for this kind of  
9 use, this is what resulted.

10 I might say that to the best of my knowledge  
11 there is no particular corporation or company that has  
12 any specific designs on this piece of property, that  
13 this is the size of the property that has to be developed  
14 as part of this plan. And we may find, if and when it  
15 is ever a permitted use, either through use variance  
16 or some other way, when somebody comes along and is  
17 interested in this property, it may be something different  
18 than 600,000 square feet. We really don't know. But  
19 this is well within the framework of Bedminster's existing  
20 zoning standards for RO zone. In fact I think it's, as  
21 I recall, approximately half of what would be permitted  
22 under their standards.

23 Q Now, you speak of the proximity of this  
24 site to the interchange of 78 and 287.

25 A Right.

1 Q Is it not correct that one cannot get to  
2 the ground or to local streets from either of those  
3 interstate highways at that interchange?

4 A This particular map we are looking at doesn't  
5 really show the interchange.

6 Q Well, my question is: Is it possible to  
7 get from either 287 or 78 to a local street right at  
8 the interchange?

9 A No, not at the interchange. There is no direct  
10 ramps, to my knowledge, that would go to a local street.

11 Q Right. And can you describe how a  
12 motorist would get from the interchange itself to the  
13 proposed site of your research office facility?

14 A Coming from what direction?

15 Q Well, from the point of the interchange  
16 itself, how would he go?

17 A Here, again, Mr. English, it depends upon if you  
18 were coming from an easterly direction on 78.

19 Q Take that for as an--

20 A From an easterly direction on 78?

21 Q Right.

22 A You would make the connection from 78 going  
23 west to 287 going north. You would get off at the ramp  
24 just below Schley Mountain Road.

25 Q Get off Route 287?



1 A That's correct. Get off 287 at the ramp south  
2 of Schley Mountain Road which is in the northwest corner  
3 of the property abutting the property in question. You  
4 would then go north on 202-206 to a jug handle, and then  
5 make a U-turn and come back south on 202-206 into the  
6 OB zone, the office building area.

7 Q Right. And do you know the distance from  
8 where the motorist would turn off of Route 78 and in a  
9 westbound direction until he got to the plaintiff's  
10 property on 206?

11 A I don't know. I can estimate it for you by look-  
12 ing at this map.

13 Q Would you do so, please?

14 A I would say that the distance from the interchange  
15 to the jug handle, I would estimate that to be about  
16 3,000 feet.

17 Q Excuse me. Is that in a direct air line,  
18 or does it take into account to get off of 287 near  
19 Schley Mountain Road you have to go around in a circle  
20 and then cross under 287 and head north on 206?

21 A No, the 3,000, the approximate location from the  
22 north part of the interchange which is close to Washington  
23 Valley Road up to the first exit ramp, and then at a point  
24 you would have to go north another 1800 to 2000 feet to  
25 make a U-turn to come back. The distance back from the  
U-turn to the northwest corner of the property I would

1 estimate to be about 3,000 feet.

2 Q Okay. So we are talking roughly---

3 A A mile-and-a-half.

4 Q A mile-and-a-half?

5 A That's correct.

6 Q Is it not true that a motorist proceeding  
7 north on 287 or eastbound on 78 would have to follow  
8 the same route, namely, north on 287 over the ramp, around  
9 the jug handle and back in order to get to the proposed  
10 office research center?

11 A That's correct. At least that is true for the  
12 motorist moving north on 287 would exit at that same ramp  
13 we are talking about.

14 Q Right. Now, what was the other? A motorist  
15 coming eastbound on Route 78?

16 A Coming from the west?

17 Q That's correct.

18 A That appears to be the fastest way to get into  
19 the frontage on 202.

20 Q Following the same routes?

21 A Pretty much so, yes.

22 Q How many employees of all categories do you  
23 estimate would actually work in the research office  
24 facility as you tentatively suggested it?

25 A I would estimate that it would be a maximum of

1 2,000, but here, again, we don't really know, you know,  
2 what kind of office building is going in there, other  
3 uses. This is an accepted standard, about 2,000.

4 Q Is there some kind of rule of thumb of  
5 square foot per worker that you use?

6 A Yes, 300 square feet per person. That's the  
7 maximum figure for most offices.

8 Q You mean the maximum number of square feet  
9 per worker?

10 A The maximum number of persons.

11 Q The minimum number of square feet per person?

12 A Right; results in a maximum number of employees.  
13 This may vary from 300 to 400, 500, depending upon the  
14 kind of office building it is.

15 Q Have you any estimate as to the salary or  
16 wage brackets that these employees would fall into?

17 A No. There, again, we really don't know what  
18 kind of office building is going to be constructed there  
19 or who would be--

20 Q Is there any rule of thumb or formula which  
21 is commonly used to resolve this problem?

22 A Not until you really know the type of office  
23 building.

24 Q In laying out this whole plan, you have  
25 assumed that the workers who will be employed in this

1 research office center will live where?

2 A we really don't know where they are going to live.  
3 They would hope, live someplace within a relatively  
4 short commuting distance of where they are going to be  
5 employed.

6 Q Well, would you assume or hope that a  
7 significant number of them would live in Bedminster  
8 Township?

9 A I would assume and hope that a significant number  
10 of them would live either in Bedminster or Bernards  
11 Township as part of this whole over-all plan. I would  
12 certainly hope and assume that a majority of the people  
13 that would be working there would try to locate in this  
14 housing that is being provided on top of the hill.

15 Q Well, if Bedminster were to accept a  
16 facility giving them employment for, let's assume, 2,000  
17 people--

18 A Yes.

19 Q Would you, as a planner, take the position  
20 that Bedminster ought to make some provision for housing  
21 the people who would work there?

22 A I think that they should certainly make some  
23 provision for some kind of housing other than what they  
24 provide at the present time.

25 Q And is it your position that all of the

1 housing that would thus be required would fit on top of  
2 the mountain?

3 A No.

4 Q Where else would such housing be placed  
5 in Bedminster?

6 A Some in Bedminster in the 264 townhouse units  
7 and 52 single-family units, as well as locate across the  
8 municipal boundary line in that portion of Bernards  
9 Township which will have substantially more kinds of  
10 housing units. And I would also expect them to locate  
11 anywhere within a fifteen to twenty-mile radius of this  
12 location.

13 Q Well, in your judgment, would it be necessary  
14 or appropriate for Bedminster, if it permitted the office  
15 research facility, to make provision in other parts of  
16 the township for middle or below income housing?

17 A I am sorry. I didn't get the question.

18 Q We have been talking about the general  
19 problem of whether Bedminster should or should not provide  
20 housing for the people who work in their research office  
21 facility.

22 A Yes.

23 Q Do you anticipate that some of the people  
24 who work here would be in relatively modest income brackets?

25 A I am sure there would be people in there that would

1 make less than \$10,000 a year.

2 Q Is the housing you contemplate in the  
3 townhouses and single-family dwellings in Bedminster  
4 Township to be priced at levels which would permit  
5 their purchase by people earning \$10,000 or less.

6 A \$10,000?

7 Q Yes, or less.

8 A You are right at a marginal figure. We have  
9 testified that the average price of the townhouses would  
10 be about \$35,000, which means that some of them may go  
11 as low as \$25,000. And certainly some of them will be  
12 as high as \$50,000. The rule of thumb for buying a house  
13 is twice your income annually. If you're talking  
14 somebody about making \$10,000 a year as the maximum  
15 price house that he could hope to acquire would be  
16 \$20,000. So this is just a little below the cost of  
17 the minimum townhouse that we contemplate. But the  
18 person making \$10,000 a year in this kind of facility  
19 is a small percentage of the workers that would be in  
20 there. There would be this thing you are talking about,  
21 some sectors or junior office workers, male junior  
22 office workers or something of this nature. Again,  
23 we are talking about, let's assume, a large architectural  
24 or engineering firm located in a portion of that tract.  
25 They would have a number of draftsmen and technical

1 people that they make, maybe, \$10,000 a year. But  
2 you would also have a large percentage that would be  
3 making from \$10,000 to \$20,000 a year, and now those  
4 people would fall within that category, would certainly  
5 be eligible and would be in the category that could  
6 afford the lower cost townhouse units.

7 Q Well, in an engineering or architectural  
8 firm such as you have referred to, what proportion of  
9 the employees would be in the \$10,000 salary bracket or  
10 below that?

11 A I would say 30 to 40 per cent in a large archi-  
12 tectural firm, about 30 per cent.

13 Q Well, if, assuming for the sake of argu-  
14 ment the whole 600,000 square feet were occupied by that  
15 kind of an outfit, you would have what--six or seven  
16 hundred people in this \$10,000 and below salary bracket.

17 A Theoretically if you had all the people, the  
18 2,000 potential maximum of employees in there earning  
19 \$10,000 a year, you are not going to be providing any  
20 housing for people that may want to buy in this area.  
21 The numbers just don't add up. But as a practical  
22 matter, I don't believe that you are going to have any  
23 kind of corporation located in this particular area  
24 where everybody is going to be making \$10,000 a year.

25 Q That isn't my question. My question: If

1 you assume that the tenants of this facility will be the  
2 kind of organization you describe, I understand you to  
3 say--

4 A Yes.

5 Q --that 30, or perhaps 40, per cent of the  
6 employees would be in the \$10,000-a-year income bracket  
7 and below. Did I understand--

8 A Theoretically it's possible to have that kind of  
9 a use that would result in those numbers. If you had  
10 the whole space, then 30 to 40 per cent of 2,000 workers  
11 would be somewhere between six and eight hundred workers.

12 Q All right. So that hypothetically, you  
13 might have six or eight hundred employees earning less  
14 than, or not more than \$10,000 a year. Now, how many  
15 of the townhouses up here would be priced at or very near  
16 \$25,000 that you estimate?

17 A I don't really know. This has not been established  
18 and this would more or less be determined by the market  
19 at that particular point in time, whenever this thing  
20 was developed. As you know, construction costs and labor  
21 costs and everything fluctuate.

22 Q Mostly upward, right?

23 A Usually upward. Well, the salaries of the workers  
24 keep pace with that. I really don't know what the ratio  
25 of low townhouse costs, middle and high would be.



1 Q Mr. Catlin, you have made the statement  
2 that the average price would be about \$35,000.

3 A That's right.

4 Q And they would range from \$25,000 to  
5 \$45,000.

6 A Yes.

7 Q Now, you must have had some idea in your  
8 mind as to the approximate number of houses that would be  
9 down around the \$25,000 range, and that's what I would  
10 like to find out.

11 A I don't have any figure in my mind as to what it  
12 would be. If I was doing this myself, I know what I  
13 would do, but what J-M is going to do--

14 Q What would you do?

15 A I would have put 25 per cent in the \$25,000;  
16 50 per cent in \$30,000 and 25 per cent in the higher.

17 Q All right. But 25 per cent of how many  
18 town--you have 284.

19 A 264.

20 Q Twenty-five per cent of that would be how  
21 many?

22 A About 65.

23 Q Okay. So would you agree that 65 townhouses  
24 at \$25,000 would not begin to accommodate 600 to 800  
25 workers who might be able to afford them?

1 A The mathematics are that it's obvious you can't  
2 put 600 workers in 65 townhouses.

3 Q If Bedminster were to decide to permit  
4 this facility, would you, as a planner, think it's incum-  
5 bent on Bedminster to make some additional provisions for  
6 the housing of the lower salaried workers who might number  
7 somewhere around six or eight hundred people?

8 A I don't think that there is any mandate that every  
9 worker that's employed in each municipality, that municipi-  
10 pality has to provide housing for them. This thing, it's  
11 wrong on a regional basis, and for that reason we have,  
12 as I said before, provided, offered other forms of housing  
13 on that part of the tract over in Bernards Township that  
14 would include housing for people that were in the \$10,000.

15 Q How many dwelling units did you contemplate  
16 in Bernards Township that would accommodate people either  
17 \$10,000 a year or less?

18 A Well, we haven't broken it down in that partic-  
19 ular form, but we are proposing garden apartment develop-  
20 ment over there, that would be rental units, that could  
21 accommodate the lower income people. It's pretty obvious  
22 in this day and age it's pretty difficult to own any kind  
23 of dwelling unit with a \$10,000 salary, and there are a  
24 number of garden apartments that are proposed in Bernards  
25 Township that was designed to accommodate these fewer

1 number of people.

2 Q Would accommodations of that kind be in  
3 a ball park figure of, let's say, 500 dwelling units?

4 A The number of garden apartments?

5 Q Yes. Well, let me ask this question, Mr.  
6 Catlin. Is it fair to say that no decision has yet been  
7 made as to how many housing units that might be econom-  
8 ically available to the people in the \$10,000-a-year  
9 income bracket will be planned for in the Bernards Town-  
10 ship part of your project?

11 A The figures are in the plan to ascertain what  
12 that number is, but we have not at this time put that in  
13 that form. We have a specific number of garden apart-  
14 ments we are going to propose in part of Bernards Town-  
15 ship as part of that plan, and what that number is  
16 ultimately is something that we really don't know because  
17 we don't know how they are going to receive it. You want  
18 a number?

19 Q No. Let me ask you this. Is it your--  
20 forget all about Bedminster. Let me just ask you a  
21 hypothetical question as an expert planner. Is it your  
22 position that if a town decides to permit a facility  
23 which is an employer of large numbers of people, does the  
24 town have any obligation as part of that to make provision,  
25 or see to it that there is provision for housing at an

1 appreciable percentage of the workers who would be newly  
2 employed in that facility?

3 A Well, I can't answer that question. That's a  
4 general question and I can't give you a specific answer  
5 other than to say this: That where a municipality does  
6 not have a substantial office building zone, as we are  
7 talking about here in Bedminster, and they are going to  
8 create one, and they are going to create employees that  
9 may generate a certain housing need, then I think that  
10 municipality has some responsibility to provide to attempt  
11 to provide some, so that need that's going to be created  
12 by the facility going in in the first place doesn't  
13 necessarily mean that if you are going to have 600 employees  
14 that are earning \$10,000 a year, we have to go out and  
15 provide 600 dwelling units that are going to sell for  
16 \$20,000. When you are talking about housing needs, you  
17 are talking about something that is, you and I know, it  
18 means a regional basis. We think nothing of commuting  
19 five or ten miles to work. A lot of us commute to Newark  
20 or New York and live out in the suburbs. But I do think  
21 that for a municipality to simply take 100 acres and put  
22 an office building and say: We don't care where the workers  
23 live, that's somebody else's problem, that's not proper  
24 planning.

25 Q Thank you. Let me ask you this. If

1 Bedminster were to permit this research office facility  
2 that you are suggesting, you, as a professional planner,  
3 think that Bedminster ought to modify other parts of its  
4 zoning plan so as to make more housing available?

5 A I am really not in a position to say what they  
6 should do beyond what is happening in this particular  
7 quadrant of the township. I have not been privy to any  
8 reports leading up to the master plan, other than the  
9 one that we read at the Board of Adjustment hearing.  
10 I don't know what the needs are in the township, what  
11 the economic level, the income level of the people, and  
12 so forth. I think that this property is unique for the  
13 reasons that I have outlined, but that does not mean that  
14 there may not be other parts of the township that are  
15 just as unique. I am not in a position to say at this  
16 time that if this is done here, it should also be done  
17 in other parts of the township. It may or may not be.

18 Q Well, are you in a position to say that  
19 if the research office facility is put here on plaintiff's  
20 property, that more housing, not research office buildings,  
21 more middle and lower income housing ought to be provided  
22 for by appropriate changes in the zoning form?

23 A I have really not gone beyond this immediate  
24 tract, and feel that what we are providing on this site  
25 and the abutting municipality would be adequate to meet

1 any test of need as far as what would be generated by  
2 this particular proposal. You see, we are in a  
3 difficult situation here. Here we have one parcel of  
4 property and one ownership in two municipalities. Now,  
5 we are talking about uses here that we do not have in  
6 the abutting municipality. On the other hand, we are  
7 talking about proposed uses over here that you do not  
8 have here, such as a shopping center, so the two have  
9 to interplay and needs that are generated by one have  
10 to be met by something that's being provided in the  
11 other community. So, again, I think that we have met  
12 that test by something that's being provided in the  
13 other community.

14 So, again, I think that we have met that test,  
15 and, again, to my knowledge, there is nothing where  
16 there is any kind of legislation or rules or regula-  
17 tion that we must provide housing for everyone that is  
18 going to be working here. We have, through our plan-  
19 ning process, I believe, met the responsibility of  
20 providing these needs through the whole plan.

21 Let me just say one further thing and and maybe  
22 more directly answer your question. In my opinion, the  
23 development of this office building area, as you see it  
24 here, would not dictate that there would have to be  
25 another part of the town that would be rezoned for lower

1 and middle income housing if we develop this whole plan  
2 as you see it.

3 Q Now, in the development of your plans,  
4 did you make any studies or investigation to determine  
5 whether there is presently an unemployment problem in  
6 Bedminster which made it desirable to develop new  
7 employers within that township?

8 A No.

9 Q Now, in connection with developing your  
10 plans, did you make any studies or investigations of  
11 the availability of other sites and municipalities where  
12 an office research facility like this might be put?

13 A No, we did not make an inventory of all the  
14 surrounding communities.

15 Q Did you make any studies to determine whether  
16 there is a scarcity of presently available and suitable  
17 sites for an office and research facility like this?

18 A No, we did not. But here, again, and you will  
19 see as you get into the proposal we made to Allan-Dean,  
20 we developed this after consultation and study that was  
21 made by Mr. Smith, and it's part of their study. Their  
22 charge was going into the very things you are talking  
23 about, and they came back to us and said this is what  
24 we feel can be justified here, as far as what is happen-  
25 ing in the other town in the way of employment opportunity

1 of answers, is there a market? For instance, it is not  
2 very realistic for us as consultants to J-M to build  
3 600,000 square feet of office space unless we feel there  
4 was a market for it. And in the Larry Smith study, he  
5 came back with his finding there is a market for this,  
6 and this is one of the things that precipitated this  
7 proposal.

8 Q Now, just for shorthand, when we talk  
9 about the building I have heard you describe as a lodge-  
10 motel-conference center, if I just use the term--

11 A That's right.

12 Q Which one? Lodge covers the whole works?

13 A I think so.

14 Q Whose idea was it to provide for a lodge  
15 in the Beminster part of plaintiff's property?

16 A Well, here again, as I said, you know, an hour  
17 or so ago, I don't really recall. It may have been our  
18 idea or it may have come out of discussions we had with  
19 the J-M people. I don't think it came out of the discus-  
20 sions that we had with the Bedminster people. But I just  
21 don't know. My memory is a little foggy as to whose idea  
22 it was to put that motel in there. In fact, it may even  
23 come out of the Larry Smith report.

24 (Afternoon session)

25 (Last question and answer read.)



1 Q Are you ready, Mr. Catlin?

2 A Yes.

3 Q Tell me, again, please, in general terms,  
4 how large this proposed lodge is. You mentioned 120  
5 rooms.

6 A 120 rooms. And it's proposed that there would be  
7 six stories that would contain the rooms plus the ground  
8 floor which would be essentially available to meeting  
9 rooms and restaurant and banquet facilities and so forth.  
10 And it would have some provision for air conditioning  
11 and elevator and equipment and so forth, so that it  
12 would be seven plus stories.

13 Q And can you give me some idea of the number  
14 and size of the meeting rooms and restaurant and that  
15 sort of thing?

16 A Well, it would be, basically be one floor, the  
17 ground floor. And the ground floor, I can give you  
18 approximate area of that if this is--

19 Q Please.

20 A It would be approximately 12 to 15 thousand square  
21 feet.

22 Q And all of that would be devoted to these  
23 meeting rooms and restaurant and kitchen and a lobby?

24 A Yes.

25 Q How many people do you estimate could

1 attend conferences or meetings at one time?

2 A I haven't really computed that, but I can do so  
3 if you like. If we take the maximum figure of 15,000  
4 square feet--and I am sure there will be one large meeting  
5 room that should be sufficient to accommodate, I would  
6 say, maximum between two and three hundred persons.

7 Q And how many people could be accommodated  
8 in the other meeting rooms at the same time?

9 A The other--

10 Q The other meeting rooms at the same time?

11 A Well, we are talking about 15,000 square feet on  
12 the ground floor, and if you take a portion of that for  
13 the restaurant and kitchen facilities and the balance of  
14 this floor of this for those other facilities, meeting  
15 facilities and so forth, I would think that the maximum  
16 that you would have in there at any one time--and this  
17 is just a thing I am pulling out of the top of my head--  
18 it would be 500 persons. This is 100 per cent capacity.

19 Q What would be the approximate capacity  
20 of the dining room?

21 A We haven't really broken it down that fine.

22 Q Would your figure of 500 persons that you  
23 just gave us include people eating at the same time that  
24 were attending meetings in the other room?

25 A Well, no, it couldn't. They couldn't be both

1 places at once, either by eating or a meeting.

2 Q All right. But the 500 includes eaters  
3 as well as meeters, right?

4 A Yes, right. I would say so.

5 Q Have you, or to your knowledge Larry  
6 Smith or anyone else, made any investigation of potential  
7 customers for the meeting facilities, conference facil-  
8 ities?

9 A As I recall, Larry Smith in his report did go  
10 into this very question of the economic feasibility of  
11 constructing such a motel and the need that would be met  
12 by providing this at this particular location.

13 One question you asked earlier, whose proposal  
14 was this, and I just couldn't remember, but in going over  
15 the proposal that we made to Johns-Manville we addressed  
16 ourself to this particular point as to whether or not  
17 there should be a motel at that location. So it was  
18 evidently thought of prior to any kind of firm plans  
19 and the Larry Smith report indicates it was even econ-  
20 omically feasible and a reasonable and logical use for  
21 that particular site.

22 Q Well, your proposal to plaintiff, which  
23 you just referred to, I take it is D-2 for identification  
24 which is dated February 20, 1970?

25 A Yes, that's correct.

1           Q       Prior to that time, had you gotten any  
2 ideas or had any consultations with the Larry Smith organ-  
3 ization?

4           A       Yes. We had met with Mr. Larry Smith prior to  
5 his undertaking this survey and we asked him to, we asked  
6 him to answer certain questions that we had furnished  
7 as to various types of land use that might possibly be  
8 proposed on this tract, which did not necessarily mean  
9 everything we asked him to look at was proposed, but we  
10 did specifically ask him to look at the feasibility--I  
11 am talking about economic feasibility--of the various  
12 types of housing units, garden apartment, townhouses,  
13 single-family homes, the economic feasibility of construct-  
14 ing a golf course as part of this project, the feasibility  
15 and the absorption rate and the need for office buildings,  
16 and the motel was one of those items he looked at. So  
17 that, again, answering your question, I think that this  
18 was one of the uses that we had in mind as a potential  
19 use for someplace on the site, because of its proximity  
20 to the interchanges, and then he in his report came back  
21 and indicated that this was a reasonable use for this  
22 piece of property. And I think that this is what really  
23 precipitated this being proposed at that location.

24           Q       Was it at your initiative or that of Allan-  
25 Dean or Johns-Manville that Larry Smith and Company became

1 involved in the planning process?

2 A We had contacted Larry Smith and Company subse-  
3 quent to my initial contact with Allan-Dean when they  
4 were interviewing consulting firms to prepare a master  
5 plan for this property. I contacted Larry Smith and  
6 Company to see if they were interested in sub-contract-  
7 ing, so to speak, a part of this job, to lend us their  
8 expertise and knowledge on that phase of the over-all  
9 planning of the project.

10 Q And that phase being the economics?

11 A The economic phase, the economic feasibility,  
12 the financial breakdown of the whole project. They  
13 indicated that they were, so that then subsequent to  
14 my initial meeting, we then contacted Mr. Smith and  
15 submitted a proposal that was dated February 20, and  
16 it's identified as--

17 Q D-2 for identification.

18 A And in that proposal we specifically indicated  
19 to Allan-Dean that in the event they retained us to do  
20 this job, Larry Smith and Company would be that firm  
21 that would prepare the economic study, so that this  
22 contract amount that you see in here is for the entire  
23 job, which includes Larry Smith and Company's fee, and  
24 his fee for his phase of this over-all project amounts  
25 to approximately one-third of that total fee.

1 Q Well, in developing your plans for the  
2 Allan-Dean property, did you follow pretty closely the  
3 recommendations made by Larry Smith and Company?

4 A Pretty closely. We did, as I indicated earlier,  
5 met with the Allan-Dean people and discussed our prelim-  
6 inary development plan. And the one rather substantial  
7 departure was the question of the golf course where they,  
8 Allan Dean, notwithstanding what Larry Smith had said  
9 about the economic feasibility of this thing decided that  
10 they wanted that golf course in there no matter how much  
11 it cost. But other than that, Larry Smith and Company  
12 was talking about the same kind of land uses we were  
13 talking about: single-family homes in that price cate-  
14 gory, our townhouses, garden apartments in Bernards  
15 Township, business-shopping center in Bernards Township,  
16 and the office building in Bedminster.

17 Q How many times have you, would you estimate  
18 you have consulted with the Allan-Dean Corporation in the  
19 course of developing your plans?

20 A I don't know exactly. I would estimate maybe  
21 six.

22 Q And whom have you talked to on those  
23 occasions?

24 A Each occasion there were different people present.  
25 Mr. Smith, the president of the corporation, was present

1 at most of the meetings. He may have missed one or  
2 two meetings. Other occasions Mr. Salusky (phonetical)  
3 was present, who in some way--I don't know what the  
4 hierarchy is for Johns-Manville--he was someplace  
5 indicated on the flow charts under Mr. Smith. I  
6 think he had the responsibility of seeing that this  
7 plan was developed. We met with Mr. Robert Trent Jones  
8 and his people, because they were involved in the  
9 design of the golf course on the tract. I can't think  
10 of--I am sure there were other people, but I just--

11 Q Who is Mr. Pascal (phonetical) to whom  
12 your cover letter of February 20, 1970, which is part  
13 of D-2 for identification, is addressed?

14 A I understand Mr. Pascal is a purchasing agent.  
15 And this is the only way that they will honor a con-  
16 sulting contract. It must go through the purchasing  
17 agent. At no time did I have any dealings with Mr.  
18 Pascal other than getting this agreement signed. He  
19 was not instrumental in the development. The agent,  
20 as distinguished from Allan-Dean, I really don't know.

21 MR. LANIGAN: I can represent to you  
22 that Mr. Pascal is the purchasing agent at  
23 the research center, I guess, in Finderne,  
24 and all outside contracts are done through  
25 a purchaser. And while he does not approve

1 or become involved in the substance of  
2 them, it is my understanding that they  
3 must be processed through him in accord-  
4 ance with the corporation, as you put it,  
5 hierarchy.

6 Q My real question: Is Mr. Pascal an employee  
7 of Allan-Dean, or is he solely a Johns-Manville--

8 MR. LANIGAN: Johns-Manville. I  
9 would say he probably doesn't know how to  
10 spell Allan-Dean, he has that little famil-  
11 iarity with it.

12 MR. ENGLISH: Okay.

13 Q Mr. Catlin, what part, or to what degree,  
14 did Mr. Smith play in the evolution and formulation of  
15 your plans?

16 A Well, I think they really played a minor degree  
17 in a role that was really subordinate to what I thought  
18 it was going to be when we started out. As I say, he  
19 was at approximately four of the conferences, meetings,  
20 we had. He was brought up to date as to what we would  
21 propose, the various kind of land uses we were proposing.  
22 At no time did he say to us: I think you have made a mis-  
23 take. I want you to take this particular land use off  
24 the plan and put something on. He generally agreed to  
25 the plan as we had presented it, with the exception, as



1 I say, of the golf course. And here I really don't  
2 know where Mr. Smith fits into the picture. My  
3 personal observation is that he agreed with our  
4 finding that there was some question on the economic  
5 feasibility of building that golf course. However, he  
6 went along with the other people in Allan-Dean such as  
7 Mr. Salusky and acquiesced to putting it on the plan.

8 Other than that, he played a minor role.

9 Q Was there any person who seemed to be  
10 calling the shots for Allan-Dean on this?

11 A Well, here, again, Mr. Smith was the one that  
12 started out as the person that we were to report directly  
13 to, and then we got in the middle of it, that at the  
14 middle of developing the plan, Mr. Salusky seemed to  
15 be the one that was going to call the shots. He is  
16 the one that told us to put the golf course in on the  
17 plan no matter what the cost.

18 Q Salusky is the one.

19 A But other than this one question of the golf  
20 course, there was really no disagreement at that time.  
21 I think we were proposing the wrong thing, and he wanted  
22 to do something else, except for the golf course issue.

23 Q In other words, pretty much went along  
24 with your recommendation?

25 A Exactly.

1 Q Now, was it your plan that this lodge will  
2 be used by transients as a place to spend the night?

3 A Yes.

4 Q Well, where would the transients come from?

5 A I think they would be anyone traveling on either  
6 of those two interstates or 202-206.

7 Q Well, how would somebody traveling along  
8 Interstate 78 know about this lodge?

9 A How would they know about it?

10 Q Yes. What would lead someone traveling,  
11 a motorist traveling on Route 78 to turn off and go through  
12 the jug handle and eat a meal or spend the night at your  
13 lodge?

14 A Well, I think they would know about it probably  
15 one of two ways. They would undoubtedly be some kind of  
16 a national chain and it would be listed as a branch of  
17 that national chain, as Howard Johnson, or whatever it  
18 may be. And many people today when they do travel, they  
19 make reservations ahead. They would know about it this  
20 way. It's also possible that they may know about it  
21 through some kind of sign arrangement. We really haven't  
22 gotten into that detail at this point, and something that  
23 would have to be worked out.

24 Q Well, you are not allowed to put private  
25 advertising signs along Interstate highways, are you?

1 A For a certain distance back.

2 Q Right. And what would that mean--a great  
3 big sign sticking up, an illuminating sign sticking up  
4 from the roof, perhaps?

5 A No. I don't really envision that kind of sign  
6 for this project. For traffic on 78 I would think of  
7 something more in the form of a directional sign that  
8 would indicate that for whatever this chain may be,  
9 exit at a certain location to direct them into that.

10 Interstate 287, which runs from the Turnpike  
11 up to Suffern, New York, is a different matter, in that  
12 this would be visible from the interstate and that there  
13 is only 300 feet separating the interstate from the  
14 property where this motel-lodge would be located, and  
15 there you would need a sign, again, that would tell  
16 people how to get to it more than to say: This is the  
17 lodge.

18 Q Again, that could not be right at the  
19 right-of-way at the interstate highway, could it?

20 A It would not be. I would envision that it would  
21 be over on the property itself, which would be visible  
22 from the interstate and there would be nothing to stop  
23 that under the Federal Aid Interstate Regulations because  
24 it would be another State highway separating the property  
25 from the interstate.

1 Q Well, advancing that suggestion, have you  
2 given any thought to the requirements of the Bedminster  
3 zone ordinance restricting signs?

4 A No, not too much. I know that they are quite  
5 restrictive and if there is not a motel permitted in the  
6 zone ordinance, there is really not much reason to reg-  
7 ulate the signs for a motel.

8 Q Are you familiar with the fact that there  
9 is a section of the zone ordinance dealing with signs?

10 A Yes.

11 Q Read Article XIII.

12 A That's correct.

13 Q Would it be your thought that any signs  
14 that you propose could comply with the requirements of  
15 Article XIII of the zone ordinance as it presently reads?

16 A Of course they could comply, but whether or not  
17 it's really practical to try and comply, I would think,  
18 would be another question.

19 Q So that one of the changes in the status  
20 quo that your plans would or might require would be an  
21 exception to the existing sign regulation?

22 A Certainly, as it would apply to 78.

23 Q Now, have you made a calculation of the  
24 revenues that the lodge would produce for Allan-Dean?

25 A Yes. We estimated that the lodge would produce

1 approximately \$50,000 a year.

2 Q In revenue to Allan-Dean?

3 A Oh, no. I am sorry. I thought you meant to  
4 the municipality. No. They have not made a calculation  
5 as the revenue it would produce to Allan-Dean.

6 Q You relied on Larry Smith and Company for  
7 that?

8 A That's correct.

9 Q And are you familiar with the results of  
10 the Larry Smith calculations?

11 A I do not have the report with me, and I do not  
12 remember the exact figures.

13 Q Well, in your judgment, would the lodge  
14 make Allan-Dean's investment in its land more profitable  
15 than if that portion of the property were to be developed  
16 in accordance with the zone ordinance?

17 A Yes, I think it would. If it didn't, I don't  
18 think they should build it.

19 Q And how many persons do you estimate would  
20 be employed at the lodge?

21 A I don't really know how many would be employed.

22 Q Do you have any idea what the salary  
23 brackets would be for those employees?

24 A No.

25 Q Do you know whether Larry Smith and Company

1 considered those matters?

2 A I am sure they did.

3 Q Well, are those issues dealt with in any  
4 report of theirs that you have seen?

5 A I believe they are.

6 Q Well, is it your assumption that the  
7 employees of the lodge would be present residents of  
8 Bedminster Township?

9 A I think that there is a possibility that some of  
10 them would be, but here, again, I don't think anybody  
11 really knows where the employees are going to come  
12 from. It's possible that some of them would be.

13 Q In any event, you made no study, or gave  
14 no particular consideration to that question?

15 A No, not to the percentage of Bedminster citizens  
16 working there, we did not.

17 Q Did you give any consideration to the  
18 question of where the employees would come from?

19 A No.

20 Q Do you think Larry Smith considered--

21 A This I don't know. I don't recall.

22 Q Now, have you had presented to you studies  
23 of the automobile traffic that would be generated by the  
24 office research facility?

25 A I have a figure that was presented to me by Mr.

1 Gorman Associates. I have not seen his final report,  
2 but he indicates that the number of parking spaces  
3 needed to serve the office building complex and the  
4 lodge--he has lumped them together--are a little over  
5 2,000 spaces.

6 Q Do you know what the requirements of  
7 the Bedminster zoning ordinance are for parking spaces?

8 A Yes.

9 Q For buildings of this kind? All right.  
10 Please tell me what they are.

11 A As I remember, they are one parking space for  
12 every one hundred square foot of gross floor area,  
13 which is probably the highest parking requirement at  
14 least that I have ever come across. That's ten parking  
15 spaces for a thousand square foot of floor area. Studies  
16 of the Urban Land Institute on Zoning indicate if you  
17 have 5.5 parking spaces for a thousand, you are going  
18 to provide adequate parking all through but the three  
19 peak days in any year. So that I think that the 100  
20 square feet in the Bedminster ordinance is pretty un-  
21 realistic.

22 Q Well, whether you like it or not, the  
23 Bedminster ordinance in there presently does require one  
24 parking space for each 100 square feet of aggregate  
25 floor area.

1 A That's correct.

2 Q And I am reading from Article XII paragraph  
3 number one, right?

4 A That's right.

5 Q Now, your office research building will  
6 have, you tell us, 600,000 square feet?

7 A That's right.

8 Q So if you are going to comply with the  
9 ordinance you would need 6,000 parking spaces. Is that  
10 right?

11 A That's right.

12 Q And how big a parking space, how many square  
13 feet per parking space do you figure on?

14 A To design a parking lot?

15 Q Yes.

16 A Well, the space itself should be 9 x 20, depending  
17 upon the angle of the parking. If it's right angle, you  
18 should have 24 foot. And if it's 45 degree angle, some  
19 other width, or so forth. There is a sliding scale of  
20 aisle width for the angle parking. But when you are  
21 talking about taking a--let's say you are going to take  
22 an acre and break this up into parking spaces, you can  
23 figure on approximately 300 to 320 square feet per space--  
24 if you follow what I am saying.

25 Q Right. Including the access and aisles.



1 A Right.

2 Q All right. Well, you mentioned a width of  
3 nine feet per parking space in your last answer.

4 A That's the width of a parking space. That's  
5 provided in most off-street parking facilities.

6 Q May I direct your attention to Article XII,  
7 paragraph number 17, of the Bedminster zone ordinance and  
8 ask you what Bedminster's width of a parking space is  
9 required by that?

10 A Article XII, paragraph 17, says that a parking  
11 space for one passenger automobile should have a minimum  
12 width of ten feet and a minimum length of twenty feet,  
13 excluding access drives. So they are talking about  
14 200 square feet of space for the vehicle itself.

15 Q Correct. And you gave this general figure  
16 of about 320 feet per car including the access drives.

17 A Maximum, yes.

18 Q Now, taking your figure of 320 feet per car  
19 and the zone ordinance requirement of 6,000 parking  
20 spaces for the office research facility, how many square  
21 feet of parking space would be required?

22 A The ordinance would require 920,000 square feet  
23 of parking, if the 320 is the figure. 920,000 square feet.

24 Q That's 6,000 times 320?

25 A That's right.

1 Q Isn't it 1,920,000?

2 A Maybe I made a mistake. 6,000 spaces at 320  
3 square feet per space results in 1,820,000 square feet.  
4 You are right.

5 Q 1,920?

6 A I beg your pardon?

7 Q 1,920,000, if I may correct you.

8 A You are right.

9 Q All right.

10 A 1,920,000 square feet.

11 Q Approximately how many acres are there in  
12 1,920,000 square feet?

13 A Well, there are 43,560 square feet in an acre,  
14 so that would work out to about 44 acres of parking.

15 Q Doesn't that figure, which is based on  
16 your 320 square feet per car, include the access driveways  
17 from the highway?

18 A No.

19 Q So that if you were to comply with the zone  
20 ordinance, a parking lot for the office research facility  
21 of approximately 44 acres would be required?

22 A That's correct.

23 Q How many acres have you provided for?

24 A We have provided for approximately 18.11 acres  
25 of parking and driveways in the office building area.

1 This would be exclusive of any streets that lead to  
2 those parking lots. In other words, it would be ex-  
3 clusive of the street running up from the--

4 Q 202 or Walker Valley Road.

5 A That's right.

6 Q Now, tell me the size and capacity of the  
7 parking lot you proposed for the lodge.

8 A There are two parking areas that serve the lodge.  
9 One is on the north side of the proposed building, and  
10 that measures 220 average, and is 140 in width, so that  
11 that's an area of approximately .7 of an acre. Maybe  
12 we'd better work this out in square feet.

13 Q Okay.

14 A And getting back to the same 320 factor, 220  
15 times 140 on the slide rule is approximately 30,800  
16 square feet. And the parking lot on the south side of  
17 the proposed motel is the same size. So we were figuring  
18 a total parking area of 61,600 square feet. Do you want  
19 to divide 320 into that figure? 320 into 61,600 is  
20 about 190 in round, in round numbers. 190 spaces.

21 Q And the two parking lots you proposed  
22 adjacent to the lodge would aggregate roughly an acre  
23 and a half?

24 A Yes.

25 Q Now, apart from the two parking areas we

1 have just talked about, do you have any figure of the  
2 total amount of paving in roadways plus private drive-  
3 ways or anything else that your plan would call for?

4 A Yes. I have just computed the figures in  
5 answer to your interrogatories, which vary slightly  
6 from the figures I testified to at the Board of  
7 Adjustment. I didn't know that they were going to ask  
8 me that question at the Board of Adjustment in answer  
9 of this. I very hurriedly calculated them before I came  
10 down to testify. But I have more carefully computed  
11 those figures as of Monday of this week, and I can give  
12 you those now, or they will be part of your interroga-  
13 tories.

14 Q Well--

15 MR. LANIGAN: Give them now.

16 Q Just let's have them now.

17 A You want the--

18 Q Do you want me to ask--give me a breakdown  
19 of whatever form you have it conveniently available.

20 A With respect to the buildings or structures which  
21 Allan-Dean proposes to erect on its land at Bedminster,  
22 there will be a total area of all roofs, of all buildings  
23 or structures, of 14.77 acres. The estimated area of  
24 the paved parking lots and driveways for all uses on the  
25 tract will be 23 acres. I am sorry--22.81 acres. And

1 the total area of all paved streets which Allan-Dean  
2 proposes to construct on his land in Bedminster Township  
3 is 13.9 acres.

4 Q So that this figure of 22.81 acres of all  
5 parking facilities would include the 18.1 acres with  
6 respect to the office research facility, plus somewhere  
7 around an acre and a half for the lodge?

8 A The difference would not only be in the lodge,  
9 but it would be in those parking areas that might--

10 Q If you subtract the two figures I gave,  
11 the balance within the townhouses and the single--

12 A I can give you those figures, if you want.

13 Q That's good enough for the time being.

14 Thank you. Tell me again, please, how many single family  
15 houses you have proposed for the Bedminster portion of  
16 the plaintiff's property.

17 A Fifty-two.

18 Q And I think you have already stated they are  
19 generally on top of the mountain, on the eastern part  
20 of the Bedminster portion of the tract.

21 A That's right. They are on the eastern portion  
22 of the excessive slope.

23 Q What can you tell me about the lot size,  
24 or average lot size, for these single-family houses?

25 A The minimum lot size would be one acre . There

1 would be no lots in there less than one acre, nor any  
2 lot less in width than 150 feet.

3 Q Minimum width.

4 A Minimum width. Some of the lots would necessarily  
5 be larger, because of the topography, from the configur-  
6 ation of the streets serving that lot, which a pie-shaped  
7 lot going to fan out and no less than one acre.

8 Q And if I may summarize for this record  
9 what I thought I heard you saying at the Zone Board hear-  
10 ing the other night, your rationale, in part, is that  
11 well, these lots are smaller, they are adjacent to un-  
12 built-upon land, the golf course, slope of the hill, so  
13 that the total density is not excessive.

14 A No; what I said, I believe, is that--

15 Q Well, you tell me.

16 A We have 52 single-family homes in there, and there  
17 is no lot less than one acre. And if you average in all  
18 of the open space that would be left, this would result  
19 in one house on every six-plus acres. That is, if you  
20 compute all of this open-space mountain as part of the  
21 over-all, the open space being the steep slope which is  
22 generally west, generally west, but it would include all  
23 of that open space.

24 Q Does that include the golf course, too?

25 A Yes.

1 Q Is it proposed that Allan-Dean rent  
2 the single-family houses or sell them?

3 A It's proposed that they sell them.

4 Q And what is the estimated sales price?

5 A The average sales price would be \$90,000 each.

6 Q And if I remember what you told us this  
7 morning, that would suggest an income bracket for the  
8 purchasers of an average of \$45,000, more or less.

9 A That's right.

10 Q Now, are these single-family houses  
11 designed to replace existing house facilities in  
12 Bedminster?

13 A To replace?

14 Q Replace.

15 A I don't know what you really mean. They are  
16 going to be added to the housing supply. They supple-  
17 ment the housing supply in Bedminster.

18 Q Right. But they are not replacing any  
19 existing housing?

20 A The only way they could replace them is to  
21 tear one down for every one you build. Is that what  
22 you--

23 Q That might be what I mean.

24 A I am having trouble with understanding what you  
25 mean.

1 Q You are not suggesting that--are you  
2 suggesting that there are any substandard houses in  
3 Bedminster which ought to be no longer lived in with  
4 these new houses to be put up by Allan-Dean?

5 A To replace them? No.

6 Q Now, you have also told us generally, I  
7 think, of your plans for townhouses on the top of the  
8 mountain, and the number of those was what?--264?

9 A That's correct.

10 Q And tell us, please, what the lot sizes are,  
11 or, if you prefer, how many acres in the aggregate these  
12 townhouses would occupy.

13 A They have a density of eight dwelling units per  
14 acre. There would be no minimum lot size in that this  
15 is proposed to be a condominium project where the owner  
16 would buy the dwelling unit and all lands would be in  
17 the condominium arrangement. So there would be no sub-  
18 division of each parcel of property for each dwelling  
19 unit.

20 Q Mr. Catlin, looking at the--

21 A That's the development plan.

22 Q At the development plan for the Bedminster  
23 portion of plaintiff's property, you have shown townhouses  
24 near the Bernards Township line which are more or less  
25 surrounded by the Township line and the couple holes of



1 the golf course. Can you describe for me in some way  
2 the extent of the land that would be part of the  
3 condominium you have just described? Would it go up to  
4 the edge of the golf course, or a particular distance  
5 from the back of the townhouses, or what?

6 A Well, it would essentially be a line that would  
7 be approximately halfway from the edge of the fairways  
8 of the proposed holes three and four of the golf course  
9 and the rear of the building that would back on those  
10 two golf courses. We do not go or **include** all the land  
11 right up to the fairways. Some of that would be in the  
12 rough.

13 Q Now, looking at the townhouses which you  
14 have previously described as being built on a cul-de-sac  
15 on a peninsula--

16 A That's right.

17 Q How far on each side would the land owned  
18 in the condominium extend, approximately? .

19 A There is really no fixed figure, but I would  
20 estimate it to be between 200 and 250 feet back from the  
21 edge of the cul-de-sac. I think I can answer your  
22 question this way. We have shown the exact boundaries  
23 of the limits of those two townhouse zones on that  
24 colored map that I believe we have marked. In other  
25 words the two orange areas on--

1 Q Just a second. Let me see if I can find  
2 it in here and then we can-- Is it--

3 A That's it.

4 Q I am referring to the map which appears  
5 in Exhibit D-3 for identification, immediately preceding  
6 Exhibit 3 for identification, which is the first map to  
7 appear in part of that report. And now, Mr. Catlin,  
8 would you be good enough to proceed with your answer.

9 A Yes. This map shows the physical boundaries of  
10 the areas that have been computed within the townhouse  
11 zone or the areas that would be part of the condominium  
12 land holdings. As I said before, the one area that's  
13 in proximity to the holes on the golf course is approximate-  
14 ly halfway from the rear of the building that would be  
15 in that center over to the fairway, and the so-called  
16 peninsula area varies in width from approximately 450 to  
17 perhaps 300 feet.

18 Q Now, while we are looking at this map,  
19 there is a dotted line running from near the townhouses  
20 on the peninsula up and beside the fairways of holes  
21 three and four of the golf course. Can you tell me, please,  
22 what that dotted line represents?

23 A That's a footpath.

24 Q And still looking at this same map, the  
25 area colored in yellow I take it represents the single-

1 family housing lots?

2 A That's correct.

3 Q And do I correctly interpret these black  
4 lines as indicating the size and shape of the individual  
5 lots?

6 A That's right.

7 Q And I think we have discussed this morning  
8 in your testimony, Mr. Catlin, the prices and the  
9 estimated income brackets of potential purchasers of the  
10 townhouses. Have you anything further to say on that  
11 general subject?

12 A No. I think we've pretty well covered it.

13 Q As far as you know, it is part of the plan  
14 of Allan-Dean Company to sell either the single-family  
15 houses or the townhouses only to persons who might be  
16 employed in the proposed office research center adjacent  
17 to the Pluckemin Village?

18 A I don't know what they are specifically planning  
19 for the disposition of those homes, but it would be my  
20 recommendation to them that they not limit it to just  
21 the people that are going to work there. I think they  
22 should be made available to anyone that comes along and  
23 has the money to buy them.

24 Q Now, have you, in the development of your  
25 plans, considered the problem of surface water runoff

1 that would result as, if these plans you suggested  
2 should be carried out?

3 A We have considered it to the extent that we have  
4 some idea where that water is going to run. We have  
5 not prepared the engineering detail as to the adequacy  
6 of the existing facilities and what, if any, new facil-  
7 ities would have to be constructed under those highways  
8 to take care of that water.

9 Q Have you made any calculation as to the  
10 quantity of runoff that should be handled by these  
11 engineering facilities?

12 A No. We understand that this has been done,  
13 and we have treated the question of storage drainage  
14 and sanitary sewer facilities in this way; that is, that  
15 we know that for this property to be developed, either  
16 pursuant to the proposed plan or pursuant to the existing  
17 zoning ordinance, that some provision is going to have  
18 to be made for draining of storm drain runoff and  
19 sanitary sewer facilities, and we know that it has to be  
20 done, and it will be done. Now, the exact detail of  
21 how big the culverts should be under Route 202 or 206,  
22 how many gallons pass through in a peak flood, we have  
23 not gone into those exact figures. We do know, and we  
24 have explored the various possibilities of serving this  
25 tract with sanitary sewer facilities, the alternatives

1 that are open, but we have not specifically said we  
2 think that the sewer problem should be solved the  
3 following way, and any specific recommendations.

4 Q Is any other person or organization assum-  
5 ing primary responsibility for designing the surface  
6 water runoff arrangements?

7 A Yes.

8 Q Who is that?

9 A Mr. Stiers' office, professional engineer in  
10 Somerville.

11 Q And have they submitted any reports to you  
12 on that?

13 A They have not submitted any report to me, no.  
14 We know from studies that we have made in a general  
15 fashion where the water is going to run, where the drainage  
16 basins are. We know approximately where they are going  
17 to leave the tract. Now, water is going to seek its  
18 lowest level, and that means that somebody such as Mr.  
19 Stiers will have to ascertain the adequacy of the exist-  
20 ing storm drainage facilities as it leaves the tract to  
21 see if, as the result of this development, they will  
22 have to be expanded. And I would assume if they do, then  
23 the proportionate share of whatever those additional  
24 facilities may be would fall upon the applicant in this  
25 case.

1 Q Do you expect that the results of Mr.  
2 Stiers' work, those respects, will be made available  
3 to you in some point of time?

4 A I am sure they will.

5 Q Do you have an idea when that time will be?

6 A I would say hopefully within the next thirty  
7 days.

8 Q Did you engage Stiers or did you or did  
9 Allan-Dean do it independently of you?

10 A Allan-Dean did it independently.

11 Q Well, Mr. Caltin, in a general way you know  
12 that the development you have planned for would signi-  
13 ficantly increase the quantity of surface runoff from  
14 the Bedminster portion of the plaintiff's property?

15 A Yes. They would have to increase the runoff.  
16 Again, how significant, I don't really know. I mean,  
17 you know, significant is a relative term. Certainly  
18 going to be runoff from this property if this is developed  
19 the way it is presently used.

20 Q Well, you know, do you not, that you get  
21 more runoff from a paved area than you do from a lawn?

22 A Yes, you do.

23 Q And you get more from a lawn that you do  
24 from a field. And you said the westernmost part of --  
25 the plaintiff's tract on Route 206--

1 A I can't testify that you get more surface  
2 drainage runoff from a lawn than you would a field.  
3 I think so many things would depend upon the subsurface  
4 factor, condition, and so forth.

5 Q Do you get more from a lawn than you do  
6 from woods?

7 A Here, again, I--I don't think you are going to  
8 get much from a lawn. It's conceded you have a greater  
9 accent rate in a wooded area than you would a lawn area.

10 Q But you are not sure then?

11 A No. That's a little beyond my field.

12 Q The area on top of the mountain where the  
13 single-family houses, the golf course fairways and the  
14 townhouses are to be constructed presently wooded?

15 A Yes.

16 Q It is wooded. And to what extent will the  
17 woods be eliminated by what you plan for?

18 A Well, they certainly would be completely elimin-  
19 ated within the bed of that road. They would be elim-  
20 inated within the exact location of those 52 single-  
21 family homes and they would be eliminated in parts of  
22 that golf course. I would say probably 80 per cent of  
23 the two holes, you would have to cut down the trees to  
24 put the paved ways in there.

25 Q Would it be your idea that the natural woods

1 would be left surrounding the single-family houses?

2 A Wherever possible, it would be our recommendation  
3 to only disturb that part of the wooded area where you  
4 had to actually and physically take down the trees to  
5 construct the improvements and the houses. Now, here  
6 you get into a detailed engineering study, or you get  
7 involved in questions of storm drainage. Hopefully,  
8 you would drain your storm drainage out into the street  
9 and channel it down into drainpipes and so forth. And  
10 it may be that you would have to cut some of the trees  
11 that would fall in between the houses as we see them on  
12 this map to get a proper elevation for those homes, but  
13 good planning and engineering practice would dictate  
14 that you would leave as much of that wooded area as  
15 possible and cut out the scrub brush.

16 Q Well, let's look for a moment at the so-  
17 called peninsula with the townhouses on it.

18 A Right.

19 Q Would it be fair to assume that most of the  
20 trees between the rear walls of the townhouses, which  
21 would include the buildings and the street, would be  
22 cleared of woods?

23 A No, not the rear.

24 Q I mean between the rear and between the  
25 rear on one of the streets and the rear on the other side.



1 A That's a fair statement. In other words, the  
2 property between the proposed cul-de-sac street and the  
3 row of houses fronting on both sides of that street,  
4 including the location for the houses, would have to  
5 be cleared.

6 Q Very well put. And what about the  
7 townhouses located up beside the golf course fairways?

8 A Well, here again this cluster is served basically  
9 by two streets, and the band that would use, the band  
10 that would have to be cleared, it would have the street  
11 located down the center of the band or the circumfer-  
12 ential street. It would be possible to save some of  
13 the trees in the four quadrisections behind the row houses,  
14 but I would estimate that probably 75 per cent of the  
15 wooded area would have to be cleared within the core of  
16 the townhouse areas.

17 Q The townhouse areas near the golf course?

18 A Yes.

19 Q Well, is it fair to say that thus far you  
20 have not specifically considered the effect that surface  
21 runoff would have on the North Branch of the Raritan  
22 River or Chambers Brook as a result of your proposed plan?

23 A We have not computed the gallonage that would be  
24 added to it already going in there. This, I understand,  
25 will be computed by Mr. Stiers in his study.

1 Q Well, then, is it fair to say you have  
2 not considered whether the gallonage as it may be  
3 computed or as it may be proved to be would have  
4 upon the two streams I mentioned?

5 A We have not, as I say, computed the additional  
6 gallonage that would go into those two streams, as far  
7 as planning of this tract is concerned. I think it's  
8 rather an academic subject. That's a drainage area,  
9 and any storm drainage that goes in there in a natural  
10 drainage basin now continuing to go in there as long  
11 as the development of this property does not incur  
12 any additional expense upon the municipality, and  
13 widening culverts and whatever they took to empty  
14 water into that river.

15 Q Are you aware that the Raritan River is  
16 an important source of the public water supply for  
17 north central New Jersey?

18 A Yes, I think it is. Doesn't it go into the  
19 Elizabethtown area, that area?

20 Q Yes. Water for the public water supply  
21 is taken out of the Raritan River at some point down  
22 stream that flows to Bedminster Township?

23 A I would assume. I don't know all the details.

24 Q Have you given any consideration to the  
25 effect that the greater increased runoff might have on

1 the quantity or quality of the downstream water in  
2 terms of the public water supply?

3 A Again, we have not determined the quantity of  
4 water. I just don't know. As far as the quality of  
5 the water is concerned, I think it has very little effect  
6 upon what we are talking about.

7 Q And not sanitary sewers?

8 A I don't believe, and again I am not a water  
9 expert, but I don't believe that the development of this  
10 tract, resulting in a greater increase in storm water  
11 runoff emptying into that river, is going to have any  
12 adverse effect upon the water supply. That water has to  
13 be treated. They just don't bring this out of the river.  
14 This kind of thing is happening all over. In fact, we  
15 are proposing a very similar situation in Bernards Township  
16 a 16-acre man-made lake, a water detention for all the  
17 storm drainage.

18 Q Is it fair to say you have not specifically  
19 considered what effect, if any, the total proposal you  
20 have advanced on behalf of Allan-Dean Corporation would  
21 have on the public water supply, as furnished by the  
22 Raritan?

23 A We have considered it, but dismissed it as not  
24 being a problem. In other words--and again I cannot  
25 testify as to what effect this would have on the depth

1 of that river or anything else, but we do not feel that  
2 the development of that mountain for residential develop-  
3 ment would have any adverse effect upon that, upon the  
4 quality of the water in that river, as far as the water  
5 supply is concerned, because that has to be treated.

6 Q Well, now, you have said you have con-  
7 sidered. What were the factors which led you to the con-  
8 clusion that there would be no adverse effect upon the  
9 public water supply?

10 A The same kind of development that has taken place  
11 in other parts of the state. To my knowledge, no muni-  
12 cipality is requiring storm drainage runoff to be treated  
13 before they enter any kind of reservoir or stream or  
14 natural water supply. It may be, but I am not aware of  
15 it.

16 Q So that the sole basis for your dismissal  
17 of this consideration as a possible objection to your  
18 plan--

19 A Yes. We have not gone into the engineering  
20 detail and the chemistry of what effect that storm drain-  
21 age would have on that water in the river, either in  
22 quantity or quality.

23 Q Can you tell me, please, how many families  
24 would live in the developments you have proposed for the  
25 Bedminster part of your plan?

1 A Fifty-two in the single-family area and 264 in  
2 the townhouse area.

3 Q Well, is it, my arithmetic, that adds up  
4 to 316 families?

5 A Right.

6 Q If the Bedminster portion of the Allan-Dean  
7 tract were to be developed in conformity with the existing  
8 Bedminster zone ordinance, how many families would be  
9 accommodated on that land?

10 A We have estimated that there would be 124 single-  
11 family dwelling units.

12 Q Is that 124 figure assuming that the steep  
13 slope of the Watchung Mountain would be built on?

14 A Yes. Those would be divided, subdivided into  
15 five-acre lots.

16 Q Are you familiar with the Somerset County  
17 masterplan?

18 A I have seen it. I have not studied it. I am  
19 somewhat familiar with it.

20 Q Do you know when it was adopted?

21 A No. No, I don't. I don't know if it was adopted.

22 Q Did you make any effort to reconcile your  
23 proposals with the Somerset County maps or plan?

24 A We made an effort to bring the planning director  
25 for the Somerset County board up to date and to acquaint

1 him with what we are proposing as part of this 466 acres.  
2 We met with him in my office on one occasion and I met  
3 with him in his office on another occasion to let him  
4 see what we were doing and to let him take this into  
5 consideration in anything he was doing as far as the  
6 Somerset County master plan was concerned.

7 Q When did you have these two meetings with  
8 him?

9 A I don't have my calendar with me, but I would  
10 estimate that the meeting with him in my office was in  
11 the early part of 1970, and I met with him in his office  
12 sometime in 1970 before we had really firmed up our plan.

13 Q Can you give me your best guess as to what  
14 part of 1970 that meeting would have fallen into?

15 A I really don't know. I could be off as much as  
16 three or four months. I can get this information for  
17 you by checking my calendar, if you want to.

18 Q Well, I would be interested, if you could  
19 give me that information.

20 Now, where was the gentleman--you talked with  
21 Mr. William Roach?

22 A Yes, Mr. Roach. And Mr. Roach, Arthur Ruben  
23 both met with me in my office earlier this year. The  
24 meeting in his office, this goes back almost two years.  
25 I really have to check my notes to see who met and what

1 date it was.

2 Q Now, what, specifically, did you talk  
3 about on your first meeting in Mr. Roach's office?

4 A Again, I am a little foggy on this because it  
5 does go back two years. We indicated to him we had  
6 been interested in the master plan on the development  
7 of this tract. We wanted him to know what we were  
8 doing. And at that time we had arrived at a point  
9 where we had some specific proposals pertaining to this  
10 tract. We wanted to sit down with him and acquaint  
11 him with what these proposals were. I believe that  
12 I may have received from him some materials that we  
13 thought would be helpful to us in developing this  
14 study, and such things as soil information and whatever  
15 they may be. I just don't recall the things that we  
16 did receive, but this is a kind of courtesy call to let  
17 them know we were working in this tract, and we wanted  
18 to let them know that we were going to sit down with  
19 him when we had something definite to report. The  
20 night in this--

21 Q I will ask some more questions before we  
22 get to the second one. I think you said you discussed  
23 at your first meeting some of the plans you had in mind  
24 for the Allan-Dean tract. Could you tell me particularly  
25 what those plans at that time were that you did discuss

1 with Mr. Roach?

2 A I really don't recall whether we discussed  
3 anything in particular, that is anything specifically;  
4 that is, we didn't go in and say we were going to plan  
5 on 52 single-family homes and so forth. I think we  
6 talked in general terms we had in mind to develop,  
7 or propose that this 466 acres be developed as a PUD,  
8 planned unit development, pursuant to New Jersey statutes  
9 permitting this kind of thing. So, I don't know whether  
10 we really got down into the nitty gritty of the plan  
11 as to what we were going to propose and where.

12 Q Do you recall whether you mentioned an  
13 office research facility specifically?

14 A I don't recall. We may have, but I just don't  
15 remember.

16 Q Can you tell me, as best you can remember,  
17 what kind of reaction you got from Mr. Roach and/or his  
18 associate, if any--whoever may have been there?

19 A We received probably the only kind of reaction  
20 we could expect. This is very interesting, and keep us  
21 posted, and, you know, this kind of reaction--very non-  
22 committal. They didn't know that this was good or a bad  
23 area for a PUD or anything else. Basically, I came away  
24 from that meeting with the thought that he was certainly  
25 very interested in what we were doing. He wanted to see



1 it as soon as possible when we had finished our study  
2 and could specifically talk about things we are talking  
3 about today. And he was anxious to see how this whole  
4 thing was going to be developed. It was a very noncommit-  
5 tal meeting on his part. He indicated that, or implied  
6 that he had an open mind and he was agreeable to seeing  
7 anything we came up with.

8 Q I am trying to exhaust your recollection  
9 of that meeting. Anything else you can tell me about  
10 it?

11 A Not that I can recall right now.

12 Q As you think about it, you are inclined to  
13 think it was in the spring, summer or fall of 1970?

14 A I don't even remember. I don't really know.

15 Q Well, now, let's get to the second conference  
16 you had with them, and I think you said that was in your  
17 office.

18 A That's right.

19 Q And the approximate date of that was when?  
20 Early 1971, I think you said.

21 A I would say it was about in the late spring.

22 Q Or?

23 A This year.

24 Q 1971?

25 A Yes. I did--Incidentally, I was in touch with

1 his office on the telephone and on other occasions where  
2 we were discussing various problems and we would also  
3 discuss, you know, what was happening and what we were  
4 doing. These were just telephone conversations. He  
5 was aware of what we were talking about.

6 Q In the course of that, did he make any  
7 particular reaction, be it favorable or unfavorable or  
8 otherwise, to what you were talking about?

9 A On the telephone, because he was really working  
10 in a vacuum, and sit down and see something tangible in  
11 the form of a plan with a specific design--he knew what  
12 we were talking about in the way of various land use.  
13 He couldn't visualize where they were.

14 Q Well, now, we covered everything up to that  
15 meeting in your office.

16 A I believe so.

17 Q Tell, me, please, what were you talking  
18 about on that occasion?

19 A We showed him the plan generally as you see it  
20 here, and, again, both Mr. Roach and Mr. Reuben were  
21 noncommittal. They were interested in it. I get the  
22 impression, or I went away from that meeting with the  
23 impression that they were primarily concerned more with  
24 traffic than anything else. They didn't seem to feel that  
25 this in any way was going to jeopardize their county plan,

1 although it certainly was not compatible with what they  
2 had on their county map. They did seem to express some  
3 interest and some concern about the traffic portion of  
4 this tract, that this would have on the traffic, partic-  
5 ularly Art Reuben who, I understand, is the person on  
6 the County Planning Board that heads up the traffic  
7 section of the Board.

8 Q Have you--excuse me. Have you exhausted  
9 your recollection of that conference?

10 A Well, this very briefly summarizes what happened.  
11 He saw the plan. He expressed some interest. He had  
12 some question on traffic. That, generally, was it.

13 Q Did he have questions specifically on any  
14 other aspect of it?

15 A Well, I am sure questions were asked, but none to  
16 the extent they stood in my mind.

17 Q And did you make any written memorandum of  
18 that conference?

19 A No, nor did we at any conference we had at the  
20 four or five or six meetings, whatever it was, that we  
21 had with Allan-Dean. These were just working meetings  
22 where the staff meets, sit around a big table and discuss  
23 planning policy.

24 Q Have you ever seen a copy of the Somerset  
25 County master plan?

1 A Yes.

2 Q Do you have one in your possession?

3 A Not with me. I have one in my office.

4 Q Well, Mr. Catlin, I show you a copy of  
5 the Somerset County master plan, which has been iden-  
6 tified as Exhibit A attached to the request for admin-  
7 istration services by defendant on the plaintiff on  
8 December 2, 1971, and I ask you if you agree that  
9 that is a copy of the Somerset County master plan?

10 A Yes.

11 Q May I direct your attention to the  
12 statement appearing on the inside cover of the master  
13 plan and ask you if you can tell us whether or not the  
14 master plan has been adopted by the Somerset County  
15 Planning Board?

16 A Yes. It states, taking this out of context:  
17 "Somerset County Master Plan of Land Uses, which is  
18 the subject of the public hearing, and adopted by the  
19 Somerset County Planning Board on November 24, 1970."

20 Q Can you tell me when, or approximately  
21 when, you first saw a copy of the Somerset County master  
22 plan?

23 A I don't know. I just don't know.

24 Q Well, was it shortly after it came out in  
25 November a year ago?

1 A I don't really recall. You see, we are working  
2 in so many municipalities and so many counties. We  
3 are on the mailing list of all these boards and agencies.  
4 And I know it was sometime during the preparation of  
5 our Johns-Manville project. The first thing we would  
6 look at, whenever it was. Just how they were going to  
7 handle this particular area.

8 Q All right. And how did they propose to  
9 handle this particular area--by which I assume you  
10 mean the Allan-Dean property?

11 A That's correct. I think the plan--I have to  
12 find the map now.

13 Q It's in the back.

14 A The property in question on the Somerset County  
15 master plan of land use is broken up into two specific  
16 land use categories. One is indicated as a Somerset  
17 regional center. Wait a minute, now. This color code  
18 is so close that it's difficult to really determine what  
19 that dark color is around the interchange.

20 MR. ENGLISH: Let the record show that  
21 the witness is looking at the map which is  
22 part of the Somerset County master plan,  
23 which is entitled, "Somerset County Master  
24 Plan of Land Use."

25 A I think that the browns and the purplish terra

1 cotta color is so close it's difficult to--I would  
2 estimate that the area running north of Route 78 and  
3 east of 287 across the subject property, and it appears  
4 its about the same distance back as the existing R-1  
5 zone in Pluckemin, is shown on the village master plan,  
6 "Village Neighborhood."

7 Q You mean county master plan?

8 A County master plan. And the area behind that  
9 "village neighborhood" all the way up to the Bernards  
10 Township municipal boundary line is shown as "rural  
11 settlements."

12 Q And as a matter of fact, what does this  
13 Somerset County master plan of land use map show with  
14 respect to Allan-Dean's property in Bernards Township?

15 A Mostly it is in rural settlements.

16 Q Will you identify for me what parts of  
17 Allan-Dean land in Bernards Township are not in rural  
18 settlements?

19 A To make that comparison I will have to look at  
20 some of the exhibits that we have prepared for the report  
21 for Allan-Dean. This map is at such a scale, it looks  
22 like one inch equals two miles. It's very difficult to  
23 make this comparison. I could do it with some, because  
24 I am working off a 200 scale map and can figure the  
25 Allan-Dean property is very I would estimate

1 that the bulk of the Allan-Dean property is in the  
2 so-called rural settlement zone. There are some roads  
3 missing on this. I believe it appears that all of it  
4 is in the rural settlement zone.

5 Q Well, from your problem of equating the  
6 Somerset County master plan of land use with your own  
7 map entitled, "Area Development," do I correctly infer  
8 you would not give a great deal of study to the Somerset  
9 County master plan of land use insofar as it may affect  
10 the Allan-Dean tract?

11 A Well, we were--it only took a moment to glance  
12 at this map relating the Allan-Dean property, the bulk  
13 of the Allan-Dean property, to the exchange or the  
14 quadrant of 287 and 78. And it was also perfectly  
15 obvious that a greater portion of that was in the rural  
16 settlement zone without, perhaps, picking off some tiny  
17 little triangle of the tract. Whether or not you had  
18 a tiny little portion in the residential neighborhood  
19 zone, it was kind of academic.

20 Q Well, my question goes to the extent to  
21 which you have studied and analyzed the Somerset County  
22 Master Plan of Land Use and, indeed, the master plan,  
23 in connection with formulating your plans for the develop-  
24 ment of the Allan-Dean property.

25 A Right. Well, the County plan came out subsequent

1 to the development of our plan.

2 Q Was your plan finished in November, 1970?

3 A Well, it was finished to the extent that we  
4 pretty well knew what the land use was going to be as  
5 far as it pertained to office building, townhouses,  
6 single-family developments. As I say, we were hung up  
7 several months in this golf course.

8 Q When was the golf course issue resolved?

9 A I think that was resolved this year, early this  
10 year, about the time that we met with Mr. Roach the  
11 second time.

12 Q Which, I think you said, was approximately  
13 in the spring?

14 A The spring of '71.

15 Q Well, by November 24, 1970, was it too  
16 late to change your plan for the Allan-Dean property?

17 MR. LANIGAN: Well, I would like to  
18 impose here. You keep referring to November  
19 24. We don't know when that was published.  
20 Having been a member of the County Planning  
21 Board, I can tell you there is a lot spilled  
22 between the public hearing, which occurred  
23 sometime after the 24th, and its dissemination,  
24 and it's never been established when the thing  
25 has been definitely-- I can tell you from



1 personal experience it's literally months.

2 A The public proceeding, the adoption date--

3 Q This is the adoption date.

4 MR. LANIGAN: I am saying to you there  
5 is quite a bit of time between having a hearing  
6 on November 24, 1970--

7 MR. ENGLISH: I thought they said it  
8 was an adoption date.

9 MR. LANIGAN: An adoption, and sending  
10 it out as part of this. I am going to tell  
11 you, I will drop the bomb, this report wasn't  
12 sent out until September of 1971. Now, how  
13 the devil is he supposed to read this report?  
14 And the reason I say it wasn't sent out until  
15 September of 1971 is because that's what it  
16 says on the first page, right below what Mr.  
17 Catlin was reading. I object to having him  
18 testify as to something on November 24th when  
19 the thing isn't dispensed for almost a year  
20 later.

21 MR. ENGLISH: I thought he testified he  
22 had seen it.

23 Q Isn't that in your--

24 A I have seen some maps. I don't know if it was in  
25 this form; but, again, whenever it was, we looked at this

1 property. We immediately reviewed the plan as it per-  
2 tained to this property to see what effect it had on  
3 the proposal, and it was perfectly obvious that they had  
4 simply taken, or basically taken, the existing zoning  
5 boundaries of all the municipalities, and just projected  
6 them for a land use. If you relate--

7 Q Is that the charge you make to formulate  
8 the county master plan?

9 A The charge I make? Call it what you will. I am  
10 simply telling you, if you relate the composite zone map,  
11 the front of this master plan report, to Somerset County  
12 master plan, it's very similar.

13 MR. LANIGAN: Forgive me, Mr. English.

14 A And the only--

15 MR. LANIGAN: It's true.

16 A The only difference is that the zone map does not  
17 include public land, parks and proposed parkways and  
18 things of this nature, which has been superimposed upon  
19 a composite zoning map of the whole county. And in  
20 addition, this is basically what this master plan--it's  
21 nothing more than a composite zoning map of land super-  
22 imposed on it.

23 How does the County Planning Board know, number  
24 one, what municipalities are going to adopt a PUD  
25 pursuant to the statute, and how is that going to be taken

1 in the County master plan? The County Planning Board  
2 doesn't have zoning power. They cannot go out and  
3 project what each municipality should do in the way of  
4 multiple family housing. All they can do is recognize  
5 what those counties have done in the form of a composite  
6 zoning map. Usually the county doesn't have the power  
7 to prepare zoning plans.

8 Q Have you read the entire Somerset County  
9 master plan?

10 A No.

11 Q Is it your position that a county master  
12 plan, specifically the Somerset County master plan,  
13 should be disregarded in planning for the development  
14 of approximately 1400 or 1500 acres?

15 A No. I don't think it should be disregarded.  
16 I think the County Planning Board is doing the best  
17 possible job. No planning board in the State of New  
18 Jersey has the power to predetermine what land uses are,  
19 each municipality has indicated earlier. This is the  
20 prerogative of the municipality.

21 Q All right. What value, if any, do you see  
22 in a county master plan such as the Somerset County  
23 master plan?

24 A I think the big value in a county master plan is  
25 to address itself to those functions that they have some

1 jurisdiction over and which is such as the proposed  
2 location and acquisition of public lands. It also is  
3 very helpful in working with the Department of Transpor-  
4 tation. They can try to determine the best location for  
5 State and County highways to run through an area that  
6 would serve the most people and have the least adverse  
7 effect upon the property. This, I think, is their real  
8 function, and it is the thing they have been doing very  
9 well for the last fifteen or twenty years. I do not  
10 think it is a county function to determine where a  
11 built-up area should be, or multiple family should be,  
12 or where office buildings or things of that nature are  
13 concerned. In the first place, there are no provisions  
14 in the Statute giving this power or this jurisdiction.  
15 It does give this power and jurisdiction over streets  
16 and public lands. I think that this is why the Statute,  
17 or the Legislature, in 1954 established an official  
18 map and building permit act.

19 Q Is there any connection in your mind between  
20 the appropriate location of highways and land uses?

21 A The location of highways?

22 Q Of highways and land uses in a given area.

23 A Yes.

24 Q Can highways be planned intelligently without  
25 some idea of how many people are going to use them and

1 what patterns will be?

2 A Well, certainly you are going to have--

3 Q Just answer my question.

4 A I am trying to. We are going to have to know  
5 what your existing traffic pattern is.

6 Q Right.

7 A Existing traffic counts and projected traffic  
8 counts to accommodate whatever problems results from  
9 traffic.

10 Q And in your projection traffic counts have  
11 some relation to the projected plan use in the future?

12 A I think they do. But when you get into a count  
13 situation, they do not say: Let's put a County road in  
14 a certain location because this is a reasonable place  
15 for a certain kind of land use, and maybe convince the  
16 town to put the land use in there. They deal pretty much  
17 with the composite zoning patterns that gradually develop  
18 in the respective municipalities. They are basically  
19 concerned, when they plan for new County roads, to move  
20 traffic and not what would result along the particular  
21 County road as far as the zoning pattern is concerned.

22 Q Do you know what the rationale in the County  
23 master plan is for dictating parts of the County as a  
24 rural settlement area?

25 A Again, I think that it's a composite of the exist-

1 ing zoning pattern.

2 Q Do you know what the master plan says  
3 the rationale for the--

4 A No, not off hand.

5 Q Now, in your professional opinion, is it  
6 desirable or undesirable to plan for land use on the  
7 basis of larger areas than just one single municipality?

8 A I think it would be desirable if there was some  
9 framework within the State of New Jersey that this  
10 could be done. As a planner, I think it would be  
11 desirable, but until such time as the legislature sees  
12 fit to change the rules that we are all playing the  
13 game by, I don't think it is going to be done. It can't  
14 be done.

15 Q Well, if municipalities have had at least  
16 a moral obligation to follow a regional plan, whether  
17 it's propounded by the County or somebody else, would  
18 this be at least some degree of progress toward the goal  
19 you just expressed?

20 A If there were some plan that could be developed  
21 that would be developed by someone other than the County  
22 Planning Board who operates under the present framework,  
23 if we could give the County some kind of power that they  
24 do not have that could dictate to certain municipalities  
25 that you must have this particular kind of land use and

1 somebody else must have another, then I think it's a  
2 step in the right direction.

3 Q Well, doesn't the Somerset County master  
4 plan suggest that even though admittedly it has no  
5 binding legal--

6 A In my opinion, it doesn't.

7 Q You haven't read the plan.

8 A I can see the map and I can--

9 Q Have you read the text of the plan?

10 A No.

11 Q But just in looking at the map you say they  
12 haven't done anything that is rational planning for the  
13 county, just accepted the established--

14 MR. LANIGAN: I object. He didn't  
15 say that.

16 MR. ENGLISH: Let him answer.

17 A I answered before that I think that this basically,  
18 the County master plan is simply a composite of the  
19 existing zoning patterns of the entire county with public  
20 facilities, public lands--they call them open spaces--  
21 and waterways superimposed on a composite zoning map.

22 Q Is that your characterization of the  
23 Somerset County master plan?

24 A I think that sums it up pretty well.

25 Q As a planner, do you think it would be

1 desirable if the State of New Jersey were urbanized  
2 wall to wall or suburbanized from one boundary to the  
3 next?

4 A Well, two parts of your question. I do not  
5 think it would be desirable to urbanize from wall to wall  
6 throughout the entire state. When you talk about suburban-  
7 ization, things of this kind, a broad condition and  
8 difficult. I can think of suburbs we are working in,  
9 so-called suburbs, that have 1400 square feet, only about  
10 a third of an acre, and working in suburban communities  
11 that have one, three and five acres similar to Bedminster.  
12 So, you know, there is such a spectrum of so-called  
13 suburbanization; I do not think that the entire state  
14 should be developed wall to wall, so to speak, with urban-  
15 type lots. Certainly I think there is a place for large  
16 lot zone.

17 Q Would you look with favor upon the whole  
18 state being developed on a more than five-acre minimum  
19 lot zoning?

20 A I am not sure I understand your question. Are  
21 you saying, asking me, do I think that five acres is the  
22 maximum size lot that any municipality should--

23 Q No, that's not my question.

24 A Does that mean that the five acres of the maximum  
25 lot?



1 Q Right.

2 A I don't really know. I think that each municipi-  
3 pality has to be looked at separately, and it's quite  
4 possible that five acres is reasonable maximum in some  
5 and maybe even ten acres in certain parts of that municipi-  
6 pality would be a reasonable maximum. Other towns,  
7 15000 square feet is probably the largest that you could  
8 expect as a reasonable maximum. So there is such a  
9 range we are talking about here.

10 Q As a planner, would you look with favor  
11 upon some parts of New Jersey being relatively open space  
12 with larger single property than five or even ten acres?

13 A As I say, there may be conditions that are peculiar  
14 to a particular municipality. Something larger than  
15 five acres would be reasonable. Here again, you have  
16 to look at the very detailed examination of that municipi-  
17 pality.

18 Q Looking at the state as a whole, do you  
19 think it would be desirable to have large areas and  
20 some open space?

21 A In the form of county or state parks--you mean  
22 open air?

23 Q Whether private or public areas.

24 A I think it would be desirable for the state to  
25 leave large open areas, yes.

1 Q Would you restrict those large areas to  
2 publicly owned land, if you could set the policy of  
3 the state?

4 A No, not necessarily. I think that in some  
5 instances it would certainly be desirable to have those  
6 large open lands either in the form of some federal,  
7 state or local public facilities, or such thing as the  
8 Audubon Society, the conservation groups, and so forth,  
9 but I do not think it should necessarily be limited to  
10 that.

11 Q As a planner, do you think it desirable  
12 to have areas of open space where they are privately  
13 owned between more heavily built up communities?

14 A Just as a theoretical thing, not necessarily.  
15 In other words, I don't think that you have to have  
16 built-up communities separated by large open spaces.  
17 It may be quite desirable, again, depending upon the  
18 location, the other factors such as the highways or  
19 waterways or whatever else may be evident there. But  
20 this is kind of--I am having difficulty generalizing  
21 your specific question. There may certainly be instances  
22 where it would be very desirable.

23 Q Suppose you were a planner whose word was  
24 law and you were commissioned to plan land uses for the  
25 whole State of New Jersey.

1 A Yes.

2 Q What approach would you make to the  
3 problem?

4 A Well, the first thing I would do is to find out  
5 as much as I could about the problem in the state and  
6 the existing development policy of the state and approach  
7 it from a comprehensive basis. And once I could find  
8 out as much as I could about the existing conditions,  
9 I would try to develop some kind of program to solve those  
10 problems.

11 Q Well, you are aware of some of the problems  
12 in the state, aren't you, Mr. Catlin?

13 A Yes, I am aware of some of the problems.

14 Q Would you make any efforts to concentrate  
15 the population in certain areas or try to spread it out  
16 evenly over the whole state?

17 A I think I would attempt to concentrate the  
18 population, generally speaking.

19 Q Where?

20 A Wherever it would be logical.

21 Q Where would you consider logical? What  
22 approach would you make?

23 A After you considered all of the things that go  
24 into a development pattern, availability of public facil-  
25 ities, water, sewer, highways, transportation, topography,

1 all of these things, you know, have to be considered when  
2 they are developing a plan.

3 Q And would you tend to concentrate the  
4 population where those BGL you just mentioned exist?

5 A We may or may not. Would it be easier---we have  
6 to ask ourselves would it be easier to try a nucleus  
7 and expand to us and to do the planning, to plan a new  
8 community, which are some of the things which are being  
9 done in the country today.

10 Q Well, if you were faced with the problem  
11 of planning land use in Somerset County for double its  
12 present population--

13 A Yes.

14 Q How would you go about it?

15 A I think I would do--again, I would try to develop  
16 in existing condition situation so I knew what we had  
17 to begin with. And then I would permit expansion of  
18 the core centers, if it was logical to plan for this.  
19 And I would also suggest at certain areas of the county,  
20 certain municipalities, that they go into a planned unit  
21 development concept where you can predetermine what your  
22 ultimate population is going to be and how you can most  
23 adequately serve that doubling of the population.

24 Q Now, what would be the core center of  
25 Somerset County, or maybe use that, that you would expand

1 and locate them?

2 A Here, again, I can tell you once I look at it.  
3 I can't tell the ones that I would expand without making  
4 some rather exhaustive studies.

5 Q What would you look at as the prime  
6 candidate?

7 A In Somerset County?

8 Q Yes.

9 A I would look at Bound Brook, Manville, Somerville,  
10 Raritan. These kind of communities that are already  
11 built up, these really are the core communities of  
12 Somerset County--perhaps Bernardsville.

13 Q Right. And what would you do with the rest  
14 of the county?

15 A Well, as I just said, if I had the charge of  
16 doubling the population that is going to have the least  
17 adverse effect on, you know, the county, and in addition  
18 to looking at those core communities, then I would look  
19 at those rural communities that have large enough areas  
20 that could lend itself to some possible form of planned  
21 unit development where a developer, whoever he may be,  
22 could go on a thousand or two thousand acres of land and  
23 plan a community within a community, so that it would not  
24 in any way be a burden upon that community, the corporate  
25 municipality of the town in which it was located, similar

1 to what we are talking about doing here.

2 Q Which rural communities would you pick out  
3 for that kind?

4 A I can only tell you one, Bedminster and Bernards  
5 Township, because we prepared the studies that we think  
6 are reasonable and logical to justify that. This doesn't  
7 mean that there are not other communities or portions of  
8 communities that would not have the same characteristics  
9 and advantages that we think we have here, but for me to  
10 sit here today and tell you that I think we should have  
11 one at this interchange and one over in Passaic Township  
12 and one down in Bridgewater Township and one in Warren  
13 Township--I just don't know. We haven't really done that.

14 Q How many planned unit developments do you  
15 think Bedminster Township could probably absorb?

16 A I don't really know, but I think that if I was  
17 studying as a policy maker in this township, and assuming  
18 for a moment we were going to have a planned unit  
19 development in the township, that I think this is probably  
20 a very reasonable and logical location for this thing  
21 if for nothing else than a pilot project because of its  
22 isolation to other parts of the township. I don't think  
23 that we have to concern ourselves, or Bedminster does not  
24 have to concern itself with this thing expanding across  
25 the Interstate and in some other area. I also think that

1 in the event somebody else came in and wanted to do the  
2 same thing and made application to do the same thing,  
3 that it would be perfectly reasonable for the munici-  
4 pality to say: This is a new field. It's new ground.  
5 The statute has not been adopted long enough so that we  
6 have a real history and experience of what is happening  
7 throughout the state. We are making provision for one  
8 here. We want to see how it works before you open up  
9 the doors to two or three other places. I don't think  
10 there is another place in Somerset County, from my  
11 knowledge of what I know about the county, that has  
12 the same physical characteristics that this property  
13 does. It's bound on three sides by two interchanges,  
14 which is like a Chinese wall, and the Watchung Mountain.  
15 And it could be done, in my opinion, so it's not going  
16 to creep out into some other direction, or expand, or  
17 get pressure to expand it across the road, or something.  
18 It's a very logical location to put it in there and try  
19 it.

20 Q Did I correctly understand you to say that  
21 in your opinion, if Bedminster weren't to accept the  
22 Allan-Dean proposal, that would not provide any reason  
23 why you need a planned unit development in a similar  
24 part of the township?

25 A No. What I said was that I don't know if there

1 are other places in the township that have the same  
2 peculiar characteristics that this piece of property  
3 does. There may be, but I just, from looking at the  
4 map and knowing some of the physical limitations of the  
5 county, that this seems to be a very logical place for  
6 a PUD, which doesn't mean it can't happen someplace  
7 else.

8 Q My question--perhaps I didn't make it  
9 clear. Let's assume that Allan-Dean put up what it  
10 proposes. Let's suppose, assume, that Allan-Dean carries  
11 out its proposal as you have suggested.

12 A Right.

13 Q Now, then, at some point in the not-too-  
14 distant future somebody else comes along and proposes a  
15 large unit development, including an office research  
16 center and motel and so on, in Bedminster. What is  
17 your opinion as a planner as to whether the Allan-Dean  
18 property constituted a factor which might dictate the  
19 option open to Bedminster with respect to the other  
20 application?

21 A You mean assuming the Allan-Dean is developed?

22 Q Right.

23 A Well, at that time, I think they should do just  
24 what they are doing now. Hopefully, that is looking at  
25 the merits of that particular project, wherever it may



1 be, and drawing upon the experience that they have  
2 gained from the Allan-Dean project, is this good or  
3 bad for the community. If it is bad, why is it bad?  
4 Is there anything that can be changed? And if it is  
5 good, see if some other piece of property can offer  
6 the same amenities that this plan has offered and look  
7 at it at that time.

8 Q Well, if Bedminster had granted permission  
9 to Allan-Dean to develop its property as you propose  
10 and then denied an application, similar thing, which  
11 was thought to be appropriate at a different site in  
12 the township, would you regard that as being discrimin-  
13 atory against the second applicant?

14 A No, I don't honestly think I would. I think  
15 this could be defended--and, again, this is my opinion--  
16 I think that this could be defended on the basis that  
17 the judgment to permit this particular application at  
18 this particular site was based upon conditions that  
19 were peculiar only to that piece of property and that  
20 we want to see, and when I say "we", the township wants  
21 to see if this is good or bad for the community.  
22 Presumably they made the judgment that it would be good  
23 based upon certain studies that we have prepared. I  
24 think it's going to be good. But before they permit  
25 two or three others, that they try this one first and

1 get some experience on exactly what effect this is  
2 going to have on the community. And in my opinion,  
3 I think that this is a reasonable and logical defense  
4 in the event that somebody else comes along and says:  
5 You gave it to Allan-Dean, why don't you give it to us?

6 Q Right. Well, now, the Raritan River,  
7 as we have already agreed, is part of the public water  
8 supply of north central New Jersey, right?

9 A Right.

10 Q As a planner, considering the interests  
11 of the state as a whole, do you think it makes any  
12 difference whether or not the Raritan watershed is  
13 developed on a much more greater density of land use  
14 than is now the case?

15 A In what way do you mean it would have an effect  
16 on the--

17 Q Quality and quantity of the public water  
18 supply.

19 A Well, I think you certainly have to be cognizant  
20 of the fact that it's there. The river is there. You  
21 are going to empty into the river. And any development  
22 policy that you would have would have to be such that  
23 you should not, in some way, jeopardize somebody else's  
24 health or water supply or whatever. I don't think that  
25 this particular project should go in at the expense of

1 somebody else.

2 Q What effect would significant increase  
3 of the land use density of the Raritan watershed have  
4 on the public water supply?

5 A I don't know. I think that this is a thing  
6 that has to be determined after detailed engineering  
7 studies.

8 Q Well, if it were determined that the  
9 watershed should not be too drastically changed in terms  
10 of land use, what effect would that have on your  
11 judgment as to land use policies in that area?

12 A Who is going to make this determination?

13 Q Well, the municipality makes it.

14 A Initially the man who makes which determination  
15 that is going to have an effect on the water supply?

16 Q Well, suppose that somebody does make  
17 that who is somebody other than the municipal zoning  
18 board or governing board of the municipality, but  
19 competent, knowledgeable people make that determination.  
20 What, in your judgement, should that have on the  
21 exercise of the zoning power by municipalities?

22 A I think it should certainly be something that,  
23 as a planner, I would be concerned with. On the other  
24 hand, I think that the way you approach these problems  
25 is if and when Allan-Dean, as we see it on this plan,

1 is developed, you have to ascertain what effect it's  
2 going to have on the water supply, both the quality  
3 and quantity, and then you have to determine, if there  
4 is a problem, let's say, to quality but not quantity,  
5 the river bed can handle the increased flow. If there  
6 is a problem as to quality, then I think it behooves  
7 the applicant, whoever he may be, and the Board of  
8 Adjustment to impose conditions to eliminate that  
9 problem.

10 Q Do you know what affects quality of water  
11 in a stream?

12 A For this?

13 Q I am not talking about Allan-Dean. I  
14 am talking water supply. Do you know what are the  
15 factors which affect the quality of water which the  
16 stream delivers?

17 A As the name implies, I guess you would have to  
18 be concerned with the quality of the water. What are  
19 you dumping into that stream? Is it going to pollute  
20 the stream in any way--create algae or sediment? All  
21 these things have to be considered as far as quality  
22 is concerned. What I am saying, if this does, indeed,  
23 result in an adverse effect upon the quality of the  
24 water supply, then there is a solution to that problem  
25 by doing whatever you have to do to treat the water, or

1 whatever.

2 Q Do you know whether there is any connec-  
3 tion between the quantity of the water that flows through  
4 a stream and the quality?

5 A I don't know. And, again, we are getting a  
6 little far afield for me. I don't think there is much  
7 of a relationship between quantity and the rate of  
8 flow. The faster you have a stream flowing and the  
9 more tortuous and oxidation there is, the cleaner it  
10 makes that water. So you can have a big source and an  
11 awful lot of ground, and it's running pretty slow, and  
12 that is not going to be affected as much as if you had  
13 that water moving rapidly over some kind of rock form-  
14 ation that would oxidate it and treat it.

15 Q Are you saying a flash flood tends to  
16 purify the water in the stream?

17 A Well, not exactly. The flash flood results  
18 from a rapid surface drainage runoff which is dumping  
19 water into the river and bringing down sediment and  
20 other things. What I am saying--

21 Q Does that have any effect upon the quality  
22 of the water, flash flood?

23 A The quality of the water after it's treated?

24 Q No. The quality of the water downstream.

25 A I think it's obvious if you dump muddy water in

1 a clear stream, the water isn't going to be as good as  
2 if you didn't dump that in there. But I am not in a  
3 position to say that that muddy water dumped into that  
4 existing river is in any way going to have an effect  
5 on what comes out at the other end of the treatment  
6 plant. If additional facilities are needed at the treat-  
7 ment plant to take care of this additional muddy water,  
8 then I think that should be borne by whoever created  
9 the problem.

10 Q Now, from a general planning standpoint,  
11 would it make more sense to locate a business that is  
12 employing some 2,000 in a place where public transporta-  
13 tion and sewage facilities already exist, rather than in  
14 a place where neither of those things exist?

15 A You mean more sense to the community that the  
16 applicant--

17 Q More sense in the standpoint of good  
18 planning.

19 A Well, if you are going to locate in a location  
20 where facilities already exist or something had to happen  
21 at that thing in previous years to--

22 Q You are going to locate a brand new facility  
23 employing 2,000 people.

24 A Right.

25 Q Now, as a planner, ideally would it make

1 more sense to put it in a place where there are already  
2 public transportation facilities, sewage facilities,  
3 than in a place where there is no public transporta-  
4 tion, no sewage facilities?

5 A Well, this is such a general question, and how  
6 can I answer it? Are you saying that if I have another  
7 92 across the street where there exists sewer facilities  
8 and transportation facilities, wouldn't that be a better--

9 Q Not necessarily across the street, right.

10 A My answer, everything being equal, and one  
11 additional thing, to provide that service such as  
12 adequate service such as sanitary sewers and a better  
13 access in and out of the property, then, of course,  
14 one that has more to offer would be better, but not if  
15 you are coming around with another place in the township  
16 that could be better served with office building land use.

17 Q Do you know of any place within a radius  
18 of two miles from the nearest, from any part of the  
19 Allan-Dean property, where a facility of this kind  
20 could be placed which is already zoned for--

21 MR. LANIGAN: Only by Allan-Dean.

22 MR. ENGLISH: No.

23 A I don't know of anything specific, but I am sure  
24 that Bridgewater has areas set aside for this kind of  
25 use. But here, again, I don't think that Bridgewater

1 has a piece of property that's located in such a way  
2 that it's isolated from the other part of Bridgewater  
3 Township and has access to interstates and a backdrop  
4 of a mountain that would compete with this. I am sure  
5 that there are, within a two-mile radius, other office  
6 building sites available.

7 Q Have you ever heard of the Tri-State  
8 Regional Planning Commission?

9 A Yes.

10 Q What can you tell me about it?

11 A This is a planning agency that was set up to  
12 include parts of New Jersey and New York and Connecticut.  
13 And it's some kind of super-government agency that  
14 supposedly is concerning itself with those problems that  
15 are common and still across state lines. Basically, the  
16 name implies transportation.

17 Q Well, it was earlier the Tri-State Trans-  
18 portation Commission, right?

19 A Right. I think that's the problem. That's one  
20 of the reasons that it was originally set up. And one  
21 of the problems they were trying to solve was the mutual  
22 transportation problem over three states.

23 Q Are you aware that the name was changed  
24 earlier this year?

25 A I think it was. I don't recall. I think they



1 took out the word transportation.

2 Q Regional Planning Commission. Are you  
3 familiar with any of the reports that body has put out?

4 A We get reports on our mailing list for some of  
5 their studies.

6 Q Have you considered any of their views and  
7 recommendations in determining the most appropriate use  
8 for the Allan-Dean property?

9 A I cannot recall taking a specific Tri-State report  
10 and using that in any way to equate or justify land use  
11 proposal on the Allan-Dean property.

12 Q Did you make any effort to see what their  
13 approach to regional development was, and then try to  
14 fit your plans for the Allan-Dean property into what the  
15 Tri-State Commission was recommending or thinking?

16 A No. And the reason we did not--here, again,  
17 this agency has no control over the use of land on that  
18 tract, probably has less control than the County Planning  
19 Board.

20 Q Have you ever heard of the Regional Plan  
21 Association?

22 A Yes.

23 Q What can you tell me about that?

24 A Well, this is an organization that's financed,  
25 generally, by private donations in the state, as in New

1 York state. It does look into planning problems of the  
2 metropolitan area, including parts of New Jersey. They  
3 have divided a metropolitan area down into 32 or 34  
4 categories. They have what they call the core area,  
5 which is basically Manhattan island and Newark ring,  
6 and then the inter-core which goes out another ten-mile  
7 radius from the center of Manhattan, and then outer-core,  
8 and then, I believe, the rural area or something of this  
9 nature, and in a general way look at some of the planning  
10 problems in the metropolitan area dealing with, not  
11 specifics of how necessarily to solve a specific problem,  
12 but pointing out such things as housing shortages and  
13 gathering statistics on how many multiple-family homes  
14 have been constructed in the last ten years, and how that  
15 construction record equates to what the needs are for  
16 this kind of thing, and so forth. It's a very broad,  
17 general kind of organization that helps and advises  
18 planning boards if they ask for their help.

19 Q From the point of view of a professional  
20 planner, is the Regional Planning Association a competent  
21 organization?

22 A Competent?

23 Q Competent.

24 A I think within the framework that they are operating.  
25 They have some competent people on the staff, yes.

1 Q Do their reports and recommendations make  
2 sense to a professional planner?

3 A Some of them do; some of them don't.

4 The one I specifically have in mind is  
5 the so-called master plan they prepared for Morris  
6 County last year, and the one-day conference in Fairleigh-  
7 Dickinson, a consultant to 39 municipalities in Morris  
8 County. They had some rather absurd recommendations  
9 that I know could never happen. And I think these  
10 recommendations were made in an office someplace and  
11 they really weren't cognizant of some of the problems  
12 in the field.

13 Q Can you characterize what is wrong with  
14 some of their recommendations?

15 A The wanted--address myself to the situation and  
16 assume that the town of Boonton would be a core center  
17 in the Morris County area. And I don't know if they  
18 know it, the town of Boonton is on the side of a moun-  
19 tain. And we prepared a master plan there in 1957 and  
20 there is just no way it can ever be a core center.  
21 They suggested in their county master plan for Morris  
22 County that Morristown be the nucleus of the entire  
23 county, and then there were three surrounding core  
24 centers. One was in Mt. Olive, and another one in  
25 Boonton, as subcore areas. And it's just physically

1 impossible and completely unpracticable to assume that  
2 Boonton will ever be a subcore center. What I am  
3 saying is that some of the things that they do and some  
4 of the recommendations are very logical in planning,  
5 and others are quite illogical. They prepared that  
6 master plan, incidentally, after five days of examina-  
7 tion in the field. They sent people out to look the  
8 county over and went back and wrote their master plan.

9 Q Well, the Regional Plan Association takes  
10 a position on the desirability of open space in the  
11 metropolitan area.

12 A I think that I could generalize their position  
13 as being one that they would like to see as much open  
14 space as possible to preserve the open space character  
15 of the county.

16 Q Are you familiar with their philosophy or  
17 approach as to relationship between open space and  
18 densely developed areas?

19 A Yes. I think that their position, their recom-  
20 mendation is that the development should be in cores  
21 and they should be separated by open space.

22 Q How do you evaluate that kind of position?

23 A I think that theoretically it may be very nice.  
24 New York, and let's have four or five cores in New Jersey  
25 and have them separated by open space. But again, when

1 you are dealing with the 365 municipalities in the state,  
2 there is no way that this can be done unless you get  
3 some super agency that's going to predetermine the  
4 future land use pattern.

5 Q Supposing the municipalities were willing  
6 to accept the recommendation of the Regional Plan  
7 Association, what would be your feeling about the desir-  
8 ability of that?

9 A I would like to look at it and reserve judgment.  
10 It offers some interesting possibilities.

11 MR. ENGLISH: Can I have a short  
12 recess?

13 (Short recess.)

14 Q Mr. Catlin, have you ever seen the second  
15 regional plan put out by the Regional Plan Association  
16 in November, 1968 before, which is Exhibit B attached  
17 to defendant's request for--

18 A Yes, I believe I have. I think I have it in my  
19 library. That's all.

20 Q Did you make any conscious effort to pre-  
21 pare your plan for the Allan-Dean property in compliance  
22 with what appears in the second regional plan?

23 A Off hand I don't even recall what is in that plan.

24 Q A negative answer to my question?

25 A Right.

1 Q Can I construe that as a negative answer  
2 to my question?

3 Now, in preparing the plan for the Allan-Dean  
4 property, did you consider the existing land use in the  
5 surrounding areas?

6 A Yes.

7 Q To what extent?

8 A Well, prepared an exhibit that's in that report  
9 you have, which shows the generalized area development  
10 pattern of the surrounding properties, the northernmost  
11 parts of Bridgewater Township and all the property in  
12 Pluckemin center, the properties surrounding the entire  
13 tract, both in Bedminster and Bernards Township.

14 Q Are you referring to the map entitled  
15 Area Development, which is the second one of the two maps  
16 appearing between pages two and three of Exhibit D-3 for  
17 identification?

18 A Yes.

19 Q And did you consider the land uses in the  
20 entire area shown on that map entitled Area Development?

21 A Yes.

22 Q Now, did you consider the terrain in the  
23 same geographical area?

24 A Did we consider the terrain of the surrounding  
25 property?

1 Q Yes.

2 A Yes. We considered the terrain as far as our  
3 topographic maps as it pertained to the exact topography  
4 of the foot contour interval. However, we did not map  
5 the topographical conditions of everything you see on  
6 this Area Development map.

7 Q I am looking at the map entitled Topography  
8 which appears immediately before page 5 in Exhibit D-3  
9 for identification, and ask you if that indicates, that  
10 map indicates the extent of the geographical area in  
11 which you considered the terrain?

12 A Well, this map shows the exact contour and topog-  
13 raphy of the subject property, and we were certainly aware  
14 from having driven all around the area in an automobile  
15 what was happening to the surrounding area, but this shows  
16 the exact engineer's detail of only the subject property.  
17 We did not map, or attempt to map, the topography beyond  
18 the site.

19 Q Now, did you consider the zoning restriction  
20 or requirement in the areas surrounding the plaintiff's  
21 property in formulating your plan for its development?

22 A Yes.

23 Q And how extensive a geographical area did  
24 you consider the zoning restriction?

25 A We considered all of that property that is shown on

1 that Area of Development plan as far as the zoning for  
2 that particular zoning was concerned. It was the same  
3 base map which goes as far east as the valley, Martins-  
4 ville Road, and as far west as the property on the  
5 western side of the interchange of 287 and 78. That  
6 goes as far as 287 where it swings in an easterly  
7 direction, as far south approximately one mile into the  
8 northern tip of Bridgewater Township.

9 Q Well, in considering the existing zoning  
10 restriction in that area, did you discover any tract  
11 in Bridgewater Township where an office research center  
12 would be permissible under the present zoning restriction?

13 A Yes. There is a tract in Bridgewater Township  
14 on the south side of 78, lying between State Route 202-206  
15 and 287, that was zoned for a so-called specialized  
16 economic development district.

17 Q And would an office research center be  
18 permissible on that tract?

19 A Yes.

20 Q Approximately how large is that tract?

21 A Well, there are several tracts.

22 Q Well, area, zone area--can you continue  
23 with your answer?

24 A What is the size?

25 Q Of the zone.



1 A Well, my map only goes down south from 78  
2 approximately 3,000 feet. I think the zoning extends  
3 beyond that point and I don't know how far beyond that  
4 point, but the area shown on the map would be approx-  
5 imately 2,000 feet from 78--I am sorry, from 287 to 206,  
6 and it would run in a north-south direction approximately  
7 3,000. So we are talking about an area of about 2,000  
8 by 3,000 feet.

9 Q What is that, approximately, in acres?

10 A That's approximately 6,000,000 square feet, and  
11 that is approximately, if I can get the decimal point in  
12 the right place here, that's approximately 140 acres.

13 Q All right. And will you look, please, on  
14 the same map area, development in Bernards Township, the  
15 area between Interstate 78 and Allen Road north and south,  
16 and then between Somerville Road on the west and Martins-  
17 ville Road on the east. What did you find that is zoned  
18 for?

19 A That is zoned for commercial.

20 Q And is a research office building permis-  
21 sible in that area?

22 A Yes.

23 Q And that tract is substantially undeveloped  
24 at the present time?

25 A Substantially, yes.

1 Q Right. And immediately to the south of  
2 Route 78 between west Martinsville Road and east of  
3 Somerville Road and Mountain Road, how is that area  
4 zoned?

5 A That property is also zoned for commercial,  
6 permitting an office building.

7 Q Now, does this map entitled Area Develop-  
8 ment show the extent of the geographic area or region  
9 which you thought necessary to consider in evolving your  
10 plans for Allan-Dean's property?

11 A It does as far as the area development and areas  
12 of surrounding area zone pattern was concerned. In  
13 other words, we felt the kind of development--I am  
14 talking now about existing development that took place  
15 beyond the area that you see on this map--would not have  
16 any effect, any effect on the subject property.

17 Q In other words, do I correctly understand  
18 you to mean that you were not concerned with land uses  
19 beyond the area shown on this particular map in evolving  
20 your plans for the plaintiff's property?

21 A Again, as it pertains to the existing development  
22 in the zoning, that's correct.

23 Q Well, are there any reasons or considera-  
24 tions for which you should give some attention, or to  
25 which you should give some attention, for developing your

1 plans for plaintiff's property?

2 A Not as it pertains to these two factors. In  
3 other words, we tried to include the surrounding area  
4 of the tract as it was presently developed to see what  
5 effect this may have on the site, or what effect the  
6 site may have on that surrounding development, and also  
7 the zoning pattern, the same thing. In other words,  
8 we wanted to know how the immediate contiguous ground  
9 around the periphery of the site was zoned, and if there  
10 was some other zone such as the one that you just out-  
11 lined bounded by Allen Road, Somerville Road, Martins-  
12 ville Road and 78, that would have been on the site or  
13 the site may have been on it.

14 Q Well, did you, in fact, consider the land  
15 use or anything else pertaining to land outside of what  
16 is shown on this map of indicated area development in  
17 formulating your plan for plaintiff's property?

18 A We were cognizant of the zoning pattern for the  
19 entire township; that is, the kind of zones that you  
20 had, the extent of those zones and also we knew in a  
21 general way, without planning, the land use pattern of  
22 the township.

23 Q You are talking, you mean Bedminster?

24 A Bedminster Township, yes.

25 Q Anything else?

1 A No, that's all.

2 Q Now, I would like to ask you about the  
3 present existing land uses, without regard to zone,  
4 which surround the Allan-Dean property, at least in  
5 Bedminster Township. Now, can we start in the more or  
6 less southwest corner of Pluckemin Village, and will you  
7 describe generally the land uses at that part of the  
8 boundary of plaintiff's property?

9 A Southwest corner of Washington Valley Road and  
10 Route 202-206 is that?

11 Q Well, the southwest corner of the plaintiff's  
12 property is near that intersection, but separated from  
13 it by land owned by--

14 A Right here?

15 Q Right. Start down here. What is the--  
16 starting, if you please, on Washington Valley Road where  
17 Allan-Dean's boundary starts to run in a general north-  
18 western direction along the edge of Pluckemin Village.

19 A Starting at the northeast intersection of 202-206  
20 and Washington Valley Road, there is a shopping center  
21 which consists of an A & P supermarket, and there is  
22 a pharmacy in that shopping center, as well as a restaur-  
23 ant. There is a dry cleaner's, a barber shop and a bank.  
24 That includes the entire quadrant of that intersection.

25 Then, moving north, there are small homes--

1 I am sorry, there are homes that are on relatively small  
2 plots, most of which are much less than the one acre.  
3 And these homes in some instances have been converted to  
4 antique shops or real estate offices. There are some  
5 two-family homes along the eastern edge of 202-206 and  
6 these extend for a distance of approximately 1500 feet  
7 from Washington Valley Road. Moving across the street,  
8 that is the west side of 202-206, directly across  
9 from the frontage of the subject property abutting 202-206,  
10 there is a newly constructed Department of Transportation  
11 maintenance building which will house road equipment,  
12 maintenance vehicles, snow plows, things of this nature.  
13 There is a heliopad that will accommodate helicopters  
14 that is used by the State Police to patrol the highways  
15 in this section of the state. Immediately south of that  
16 there is a gas station and garage. This is a Sunoco gas  
17 station. And immediately south of that there is a tavern  
18 and immediately south of that tavern there are a series  
19 of old single-family homes some of which are on relatively  
20 small lots. Some of them have larger lots. There is  
21 a church, cemetery, a parsonage--

22 Q Excuse me, Mr. Catlin. Is this church  
23 directly across from the Allan-Dean property?

24 A No.

25 Q I want what is directly across from the

1 Allan-Dean property.

2 A What is directly across? I think you want to go  
3 all the way back to---

4 Q I am sorry. My question wasn't clear.

5 A Most of the frontage on the west side of 202-206  
6 directly across from the Allan-Dean property is the  
7 aforementioned Department of Transportation maintenance  
8 building. And then south of that is the gas station-  
9 garage. South of that is the tavern, and then there are  
10 two homes that are immediately south of that. The  
11 frontage directly across from the subject property.

12 Q Can you tell me, please, the approximate  
13 length of the frontage of the Allan-Dean property that  
14 directly abuts on Route 202-206?

15 A It has approximately 2,000 feet of frontage.

16 Q Then the line goes east for awhile from  
17 202-206, right--the property line?

18 A Yes.

19 Q And what is on the north side of that  
20 property line?

21 A That is a large estate with a pond on it and a  
22 house, and it appears to have a coincidental property  
23 line to the Allan-Dean property, running in an easterly  
24 direction from 202-206 a distance of approximately 2500  
25 feet.

1 Q Right. And then Allan-Dean's property  
2 line runs more or less north along--what shall I call  
3 it?--the back or the eastern boundary of that same  
4 property?

5 A That's right.

6 Q And do you know the approximate acreage  
7 of that estate?

8 A I think that scales out approximately 2500 feet  
9 deep and 1500 feet wide. That would be 1500 times 2500  
10 divided by one acre, which is approximately 85 acres.

11 Q Okay. And then the line goes from the  
12 nearer corner of the formerly described--I will get up  
13 to show you--Mountain Road, and what is across from the  
14 Allan-Dean boundary, across from that?

15 A Across from Schley Mountain Road?

16 Q Across the line between the Illworth  
17 property and Schley Mountain Road.

18 A There is a cul-de-sac that runs more or less  
19 parallel to Interstate 287, one lot depth back, and on  
20 that cul-de-sac there are three single-family homes.  
21 And there is also a fourth single-family home right at  
22 the bend of Schley Mountain Road where it moves from an  
23 east-west direction to a northerly direction.

24 Q Where that cul-de-sac road is, a thousand  
25 or so feet from the Allan-Dean property line?

1 A Yes. I would say it's approximately a thousand  
2 feet.

3 Q And give us some rough estimate of the  
4 same, of the individual lots that you just referred to.

5 A I would estimate those lots to be approximately  
6 500 foot square, which equates out to something between  
7 five and six acres.

8 Q All right. Then the Allan-Dean boundary  
9 now running along Schley Mountain Road?

10 A Yes.

11 Q And what is across Schley Mountain in  
12 Bedminster?

13 A That's vacant property.

14 Q Is it wooded? Is it field? Can you  
15 describe any more precisely than vacant?

16 A I don't have that on here. As I recall driving  
17 that road, it's wooded.

18 Q All right. Now we get to the Bernards  
19 Township-Bedminster boundary which runs roughly north  
20 and south across the Allan-Dean property, right?

21 A Right.

22 Q And what is on the Bernards Township side  
23 of this township line?

24 A There are two single-family homes on the north  
25 side of Schley Mountain Road that has frontage on Schley



1 Mountain Road and these are located between the Bernards  
2 Township municipal boundary line and the extension of  
3 Layton Road running north from Schley Mountain Road,  
4 or Douglas Road .

5 Q I am not sure you understand my question.  
6 I am interested in the township boundary which goes  
7 across Allan-Dean's property in a generally north-south  
8 direction and what is within plaintiff's land on the  
9 Bernards Township side of the township line. All right?

10 A That property on the Bernards Township side of  
11 the corporate limit is vacant property and it extends all  
12 the way from Schley Mountain Road down to Mt. Prospect  
13 Road.

14 Q And that is mostly wooded?

15 A Yes, that's mostly wooded with--yes, that's mostly  
16 wooded.

17 Q And give me the approximate distance of that  
18 township line where it crosses plaintiff's property.

19 A That's approximately 7100 feet, which is a little  
20 less than a mile and a half.

21 Q Thank you. And now we get to Mt. Prospect  
22 Road. And what is across Mt. Prospect Road from Allan-  
23 Dean's property where it abuts on that road?

24 A There are three homes on the south side of Mt.  
25 Prospect Road that would extend from the Bernards Township

1 municipal boundary line down to Washington Valley Road.

2 Q Have you any idea of the size of the lots  
3 those homes are on?

4 A It appears from our record that those three lots  
5 are on one parcel of property.

6 Q He owns three houses?

7 A Three houses on one parcel of property. And I  
8 would estimate that parcel of property would swing away  
9 around and even has a fourth house on Washington Valley  
10 Road on a very narrow lot. The entire acreage I would  
11 estimate to be, I would guess, 12 to 15 acres.

12 Q Roughly what is the length of this piece  
13 of frontage of plaintiff's property on Mt. Prospect Road?

14 A I would say the frontage on Mt. Prospect Road is  
15 approximately 2,000 feet.

16 Q Okay. And then the plaintiff's line goes  
17 generally northwest back from Mt. Prospect and Washington  
18 Valley Road and then makes a turn, a corner, in a generally  
19 southwesterly direction back to the road.

20 A That's correct.

21 Q And what is in the triangle between the  
22 Road and those two boundary lines?

23 A There are two homes. One is on a relatively small  
24 triangular-shaped lot which I would estimate to be approx-  
25 imately something slightly less than an acres. And the

1 other property is on a much larger lot which I would  
2 estimate to be about between three and four acres. That  
3 doesn't sound right. That looks larger than that.  
4 Let me take it off on a larger scale. That property  
5 is roughly 800 by 900 feet, average. That would work  
6 out to 16 acres, thereabouts.

7 Q All right. And then the only remaining  
8 part of the boundary we haven't discussed is what runs  
9 along the north side of Washington Valley Road back  
10 toward the shopping center.

11 A That's right.

12 Q And what is the length of that frontage,  
13 roughly?

14 A I would say that's approximately 700 feet.

15 Q What is across the street from that part  
16 of the frontage?

17 A There is a cemetery on the extreme easterly point  
18 of that property, and then a single-family directly  
19 across the street from the 700-foot frontage.

20 Q And roughly an idea of the size of it--  
21 can you give me roughly an idea of the size of the lot that  
22 that single home sits on?

23 A I would estimate that's about 12 to 15 acres.

24 MR. LANIGAN: No questions.

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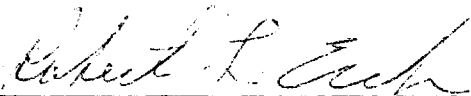
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I, Robert L. Eick, a Shorthand Reporter and Notary Public of the State of New Jersey, state that the foregoing is a true and accurate transcript of the deposition of ROBERT T. CATLIN who was first sworn by me in the place and on the date hereinbefore set forth.

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



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Court Reporter