

RULS - AD - 1971 - 30

11/2/1971

- TRANSCRIPT OF SIEMINSKI + GAULN DEPOSITIONS

Pgs - 91

1  
2 THE ALLAN-DEANE CORPORATION,  
3 a Delaware corporation  
4 qualified to do business in  
5 the State of New Jersey,

6 Plaintiff,

7 vs.

8 THE TOWNSHIP OF BEDMINSTER,  
9 a municipal corporation of  
10 the State of New Jersey, and  
11 THE TOWNSHIP OF BEDMINSTER  
12 PLANNING BOARD,  
13

14 Defendants.

: RULS - AD - 1971 - 30

:  
: DEPOSITIONS UPON  
: ORAL EXAMINATION  
: OF  
: ANN SIEMINSKI  
: PAUL F. GAVIN

15 TRANSCRIPT of the depositions of Ann Sieminski and  
16 Paul F. Gavin, witnesses, called for Oral Examination by the  
17 plaintiff in the above-entitled action, said depositions being  
18 taken pursuant to Rules governing Civil Practice in the Courts  
19 of New Jersey by and before IRVING SABOR, a Notary Public and  
20 Certified Shorthand Reporter of the State of New Jersey, at the  
21 office of William W. Lanigan, Esq., 59 South Finley Avenue,  
22 Basking Ridge, New Jersey, on Tuesday, November 2, 1971,  
23 commencing at 10:00 o'clock in the forenoon.

24 Appearances:

25 WILLIAM W. LANIGAN, ESQ., and  
DANIEL F. O'CONNELL, ESQ.,  
Attorneys for Plaintiff.

EDWARD D. BOWLBY, ESQ., and  
MC CARTER & ENGLISH, ESQS.,  
By NICHOLAS CONOVER ENGLISH, ESQ.,  
Attorneys for Defendants.

1 A Since the very beginning of the Planning Board.

2 Q When was the beginning of the Planning Board?

3 A The first entry here is the organization meeting dated  
4 August 2, 1950.

Q August 2, 1950. A

1 A N N S I E M I N S K I, having been duly sworn according  
2 to law by the Officer, testified as follows:

3 Q As to the 1955 ... which occurred I

4 DIRECT EXAMINATION BY MR. O'CONNELL:

5 Q Mrs. Sieminski, I am sure that your attorney, Mr.  
6 English has explained what the idea of the depositions are  
7 this morning. We are trying to proceed with discovery so  
8 that the breadth of the questions are quite wide and the  
9 admissibility is not the question here and what we are trying  
10 to do is to determine some of the past history of the Planning  
11 Board and in that regard, first, I would like to ask you, you  
12 are the secretary to the Planning Board?

13 A Yes. MR. O'CONNELL: He didn't have a credit card of

14 Q How long have you been the secretary to the Planning  
15 Board? A Since 1966, the beginning of '66.

16 Q In your capacity as secretary to the Planning Board,  
17 is it your responsibility to keep the minutes and records of  
18 the Planning Board? A Yes.

19 Q Do you keep the minutes and records?

20 A Yes.

21 Q Are those documents in front of you the minutes  
22 and records of the Planning Board? A Yes.

1  
2 THE ALLAN-DEANE CORPORATION,  
3 a Delaware corporation :  
4 qualified to do business in :  
5 the State of New Jersey, :

6 Plaintiff, :

7 vs. :

8 THE TOWNSHIP OF BEDMINSTER, :  
9 a municipal corporation of :  
10 the State of New Jersey, and :  
11 THE TOWNSHIP OF BEDMINSTER :  
12 PLANNING BOARD, :

13 Defendants. :

CERTIFICATE

OF OFFICER

14 I, IRVING SABOR, a Notary Public and Certified  
15 Shorthand Reporter of the State of New Jersey, do hereby  
16 Shorthand Re  
17 certify that prior to the commencement of the examination  
18 the witnesses, ANN SIEMINSKI and PAUL F. GAVIN, were sworn  
19 by me to testify the truth, the whole truth and nothing but  
20 the truth.

21 I DO FURTHER CERTIFY that the foregoing is a  
22 true and correct transcript of the testimony as taken  
23 stenographically by and before me at the time, place and on  
24 the date hereinbefore set forth.

25 I DO FURTHER CERTIFY that I am neither a relative  
nor employee nor attorney nor counsel of either of the  
parties to this action, and that I am neither a relative nor  
employee of such attorney or counsel, and that I am not

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(Discussion off the record.)

MR. O'CONNELL: Back on the record.

Q I am reading from the zoning ordinance of the Township of Bedminster. On page 15 there is a legend indicating the history of the ordinance itself.

It states it was adopted December 30, 1946 and amended November 17, 1947.

There was no Planning Board at that time, so there would be no minutes to reflect what occurred at that time, but there is noted here there was a revision to the zoning ordinance on December 18, 1950 which could be reflected in the minutes of the Planning Board since it was in existence on August 2, 1950.

Now, Mrs. Sieminski, could you see if in fact there was any public hearing of the Planning Board on the December 18, 1950 revision to the zoning ordinance.

A I don't see anything in the minutes that would indicate a public hearing in 1950.

Q The next revision noted in the history is February 20, 1956. Do your records indicate a public hearing of the Planning Board prior to that amendment to the zoning ordinance?

It could be any time prior to the February 20th date. It might even be in 1955, the latter part of 1955.

A Here is a notation, not of a public hearing, of a sub committee that was --

1 Planning Board? A No. That's all the records reflect  
2 is what I have read in essence.

3 Q Do the minutes reflect any provisions for any other  
4 zones such as a business zone? A Not as appears here.

5 Q Office and research zone? A That may come  
6 later, but not in this particular segment.

7 Q For any multi-family dwellings?

8 MR. ENGLISH: Your question relates I think to  
9 the minutes of January 23?

10 MR. O'CONNELL: I am still on the January 23,  
11 1956 minutes.

12 A No, there is nothing.

13 Q Again going back to the history, there is a statement  
14 that there was a revision to the zoning ordinance on June 18,  
15 1956.

16 Do your minutes of the Planning Board, and necessarily  
17 it would be prior to the June 18th adoption date, reflect  
18 any public hearing of the Planning Board in relation to this  
19 revision, this June 18, 1956 revision, of the ordinance?

20 MR. ENGLISH: Is your question limited to a  
21 public hearing, Mr. O'Connell?

22 Q Is there any record of any other hearing, any  
23 other meeting of the Planning Board in relation to --

24 My first question is, are there any minutes at a public  
25 hearing in relation to this particular zoning amendment of

1 1956, June 18th, that you have been able to locate in your  
2 records, any of your records?

3 Do your minutes reflect any meeting of the Planning Board  
4 in relation to this particular zoning amendment of June 18th?

5 MR. ENGLISH: We will try to answer your first  
6 question.

7 MR. O'CONNELL: All right.

8 A Yes, there seems to be a reference here of a regular  
9 meeting of May the 28th, 1956. There is a resolution.

10 How much of this do you want me to cover? It's rather  
11 lengthy.

12 MR. O'CONNELL: Can we mark that into the  
13 record then? Off the record.

14 (Discussion off the record.)

15 Q Those are the May 28, 1956 minutes for the public  
16 hearing. A Yes.

17 MR. O'CONNELL: We will mark them.

18 (Minutes of regular meeting of Planning Board  
19 dated May 28, 1956 received and marked P-1 for  
20 identification.)

21 Q Do your minutes reflect during the time period --  
22 I think you have gone through the minutes pretty thoroughly  
23 -- from the January 23rd letter to the Township Committee  
24 and the May 28, 1956 meeting of the Planning Board?

25 Do your minutes reflect any other discussions, whether it



1 be a public meeting or an agenda meeting or a private meeting  
2 of the Planning Board which reflects any reference to either  
3 the prior amendment, the February 20th amendment, or the  
4 June 18, 1956 amendment? A From the regular meeting  
5 of February 23, 1956 there is a paragraph here, "Chairman  
6 Bourne advised that the draft of the revision of the zoning  
7 ordinance is ready for the consideration of the Planning  
8 Board. The secretary then distributed copies to the members  
9 present. The Chairman requested that all members acquaint  
10 themselves with the contents of the revision and that a  
11 meeting be held on Monday, April 30, 1956 at eight p.m. to  
12 further discuss the revision."

13 Q There is reference made to an April 30th meeting.

14 A Yes.

15 Q Are there any minutes for the April 30th meeting?

16 A No, there are none.

17 Q Are there any references to that meeting or any of  
18 the discussions that occurred at that meeting?

19 A No.

20 Q Are there any reasons in the minutes given for the  
21 revision prior to the May 28th minutes? A No. That  
22 seems to be the only thing in the minutes.

23 Q Now, Mrs. Sieminski, subsequent to the May 28th  
24 meeting, do your minutes reflect any other discussion of  
25 either the June 18th revision to the zoning ordinance or any

1 other revision to the zoning ordinance?

2 Again reading from the history, the next official notation  
3 of an amendment to the ordinance was December 2nd, 1957, but  
4 I would like you to go through your minutes prior to that  
5 date to see if there were any other discussions. If so, I  
6 would like you to read them. A There is a reference  
7 here to a regular meeting of October 28, 1957. Do you want me  
8 to read it?

9 Q Mrs. Sieminski, the meeting of October 28, 1957  
10 refers to which ordinance amendment? Does it refer to the  
11 December 2, 1957 amendment? Is there any reference?

12 A No, it doesn't seem to state what particular reference.

13 Q Do the minutes reflect what the amendment to the  
14 zoning ordinance is? A No, it does not.

15 Q Does it give any reasons for recommending the  
16 amendment? A No, there is no reason stated here. I  
17 see no reason stated here.

18 Q Are there any other references subsequent to the  
19 October 28th meeting to any amendment to the zoning ordinance?

20 A Yes.

21 Q Please tell us what the meeting is.

22 A This is a regular meeting of December 22, 1958. I will  
23 read the two paragraphs. "Mr. Edward Ball of Route 206,  
24 Bedminster, New Jersey appeared before the board in the matter  
25 of a request for an extension of the business zone to include

1 include the land presently owned by him on the easterly side  
2 of State Highway 206, south of the Lamington Road intersection.

3 "Mr. Ball stated that he has operated a business at this  
4 location for eighteen years and is presently the owner of a  
5 business classified as a non-conforming use.

6 "The Chairman advised Mr. Ball this matter would have to  
7 be referred to the Township Committee. He suggested that  
8 Mr. Ball furnish a map showing the requested zoning change  
9 to the Township Committee in order that they might give  
10 consideration to his request.

11 "Mayor Ten Eyck noted that a number of Pluckemin residents  
12 were present at the meeting and advised those present that  
13 the matter of the extension of the Pluckemin business zone is  
14 under consideration.

15 "Mr. Wiley advised that an amendatory ordinance will be  
16 introduced after the 1st of the year."

17 Q Is there any other reference to any other zone change  
18 in that particular minute? A No.

19 Q There is mentioned in that particular last paragraph  
20 that an ordinance amendment to the ordinance would be  
21 introduced.

22 Could you see if your minutes of the Planning Board  
23 reflect any discussion, be it either a private or public  
24 meeting, relating to that particular amendment.

25 MR. O'CONNELL: Mark this first.

(Minutes of regular meeting of January 26, 1959

received and marked P-2 for identification.)

1  
2  
3 Q The history on page 15 again of the Zoning Ordinance  
4 reflects an amendment of March 16, 1959 of Article V, Section 2.

5 Was that particular meeting of January 26, did that reflect  
6 the Planning Board's discussion of that particular amendment  
7 or are there other discussions in your minutes?

8 I think we can make reference to this. Which meeting is  
9 that? A The regular meeting of February 23, 1959.

10 Q Do the minutes of that particular meeting make  
11 reference to a zoning amendment? A Yes. It indicates  
12 that a resolution was passed. Would you like me to read the  
13 resolution as it was passed?

14 Q Would you, please. A "Be it resolved by  
15 the Planning Board of the Township of Bedminster in the County  
16 of Somerset, New Jersey that the proposed ordinance entitled  
17 'an ordinance to amend and supplement an ordinance entitled  
18 'an ordinance limiting all and restricting two specified  
19 districts and regulating therein buildings and structures  
20 according to their construction and the volume and nature and  
21 extent of their use, regulating and restricting the height,  
22 number of stories and size of buildings and other structures,  
23 regulating and restricting the size of lot, plots and of  
24 yards and other open spaces and the density of population,  
25 regulating and restricting the location, use and extent of use

5 penalties for violation thereof in the Township of Bedminster,  
6 in the County of Somerset."

7 Adopted December 30, 1946 as amended November 17, 1947,  
8 December 18, 1950, February 20, 1956, June 18, 1956 and  
9 November 18, 1957, and the amended zoning map attached hereto  
10 and made a part hereto be approved by this board and returned  
11 to the Township Committee for further action.

12 Q In those minutes, are there any comments by the  
13 Planning Board as to the reasons? A No. That is the  
14 extent of the information on that.

15 Q This is the February -- A February 23, 1959.

16 Q Your minutes which you have gone through do not  
17 reflect any other revisions other than the ones we have  
18 marked as P-1 and P-2 to the zoning ordinance, more specifically  
19 any reference to the R-5 Zone. A No.

20 Q Or the business zone. A Nothing other than  
21 what we have given you.

22 Q There are no references to any office or research  
23 zone. A No, nothing in specific discussion, no.

24 Q Going on again with the history of the zoning  
25 ordinance, which I might note for the record is completely

5 The next amendment that I have noted here is May 16, 1966.  
6 It is our understanding that was an amendment to the Zoning  
7 Ordinance in 1966.

8 MR. ENGLISH: If I may interrupt, I see in  
9 the history of the zoning ordinance appended to the  
10 whereof a reference to amendment adopted October 17,  
11 1960.

12 Q Could you please check your minutes then to see if  
13 there is any discussion subsequent to February 1959. This  
14 is October 1960.

15 MR. O'CONNELL: Let's make reference to this  
16 and I will have them copied.

17 (Minutes of regular meeting of July 25, 1960  
18 received and marked P-3 for identification.)

19 (Minutes of regular meeting of September 26,  
20 1960 received and marked P-4 for identification.)

21 Q Previous meetings which have been marked for  
22 identification of July 25, 1960 and September 26, 1960 refer  
23 to an amendment to the ordinance.

24 I would assume it is the October 17, 1960 amendment,  
25 but there is no reference to it. A No specific reference

1 that I can see other than what is on those pages.

2 Q Again the history reflects the amendment to the  
3 ordinance as May 16, 1966. I would appreciate it if you  
4 would go through the minutes from the September 26, 1960  
5 date up until the May 16, 1966 date and see if there are  
6 any references to any other discussions subsequent to the  
7 adoption of the amendment or any reference to any future  
8 amendment.

9 MR. ENGLISH: Off the record.

10 (Discussion off the record.)

11 MR. O'CONNELL: Back on the record.

12 Q Mrs. Sieminski, in your capacity as the secretary  
13 to the Planning Board and the keeper of the minutes, so to  
14 speak, we are interested in finding any reference to any  
15 public hearings or private meetings of the Planning Board  
16 relating to the zoning changes.

17 Again I will refer to the history of the zoning ordinance  
18 since this is the only thing we have at our disposal as to  
19 when there were zoning changes.

20 If, to your knowledge, there were other zoning changes,  
21 I would appreciate that you refer to those particular minutes,  
22 but the next amendment that we have noted in the history  
23 occurred in May of 1966.

24 Do your minutes reflect any public hearing or any private  
25 hearings of the Planning Board or public meetings of the

4 records here and I would assume that there was discussion  
5 prior to the adoption.

6 How far ahead of time you raised this point, I would assume  
7 it occurred sometime in the early part of 1966. Again I  
8 don't know. A Special meeting of May 6, 1964.

9 "Counsel Bowlby reported on the meeting of the subcommittee  
10 on zoning held on April 24, 1964. Counsel reviewed the  
11 committee's findings after discussion at that meeting.

12 "Mr. Agle explained the contents of the land use map.  
13 Colonel Field suggested that the board be given an opportunity  
14 to study the proposal of the subcommittee on zoning and that  
15 the board have an opportunity to study the individual map  
16 to be furnished for use of each board member.

17 "Mr. Agle showed colored slides comprising aerial  
18 photographs of the entire land area of the township.

19 "Chairman Fales suggested that individual proposed zoning  
20 maps and copies of the zoning committee minutes be made  
21 available to each member of the board."

22 Q Would you make reference to that and read that lower  
23 portion. A This is a special meeting of May 25, 1964.

24 "Mr. Agle distributed land use maps to each of those persons  
25 present at the meeting.



1 "Mrs. Ashmun suggested that consideration be given to  
2 upgrading the zones adjacent to the new highways.

3 "Mr. Agle suggested five acre zoning along the major  
4 routes.

5 "Chairman Fales requested that the subcommittee on  
6 community facilities plan to hold a meeting prior to the  
7 next regular meeting of the Planning Board."

8 Q Mrs. Sieminski, are there any reasons given in those  
9 minutes by Mr. Agle as to why he suggested an upgrading to  
10 five acre zoning? A No, there is nothing set forth  
11 here.

12 Q Are there any discussions noted in the minutes by  
13 members of the Planning Board for the upgrading?

14 A Nothing other than what I have read, no.

15 MR. O'CONNELL: Will you mark that P-5.

16 (Minutes of special meeting of February 8, 1965  
17 received and marked P-5 for identification.)

18 Q Would you just make reference to that. Would you  
19 read the comments of Mr. Agle. Start at the beginning there.

20 A Regular meeting of February 24, 1965. "The Chairman  
21 appointed Messrs. Agle, Slater, Ten Eyck & Counsel Bowlby to  
22 a committee whose function it will be to prepare the  
23 recommendations of the Planning Board and Advisory Committee  
24 for presentation to the Planning Board, Township Committee  
25 and the public.

1 "Mr. Agle discussed proposed zoning changes in the  
2 Lamington, Pottersville, Pluckemin and Bedminster areas.

3 "Colonel Field requested that Mr. Agle prepare a small  
4 print of the changes proposed in commercial zones for  
5 distribution to the Planning Board and Advisory Committee.  
6 Mr. Agle agreed to furnish such maps."

7 Q Would you just read the second paragraph thereof.  
8 The date of that meeting was what? A Special meeting  
9 of March 8, 1965. "Those present discussed the possible  
10 expansion of the business zone around the intersection at  
11 Bedminster Village. Mr. Agle recommended possible expansion  
12 of the business zone at the discretion of the Board, although  
13 he did not feel that it is presently necessary.

14 "Colonel Field expressed the opinion that the landowners  
15 along Somerville Road could object commercial use at the  
16 rear of their properties.

17 "Mr. Ten Eyck also objected to the expansion of the  
18 business zone on the southeast and southwest portion of the  
19 intersection.

20 "Mr. Agle thought possibly that zoning boundaries should  
21 be extended to property line boundaries.

22 "It was on motion by Chairman Fales, seconded by Mr.  
23 Ballantine and carried that the business zone in Bedminster  
24 Village retain its status quo and that the Master Plan note  
25 that expansion may be necessary in the future."

1 Q Mrs. Sieminski, is there any reference to an office  
2 and research zone in that particular special meeting?

3 A No, I don't see any reference.

4 Q Would you please read that one paragraph.

5 A This is from the regular meeting of November 22, 1965.  
6 Mayor Kean then submitted a report as acting chairman of the  
7 committee on zoning, a subcommittee of the Planning Board.  
8 He requested that a resolution be adopted by the Planning  
9 Board recommending to the Township Committee that the Mayor  
10 and some other properly authorized person be directed to take  
11 immediate steps under the Green Acres and Housing and Home  
12 Finance Act to obtain federal and state funds for the purchase  
13 of open space as indicated on the Master Plan.

14 "He further advised that it is the recommendation of the  
15 subcommittee on zoning that application be made for assistance  
16 and continued planning.

17 "He suggested that the Planning Board should seek funds  
18 under these state programs sponsored by the Division of State  
19 and Regional Planning to the Department of Conservation and  
20 Economic Development at a cost of \$2,500 to the township and  
21 an equal cost to the state each year of the contract term.

22 "Chairman Fales noted that it would seem advisable to  
23 continue Mr. Agle's services.

24 "Mr. Agle advised that he would plan to attend every  
25 meeting of the Planning Board and an equal amount of special

1 meetings.

2 "The Mayor read items contained in the agreements proposed.

3 "Counsel Bowlby recommended that a planner be on the staff  
4 of the Planning Board."

5 "It was regularly moved, seconded and carried that the  
6 Planning Board recommend to the Township Committee that an  
7 agreement be signed with the Division of State and Regional  
8 Planning for the item of continued planning with state aid."

9 Q Mrs. Sieminski, do you know if your minutes reflect  
10 any actual adoption of that or signing of that contract or  
11 obtaining of any Green Acre funds? A No. It was  
12 only a resolution passed to the effect that application be  
13 made to the Green Acres program for funds to purchase open  
14 space land, but there is nothing other than that.

15 Q Is there any specific mention of any particular  
16 property to which this money would be applied?

17 A No, there is not.

18 Q To your knowledge, were any funds ever obtained  
19 by the township for this purpose? A I can only say  
20 that there were, but I could not state definitely.

21 Q Could you just capsulize for the record what this  
22 was in reference to and then we will make a copy of it and  
23 the meeting date. A The regular meeting of January  
24 24, 1966, it was a presentation of a petition to the Planning  
25 Board signed by forty-eight residents of Bedminster Township

1 asking the Planning Board to reconsider their recommendation  
2 for conversion of the triangle bound by U.S. 202 and 206  
3 and Lamington Road.

4 Q In essence, what was the Planning Board's proposed  
5 use of that property? A Here is the thing, the  
6 petition.

7 Q Could you read the petition, the reason behind it.

8 A "We, the undersigned residents of the Township of  
9 Bedminster, petition the Township Committee and the Planning  
10 Board to reconsider the recommendation for conversion of the  
11 triangle bounded by U.S. 202, U.S. 206 and Lamington Road  
12 (County Road 523) for the following reasons:

13 "Number one. The site in question would constitute a  
14 hazard to public safety in that access and egress are via  
15 two state highways and one major county road. The future  
16 of these roads is not controllable by the Township of  
17 Bedminster.

18 "Number two. The land in question is now primarily  
19 devoted to residential use, having a good deal of the  
20 esthetic value which we feel desirable to maintain.

21 "Number three. We expect the area to be further degraded  
22 by the lack of enforcement of regulations governing business  
23 property. The lack of enforcement is evident in several  
24 business properties constructed after the adoption of the  
25 existing Zoning Ordinance.

1 "Number four. The proposed business zone is in an area  
2 which is now saturated from the standpoint of population  
3 growth and will not effectively serve the anticipated growth  
4 and population to the west of the site.

5 "Number five. A shopping district in this area will  
6 completely negate the effect of the park land site being  
7 created to provide an attractive entrance to the Village of  
8 Bedminster from the south."

9 Q Mrs. Sieminski, the minutes which I would like to  
10 mark as P-6, do they reflect the discussion of the Planning  
11 Board in response to that petition? A Well, there  
12 seemed to be some number of comments from various members  
13 in the audience at that time I guess relative to that petition.

14 Q Was there action taken by the Planning Board at that  
15 particular meeting? A No, there does not seem to be  
16 any action taken, just listening to the comments from the  
17 public.

18 Q Is there any reference to an office and research  
19 zone in this area in their discussion?

20 MR. ENGLISH: Could I suggest that since you  
21 propose to mark the minutes, there is the best  
22 answer.

23 Q If there is no reference in there, we will then mark  
24 it as P-6. A Well, there does not seem to be any  
25 actual reference from what I can see. Most of the residents

1 wanted to know whether or not those properties were going  
2 to remain in the business zone or going to remain in the  
3 residential zone.

4 Q There was no action taken. A There was no  
5 formal action taken by the Board, no.

6 Q Please see if there are any other minutes which  
7 reflect action by the Board either on this particular question  
8 or again on the 1966 amendment to the ordinance.

9 A Regular meeting, February 28, 1966. "Mrs. Vossen  
10 questioned whether Mr. Agle had an opportunity to review the  
11 commentary submitted by the triangle group to the Planning  
12 Board."

13 Q Was there any answer to that? A There was  
14 no answer to the question. Mayor Kean pointed out that since  
15 Mr. Agle's contract was just put into effect on this case,  
16 that they had no prior knowledge of the commentary, except  
17 perhaps what he might have read in the newspapers, Mr. Agle  
18 asked the secretary to forward a copy."

19 Q Mrs. Sieminski, would you just reference this and  
20 then we will mark it. A Regular meeting of April 25,  
21 1966.

22 Q Mrs. Sieminski, does that relate to an adoption of  
23 a zoning amendment? A Well, the outcome of this was  
24 that on motion, seconded and carried, that the recommendations  
25 and as suggested by Counsel Bowlby be made to the Township

1 Committee." I believe that would have reference to the  
2 ordinance as we have outlined it there.

3 MR. O'CONNELL: We will mark that as P-6.

4 (Minutes of regular meeting of April 25, 1966  
5 received and marked P-6 for identification.)

6 Q Again, the history of the zoning ordinance indicates  
7 the next amendment to the zoning ordinance occurred on  
8 December 19, 1966.

9 Will you please refer to the minutes and see if there  
10 are any references to either the prior amendment of May 16  
11 or the subsequent amendment of December 19. Mrs. Sieminski,  
12 would you just refer to this. A Special meeting of  
13 December 15, 1966. "The purpose of the meeting was to  
14 consider an amendment to the Zoning Ordinance. The amending  
15 ordinance was introduced by the Township Committee on December  
16 5, 1966 and referred to the Planning Board by said committee  
17 pursuant to RS:55-35 and then the ordinance -- the language  
18 follows.

19 Q Are there any comments from the public on that  
20 particular adoption noted in the minutes?

21 A There was a comment only by one resident, a Mr. Buccini.  
22 Mr. Buccini questioned why regulations were limited to the  
23 Pluckemin area. He also questioned as to enforcement.

24 Q This particular amendment, did it deal primarily  
25 with the business zone? A A new article was added



Sieminski-direct

24

concerning site plan approval in business zones.

Q There is no reference to any amendment taking into account an office and research zone. A No.

Q Is there any recommendation for multi-family dwellings in this particular amendment? A No.

Q Are there any reasons set forth in the minutes for the adoption of this amendment to the ordinance?

A There are no reasons set forth.

MR. ENGLISH: You don't want to mark that?

Q MR. O'CONNELL: No.

Q Again reading from the history of the ordinance itself, the amendments to it, the next revision which is noted on page 15 occurred on October 21st, 1968.

Do your minutes reflect any other prior amendment or change to the Zoning Ordinance or discussion by the Planning Board of any future change? A Regular meeting of May 22, 1967. "Chairman Slater reported that copies of the proposed changes in the Zoning Ordinance were distributed to members of the Board by Counsel Bowlby and an executive committee meeting would be held on June 7, 1967. to review same."

Q Mrs. Sieminski, are there any minutes to the executive committee meeting of June 7? A I have none.

Q Do you take minutes at your executive committee meetings? A I have not been present at all. I have only been asked to attend two or three.

5 Q Mrs. Sieminski, what particular revision to the  
6 ordinance was discussed at this meeting? Are there any  
7 references in the minutes to what the revision is?

8 A Some of the minutes would seem to me to have to do with  
9 the triangle.

10 Q Is there a reference to research zone in the minutes  
11 of the November 27, 1967 meeting?

12 MR. ENGLISH: I would like to suggest that  
13 it would be preferable in the case of long minutes  
14 like this to have them marked as an exhibit rather  
15 than put the burden on the witness to characterize  
16 accurately.

17 MR. O'CONNELL: I intend to mark it as  
18 Exhibit P-7, but for the record, to set it off, I  
19 would like to have some indication as to the particular  
20 amendment that we are talking about, but if there  
21 are none, I will mark this as P-7.

22 A It would seem to me that this has to do with the change  
23 in the zoning around Lamington.

24 Q In the triangle. A The research, Cottrell  
25 property. I don't know if it involves that particular piece

1 of property specifically, but a proposed change on both sides  
2 of Lamington Road from the comment that I see here.

3 MR. O'CONNELL: I think we can mark this as  
4 P-7.

5 (Minutes of regular meeting of November 27,  
6 1967 received and marked P-7 for identification.)

7 Q Do your minutes reflect any subsequent change or  
8 comment as to the October 21st, 1968 revision of the Zoning  
9 Ordinance? These are just public comments.

10 A That's all.

11 MR. ENGLISH: Let the record please show that  
12 the witness has just submitted to the plaintiff's  
13 counsel certain minutes for his consideration with  
14 the result that he indicated the material therein  
15 was not pertinent to the subject of his inquiry.

16 MR. O'CONNELL: Again it should be noted it  
17 is some public comment at a January 22, 1968 regular  
18 meeting in which there was no comment or commentary  
19 by the Planning Board.

20 MR. ENGLISH: Let the record also show that  
21 on other occasions earlier in this deposition,  
22 similar occurrences have taken place of minutes  
23 being submitted which for some reason plaintiff's  
24 counsel did not deem pertinent to this inquiry.

25 MR. O'CONNELL: I think again the record

1 should reflect that those particular minutes did  
2 not involve any discussion or comments by the  
3 Planning Board relating to zoning changes or changes  
4 in the zoning ordinance.

5 Q Will you continue. A March 25, 1968.

6 "Chairman Slater reported that the revisions to the Zoning  
7 Ordinance had been completed by the Planning Board and that  
8 the Board was prepared to submit them to the Township  
9 Committee for their consideration. He then gave a general  
10 outline of those revisions.

11 "Mr. R. Earl Smith moved to submit these revisions to the  
12 Township Committee.

13 "Motion was seconded by Colonel Field and unanimously  
14 carried.

15 "Copy of these revisions together with revised zoning maps  
16 are on file with the secretary."

17 Q There is no reference, Mrs. Sieminski, to what the  
18 revision is. A No, no reference.

19 Q There were no discussions as to the reason for the  
20 recommendation. A No, no discussions. I don't know  
21 whether or not that might be pertinent or of interest to you.  
22 Let me back up for a second.

23 Q I think that would be pertinent to the public  
24 discussion at that meeting. A Still March 25, 1968.

25 "There was substantial discussion on the subject of partial

1 destruction of non-conforming structures precipitated by  
2 Mr. Gareth's questioning.

3 "Mr. Gareth expressed the view that the Board was building  
4 a town around an ordinance instead of building an ordinance  
5 around a town."

6 Q Again as to that comment, was there any response  
7 from the Board in the minutes? A No.

8 Q Would you make reference to that. I think we ought  
9 to then mark that. A April 22, 1968.

10 Q Was this a regular meeting of the Planning Board?

11 A Yes, it was a regular meeting.

12 Q Was there reference to an amendment to the Zoning  
13 Ordinance? A Yes. The revised zoning ordinance and  
14 revised zoning map were considered and approved.

15 Q Are there any references to what the actual revision  
16 was to the zoning ordinance? A Well, there were two  
17 changes: "1. The date of the Revised Zoning Ordinance be  
18 changed from 1967 to 1968; 2. In Article V, Section 2, the  
19 date of the Revised Zoning Map and each of the 5 plates of  
20 which it consists be changed from 1967 to 1968."

21 MR. O'CONNELL: Could we now mark it as P-8.

22 (Minutes of regular meeting of April 22, 1968  
23 received and marked P-8 for identification.)

24 Q Would you please just refer to that and read the  
25 last two paragraphs and first two paragraphs on the second

1 page. A Regular meeting of September 23, 1968.

2 "Chairman Slater stated that he received from Mr. John Vossen  
3 a recommendation as to a change he would like to see made in  
4 the description of the continuance of non-conforming uses in  
5 the zoning ordinance.

6 "Mr. John Vossen then paraphrased his recommendation,  
7 indicating that it basically would allow a non-conforming  
8 use to be enlarged or altered so long as it would not be made  
9 more non-conforming than it was originally.

10 "He felt this would remove quite a burden from the people  
11 owning non-conforming structures and would also take care of  
12 the objections raised at the various public hearings and  
13 other meetings about partial and total destruction.

14 "Chairman Slater then thanked Mr. Vossen for submitting  
15 his recommendation and stated that the Board was very pleased  
16 to have it and would take it under advisement."

17 Q Mrs. Sieminski, are there any comments by the Board  
18 to the zoning changes in those minutes?

19 A No, not in that set of minutes.

20 Q Could you please refer to that particular meeting.

21 A Regular meeting of October 28, 1968.

22 Q Is there any reference to the proposed amendment to  
23 the zoning ordinance in that set of minutes?

24 A I will read the first sentence. "The Board then began  
25 consideration of the amendment to the Zoning Ordinance which

1 had been passed on first reading by the Township Committee  
2 and forwarded to the Planning Board for review."

3 Then "Counsel Bowlby summarized the changes to which,  
4 in the main, deal with the creation of a new type zone.  
5 (Research-Office) and the rules and regulations governing it;  
6 non-conforming uses (this taking into account the suggestions  
7 of the Committee for the Preservation of Bedminster); the  
8 reverting of the two properties behind the Bedminster Inn to  
9 business; the restoration of the business zone on the north-  
10 westerly corner of the Lamington Road intersection; and the  
11 establishment of the area of the two properties in the  
12 Research-Office zone, one being Research-Cottrell on the  
13 easterly side of the intersection and the other being the  
14 Rodenbach property on the westerly side."

15 Q There are no provisions in this amendment for any  
16 multi-family dwellings. A No.

17 MR. O'CONNELL: I would like to mark those  
18 minutes to that meeting of October 28, 1968 as P-9.

19 (Minutes of regular meeting of October 28, 1968  
20 received and marked P-9 for identification.)

21 Q Mrs. Sieminski, again I am referring to the history  
22 of the Zoning Ordinance. There is noted on page 15 that a  
23 number of revisions took place in 1968, one on October 21st,  
24 1968 and two on November 18, 1968.

25 The last set of minutes of the Planning Board which we

1 have indicated, that they occurred on October 28th.

2 Are there any minutes of the Planning Board which reflect  
3 discussion of the November 18th revision?

4 A I have nothing other than what you have.

5 Q October 28th is the only one. A The only  
6 thing I have on record.

7 Q Again, the final amendment noted on page 15 of the  
8 Zoning Ordinance occurred on October 5, 1970.

9 Do the minutes of the Planning Board from October 28, 1968  
10 until October 5, 1970 reflect any discussion by the Board of  
11 any revision to the Zoning Ordinance?

12 MR. O'CONNELL: Would you just read those two  
13 paragraphs into the record.

14 A Regular meeting, September 28, 1970. "The Board next  
15 considered an amendment to the Zoning Ordinance forwarded  
16 from the Township Committee which would cure the ambiguity  
17 existing between the zoning ordinance and subdivision ordinance  
18 as regards frontage on a street, i.e., the zoning ordinance  
19 provides for fifty feet and thirty per cent of the lot width,  
20 while the subdivision ordinance provides for fifty feet.

21 "On motion duly seconded and unanimously carried, the  
22 Board voted to remove the thirty per cent of the lot width  
23 requirement from the zoning ordinance and the secretary was  
24 directed to so advise the Township Committee of its action  
25 and recommendation."



1 Q Were there any other references to zoning changes  
2 in the minutes of that meeting? A No, none at all.

3 Q Were there any reasons given for the changes other  
4 than what was read? A No, nothing other than what  
5 was read.

6 Q Do any of your subsequent minutes reflect any  
7 discussion on any zoning change since, as I read this in the  
8 history, the last amendment occurred on October 5, 1970?

9 A There is nothing further in the minutes that I can see  
10 through 1970.

11 Q Mrs. Sieminski, to your knowledge and having reviewed  
12 the minutes to the Planning Board from its inception, there  
13 are no other official records of any comments or reasons or  
14 hearings held by the Planning Board regarding any zone change  
15 or revision other than the exhibits marked into the record  
16 today or those portions of those minutes read into the record  
17 by you today. A Nothing further to my knowledge.

18 Q Again to your knowledge, are there any other records  
19 kept by the Board other than the official records?

20 A No, just the matters of correspondence, little things that  
21 we keep in our regular files, nothing in the way of official  
22 records other than what appear in the minutes.

23 MR. O'CONNELL: I have no further questions  
24 on the zoning amendments. This would be a good time  
25 to break for lunch.

(At this point a recess was taken for lunch.)

DIRECT EXAMINATION BY MR. O'CONNELL: (Continued)

Q Mrs. Sieminski, we have previously gone through the minutes of the Planning Board from 1950 to date. During that time I think you were making notations as to references to the Master Plan which was adopted by Bedminster.

Could you tell us on what date the Master Plan was adopted? Do you have additional copies of the Master Plan?

A No. As a matter of fact, this may be the only one in existence. All our members have copies. I do have one.

Q On what date was the Master Plan adopted?

A The Master Plan was adopted on July 28, 1965.

Q As to the adoption date of July 28, 1965, who adopted the Master Plan on that date? A It was adopted by the Planning Board of Bedminster Township.

Q Do your minutes for July 28, 1965 reflect discussion of the Master Plan?

MR. ENGLISH: For the record, the records say

June 28th. There are no minutes between June and September.

Q What date do the minutes show as the date when the Master Plan was adopted? A On June 28, 1965, according to the records.

MR. O'CONNELL: I would like to mark the minutes

(Master Plan received and marked P-11 for  
6 identification.)

7 Q Do your minutes reflect whether the Master Plan was  
8 ever recommended for adoption by the Township Committee?

9 A They might be in those other minutes.

10 Q There is no reference to any recommendation other  
11 than might be noted on June 28. A The meeting prior  
12 to that one just has some public comment here.

13 Q To your knowledge, do you know whether the Township  
14 Committee ever adopted the Master Plan?

15 A That is a good question. I really don't know.

16 Q Prior to the adoption of the Master Plan on June 28,  
17 1965 by the Planning Board, do your minutes reflect any  
18 discussion by the Planning Board relating to the preparation  
19 of a Master Plan and, more specifically, are there any  
20 discussions in the minutes relating to the establishing of  
21 an office and research zone, as to any multi-family zones  
22 and as to any business zones?

23 I think we will have to go back to the first minutes  
24 which are listed here. I think it is August 28, 1962.

25 A I think that is May.

5        If we come to a particular meeting with the discussion  
6 or the statements made therein are lengthy, I think that we  
7 can mark them and make copies of them.

8            MR. ENGLISH:    May I ask a question for  
9 clarification. I understood a previous question  
10 you put to the witness limited your interest to  
11 references to business zone, office and research  
12 zone or multi-family housing zone. Is your question  
13 limited to that?

14            MR. O'CONNELL:    Generally it's limited to any  
15 discussion. More specifically, we are primarily  
16 interested in those three aspects of it since we  
17 are going to go to each and every meeting and I  
18 think it's a very general meeting, what comments,  
19 what reasons, what statements were made, what  
20 reference was made to the Master Plan starting with  
21 the May 28, 1962 meeting.

22            MR. ENGLISH:    I will show Mr. O'Connell minutes  
23 of the meeting, regular meeting, of May 28, 1962 for  
24 the purpose of enabling him to determine whether  
25 anything therein contained is pertinent to his inquiry.

1 MR. O'CONNELL: I think this is the first  
2 establishing of the committee to study the Master  
3 Plan.

4 Q Read that portion of the minutes.

5 MR. ENGLISH: It's pretty long, nearly a page.

6 MR. O'CONNELL: All right. We will mark that  
7 as P-12 then.

8 (Minutes of regular meeting of May 28, 1962  
9 received and marked P-12 for identification.)

10 Q The next reference to the Master Plan is at what  
11 meeting? A July 23, 1962.

12 Q Would you please read that into the record.

13 A July 23, 1962. "The Board generally discussed the proposed  
14 Master Plan study and it was determined that Mr. Brady would  
15 contact the firm of Charles Agle of Princeton, New Jersey and  
16 inform Mr. Agle that the Board intends to use his services."

17 Q The next reference to the Master Plan. Could you  
18 just read that or make reference to those paragraphs. The  
19 meeting is what date? A September 24, 1962. "Chairman  
20 Fales advised those present that in order to create a Master  
21 Plan it is necessary to have an advisor. He further stated  
22 that the Planning Board proposes to use federal aid through  
23 the 701 Program, which provides that 2/3 of the cost of the  
24 Master Plan shall be absorbed by the State of New Jersey and  
25 1/3 shall be absorbed by the Township of Bedminster. Federal

...ing paid to the State of New Jersey.

6 "Mr. Agle advised that his contract for the creation of  
7 a Master Plan is with the State of New Jersey. The township's  
8 share of the cost is paid to the state and the state in turn  
9 pays the consultant.

10 "Chairman Fales informed those present that the creation  
11 of a Master Plan takes from eighteen months to two years.

12 "Mr. Agle stated that the township must make application  
13 to the State of New Jersey for financial assistance in the  
14 preparation of a Master Plan."

15 Q Is there any other reference to the Master Plan  
16 itself? A No, just financing.

17 Q Other than the actual financing of the Master Plan  
18 itself, there is no comment as you see it as to what would be  
19 encompassed into the Master Plan. A No, not in that  
20 set of minutes.

21 Q The next set of minutes which refer to the Master  
22 Plan are on what date?

23 MR. ENGLISH: Let me show you, Mr. O'Connell,  
24 the minutes of October 23, 1962 in case you find  
25 anything in there pertinent to your inquiry.

1 Q Would you read from the second paragraph on, Mrs.  
2 Sieminski. A Special meeting, October 23, 1962.

3 "Chairman Fales discussed the general characteristics  
4 of the township land area. He advised that the Board will  
5 plan to meet monthly with Mr. Agle.

6 "He further stated that Mr. Agle would like to have ideas  
7 as to planning from residents of various sections of Bedminster  
8 Township.

9 "Mr. Agle advised those present that he has not done any  
10 specific planning as yet since he does not have a contract  
11 with the state. He stated that he has driven over every road  
12 in the township and has looked at the exterior of a number of  
13 homes in the area.

14 "He further stated that he has obtained and studied a  
15 geodetic map furniship topographical information relative to  
16 the township.

17 "He further stated that he has also studied the available  
18 maps of FAI-287 and I-78 and their alignment through the  
19 township.

20 "He stated that he would like to meet with people from  
21 the various township areas after which he can discuss the  
22 possible choices for planning."

23 Q Are there any other references to the Master Plan  
24 in those particular minutes? A No specific references  
25 to the Master Plan.

6 witness handed Mr. O'Connell the minutes of the  
7 meeting of December 4, 1962.

8 Q Would you identify the meeting for the record.

9 A Special meeting of December 4, 1962.

10 MR. O'CONNELL: I think I would like to mark  
11 that as P-13.

12 (Minutes of special meeting of December 4, 1962  
13 received and marked P-13 for identification.)

14 MR. O'CONNELL: Why don't we mark that also  
15 P-13, both meetings.

16 (Minutes of special meeting of January 29, 1963  
17 received and marked P-13 for identification.)

18 Q I would prefer to read into the minutes as much as  
19 we can as far as discussion with reference to the Master Plan.  
20 The next reference after January 29, 1963 is on what date?

21 A Well, we have a reference but I don't know whether or  
22 not this can be considered specifically with regard to the  
23 Master Plan.

24 It seems to have started out with a discussion on a sub-  
25 division that was proposed over in Pottersville and some of



1 Route FIA-287 interchange. A general discussion of the  
2 effects of the new highways and the interchange followed."

3 Q Mrs. Sieminski, is there any reference to specific  
4 statements regarding the 287, Route 287, interchange in those  
5 minutes? A No, there is no mention of anything other  
6 than what I have read.

7 Q Thank you. The next reference to the Master Plan  
8 occurred on what date? A Special meeting of May 1st,  
9 1963.

10 Q Would you please read this for the record.

11 A Special meeting, May 15, 1963. "The secretary distributed  
12 copies of Mayor Kean's memorandum stating the reasons for  
13 the Mayor's opposition to Mr. Agle's recommendation in  
14 connection with a request to the New Jersey State Highway  
15 Department for a slip-on-slip-off ramp on Route I-78 east of  
16 Route 202-206, Pluckemin, New Jersey. Mayor's memorandum is  
17 also on file with the secretary.

18 "A general discussion of the recommended slip-on-slip-off  
19 ramp followed the reading of Mayor Kean's memorandum.

20 "All members present expressed their own individual views  
21 in connection with the proposal.

22 "It was regularly moved, seconded and unanimously carried  
23 that a slip-on-slip-off ramp to and from the east on I-78 be  
24 recommended to the Township Committee."

25 Q Mrs. Sieminski, do you have a copy of Mayor Kean's

1 memorandum which was made part of the public record?

2 A I am now looking at a file folder that is marked "Master  
3 Plan" and I see no memorandum from Mayor Kean in this particular  
4 file.

5 Q Mrs. Sieminski, do you know where else the memorandum  
6 might be located? A I have another file that I brought  
7 with me called "Township Committee to Planning Board  
8 Correspondence" and another "Township Committee from Planning  
9 Board" and I can look in both of these files.

10 I have no Mayor's memorandum as such in both of these  
11 files that I referred to.

12 Q Where else might the memorandum be located? Do you  
13 know who might have possession of the memorandum?

14 A It might be in the office of the township attorney or  
15 it might be in the office of the township clerk.

16 Q Then, in other words, you don't keep all the records  
17 for the Planning Board yourself. A Well --

18 MR. ENGLISH: This is before the witness  
19 became secretary, you will recall.

20 MR. O'CONNELL: I understand that.

21 Q I understand it was before, but you seem to have  
22 records from before you became secretary. I was wondering  
23 who else might have records prior to your becoming secretary.

24 A These are all the records that were left in the file  
25 cabinets when I took on the job.

5 overlapped. Some of the records he may have kept in  
6 the township records.

7 Q Mr. Robertson might have them. A Yes.

8 Q Would anyone else have access to these files?

9 A I would say only Board counsel or the township clerk.

10 Q Was Mr. Bowlby the attorney at the time of the  
11 adoption of the Master Plan, of this meeting in 1963?

12 A Yes, I believe so.

13 Q What is the next reference? A May 27, 1963.

14 There seems to be a lot here. There seems to be some comments  
15 from residents and also a listing of the Mayor's Advisory  
16 Committee there.

17 MR. O'CONNELL: We will mark that as P-15,  
18 a regular meeting of May 27, 1963.

19 (Minutes of regular meeting of May 27, 1963  
20 received and marked P-15 for identification.)

21 Q The next reference, Mrs. Sieminski, is on what date?

22 A June 24, 1963.

23 Q Would you read that reference to us.

24 A "Mr. Agle submitted a memorandum dated June 24th, 1963,  
25 which memorandum was explained by Mr. Agle with the use of

1 several maps. A general discussion of the contents of the  
2 memorandum and the Master Plan program followed."

3 Q Do you have a copy of Mr. Agle's memorandum?

4 A I have a file folder here in which I have all Mr. Agle's  
5 reports, at least those that were available in the file.

6 Q I am going to ask at a future time and I might as  
7 well ask it now, to have copies of all of the specific reports  
8 in relation to the Master Plan study. Are these all the  
9 reports of Mr. Agle? A These all are Mr. Agle's  
10 reports. However, they don't go back that far. The reports  
11 I have only come from 1967 to current date.

12 Q In other words, all of the reports of Mr. Agle are  
13 subsequent to the adoption of the Master Plan.

14 A Yes.

15 Q You have no records of any reports prior to the  
16 adoption of the Master Plan. A I don't seem to have  
17 any, no.

18 Q Would someone else have them? A Well, Mr.  
19 Agle certainly should have copies of the reports he submitted  
20 and again, Board counsel and the township clerk may have them.

21 Q But the only ones on file with you as secretary of  
22 the Planning Board are subsequent to the Master Plan.

23 A As far as I know.

24 Q The next reference to the Master Plan occurred on  
25 what date? A August 26, 1963.

1 MR. O'CONNELL: I would like to have that  
2 marked P-16.

3 (Minutes of regular meeting of August 26, 1963  
4 received and marked P-16 for identification.)

5 Q There is reference made in P-16 to a report of August  
6 26, 1963, a report of Mr. Agle. A I am again in the  
7 same position as I was with the last one.

8 Q You don't have any copies of that.

9 A No.

10 Q The next reference to the Master Plan.

11 A May 24, 1964. You better change that to May 25, 1964.

12 Q There was no May 24th meeting. A No.

13 Q Would you read that report. A Special meeting,  
14 May 25, 1964. "The consultant suggested that vulnerable points  
15 be acted upon in order to make progress with the various  
16 phases of the proposed Master Plan project.

17 "He stated that the alternative to an immediate action is  
18 to wait until the whole picture is clear and then act.

19 "He further stated that the statutes provide that the  
20 Board may take partial action at any time."

21 Q Would you identify the consultant for the record.

22 A Mr. Charles K. Agle.

23 Q Is there any other reference to the Master Plan in  
24 those minutes? A No, there are not any more references  
25 to the Master Plan. "Mr. Agle distributed land use maps to

5 adjacent to new highway.

6 "Mr. Agle suggested five acre zoning along the major  
7 routes."

8 Q Is there any reference as to what highways they are  
9 referring to? A It is not set forth.

10 Q Do you have copies of the maps referred to?

11 A I don't believe so, at least I have never seen them in  
12 my files.

13 Q The next reference would be on what date?

14 A It seems to be January 25, 1965.

15 Q Would you just identify that this is subsequent to  
16 other applications and what occurred and then we will mark  
17 that as P-17. A This took place at the regular meeting  
18 of January 25, 1965. It appears to be a discussion on a  
19 memorandum prepared by Mr. Agle and presented entitled "Master  
20 Plan for Bedminster draft." That is dated January 25, 1965.

21 Q Do you have in your files again copies of that  
22 memorandum? A I don't believe so. Just let me check  
23 that Master Plan folder once again.

24 MR. ENGLISH: Off the record.

25 (Discussion off the record.)

1 (Minutes of regular meeting of January 25, 1965  
2 received and marked P-17 for identification.)

3 Q What is the next reference? A February 8,  
4 1965 is the next. This happens to have been marked when we  
5 were going through the zoning.

6 Q That was marked as P-5. A Yes.

7 Q We have copies of that. A Yes. The special  
8 meeting of February the 8th, 1965 has already been identified  
9 as P-5.

10 Q What is the next reference? A April 12, 1965.

11 Q Would you just identify it as to the hearing and we  
12 will mark that P-18. A Special meeting, April 12, 1965,  
13 informal hearing on the proposed Master Plan for the Township  
14 of Bedminster.

15 (Minutes of special meeting of April 12, 1965  
16 received and marked P-18 for identification.)

17 Q The next reference to the Master Plan. This is a  
18 regular meeting of April 26th. A There are some other  
19 comments by the general public apparently. Take a look at  
20 those together.

21 Q Would you identify those as the regular meeting for  
22 the record. A The next regular monthly meeting of  
23 April 26, 1965.

24 Q At which time what occurred? Were there public  
25 discussions of the Master Plan? A The purpose of this

1 meeting was to hold a formal hearing on the proposed Master  
2 Plan.

3 Q April 26 is the formal hearing. A Yes.

4 MR. O'CONNELL: Mark that P-19.

5 (Minutes of regular meeting of April 26, 1965  
6 received and marked P-19 for identification.)

7 Q The next reference. A Special meeting,  
8 May 10, 1965. The purpose of this was conducting a further  
9 hearing on the Master Plan.

10 Q I would assume there is more than one page.

11 A Yes.

12 MR. O'CONNELL: We will mark that.

13 (Minutes of special meeting of May 10, 1965  
14 received and marked P-20 for identification.)

15 Q The next reference is the actual adoption date, is  
16 it not? A Yes.

17 Q That is P-10. We have already had that copied.

18 A I don't have the pages.

19 Q Subsequent to the actual adoption date of June 28,  
20 1965, were there any other meetings which --

21 A We have two dates noted. One is February 23, 1970. This  
22 is a regular meeting of the Planning Board on February 23,  
23 1970. The only reference I have is this paragraph.

24 "Chairman Slater then appointed a committee consisting of  
25 Mr. Gavin, Mr. R. Earl Smith and himself to meet with Mr. Agle



1 and Counsel Bowlby for the purpose of updating the Master  
2 Plan and official map."

3 Q Is there any other reference? A We have noted  
4 another date here, October 26, 1970.

5 Q Would you read that. A Regular meeting,  
6 October 26, 1970. "In other business, Kenneth C. MacKenzie,  
7 Esq. of Harding and McKenzie, Esqs., Morristown, New Jersey,  
8 representing Lanid Corporation, said corporation having  
9 presented a proposal in June 1970 for the rezoning of property  
10 owned by it in the township, asked the Board of any decision  
11 had been reached.

12 "Chairman Gavin stated that the Planning Board was  
13 considering revising the Master Plan and therefore requested  
14 that this matter be held in abeyance.

15 "Mr. MacKenzie indicated Lanid was still interested.

16 "Chairman Gavin also stated that the Board would consider  
17 the Master Plan revision before ruling on either Lanid's  
18 proposal or that of Western Electric."

19 Q Mrs. Sieminski, there is reference to a possible  
20 revision of the Master Plan in the minutes of October 26,  
21 1970.

22 Do you have any other records or minutes indicating any  
23 revision to or proposed revision to the Master Plan?

24 A Yes.

25 Q Would you please read that into the record then.

1 A February 22, 1971. "Chairman Gavin then asked the Board  
2 to consider the areas in which they felt the Master Plan  
3 should be updated.

4 "The properties involved in the requests of Lanid  
5 Corporation and Johns Manville for zoning changes and the  
6 entire research-office zone were mentioned.

7 "It was Mr. Agle's suggestion that if possible the township  
8 should not make changes until such time as a good state plan  
9 was in effect."

10 Q Are there any other references in your minutes to  
11 any revision to the Master Plan? A Not in that set of  
12 minutes. Regular meeting, June 28, 1971. "In other business,  
13 the Board considered favorably the revisions to the Master  
14 Plan submitted to it by the committee responsible for updating  
15 the Master Plan.

16 "The Board set Monday, July 26, 1971 as the date for  
17 public hearing and requested counsel to draw up the proper  
18 notices required."

19 Q Mrs. Sieminski, do you have a copy of the report  
20 which was mentioned as being submitted to the Planning Board  
21 by the Master Plan committee? A I think this is the  
22 report. I think that must be the report to which we are  
23 referring, although I don't have it.

24 MR. ENGLISH: The witness is referring to a  
25 two-page report dated June 14, 1971.

6 .. I believe Mr. Gavin, the Chairman, from  
7 whom the report issued originally would be the one to identify  
8 it positively.

9 Q May I retain a copy of this for myself?

10 A Yes. I have several copies. The next meeting is July 26,  
11 1971 and that is a regular meeting at which the public hearing  
12 took place.

13 Q July 26, 1971. A Yes.

14 MR. O'CONNELL: I think we will mark that as  
15 P-21.

16 (Minutes of regular meeting of July 26, 1971  
17 received and marked P-21 for identification.)

18 Q Do your minutes reflect any further action by the  
19 Planning Board on the revision or any comments on the Master  
20 Plan itself? A Well, in the minutes of August the 23rd,  
21 1971 there is a statement by the Chairman.

22 "Chairman Gavin announced to the audience that the Board  
23 would not be taking any action relative to the revisions to  
24 the Master Plan. He indicated the Board's desire to have more  
25 time to consider the comments made at the public hearing."

1 Q Are there any other comments in the minutes themselves?

2 A No. That is the only comment I have I believe.

3 Q The public hearing that the Chairman refers to is  
4 July 26th. A There is also a tape here of the actual  
5 proceeding taken by Mr. Agle's

6 Q We have a transcript of it. A What you have  
7 are just my notes. Let me scan this a little bit. That is  
8 all I have in the way of official records and minutes on the  
9 revision of the Master Plan.

10 Q We went through all the minutes previously regarding  
11 zoning amendments and the like. A I believe so, yes.

12 Q Can we back up just a little bit to the actual Master  
13 Plan which I have in front of me. It has previously been  
14 marked as P-11.

15 Article XI noted as an appendix on the Master Plan refers  
16 to a number of reports stated, consultant's reports, and  
17 proceeds to list by date and title the various reports which  
18 were attached to the Master Plan.

19 Do you have copies of all these reports?

20 A I do not have copies of the reports. I would suggest that  
21 perhaps the consultant, since those are his reports that were  
22 relied on, would have copies. The township clerk may have  
23 them in his files or Board counsel may.

24 Q But they are not a part of the Master Plan file.

25 A No, not of the file as I have it, no.

1 Q The next to the last item referred to in the appendix  
2 are minutes of subcommittees. Do you have copies of the minutes  
3 of the subcommittees? A No, I do not.

4 Q Do you know who would have minutes of the sub-  
5 committees? A Well, it would be my suggestion to  
6 discuss that with the Chairman. He might have knowledge of  
7 any minutes that were taken at the subcommittee meetings.

8 Q You don't act as secretary to the subcommittee.  
9 A No, I do not.

10 Q In your file marked Master Plan or any other file  
11 which you have as part of the records of the Planning Board,  
12 do you have any other reports relating to either the Master  
13 Plan, the one adopted in 1965, or any revision thereof or  
14 proposed revision thereof submitted by either Mr. Agle or  
15 any other consultant? A No. The only reports, as I  
16 indicated before, that I have from Mr. Agle start in 1967.

17 Q Would you please identify each of the reports by the  
18 date and reference, if there is a title to them.

19 A Do you want me to give you a list of them or not and  
20 determine whether or not they have a bearing on the Master  
21 Plan?

22 Q Would you just read them and then we will mark them.

23 A November 27, 1967. The subject of this report is  
24 "Design standards for subdivisions."

25 July 25, 1968, subject, library location interim discussion.

1 The next is May 26, 1969, discussion of library site.

2 April 24, 1970, comments on proposed county subdivision  
3 and site planning resolutions.

4 May 25, 1970 rest area sites on I-78.

5 July 27, 1970, zoning ordinance to match subdivision  
6 regulations.

7 December 14, 1970, rezoning of Schley property for  
8 Western Electric.

9 The next is January 20, 1971, the planned residential  
10 neighborhood.

11 The next is February 18, 1971, program for civic center.

12 Q What is the date on that again?

13 A February 18, 1971. The last one is April 14, 1971, flood  
14 plain protective zoning. Those are all the reports I have  
15 from Mr. Agle.

16 Q Do you have reports from any other consultant  
17 relating to planning or zoning? A No.

18 Q Do you have any correspondence from individuals  
19 relating to either the Master Plan or any zoning revision?

20 A I have a file folder entitled "General correspondence."  
21 Without going through it piece by piece, I do not know whether  
22 or not there might be some letters here from the public  
23 regarding any one of these particular subjects.

24 Q Do you have a separate file relating to any  
25 correspondence regarding the construction of the interchange

1 of I-287 and I-78? A I do not believe there is a file,  
2 at least I don't have any here with me. I don't seem to recall  
3 anything in the file having to do with that.

4 Q Again, you are the official record keeper of the  
5 Planning Board and have been since 1966.

6 A Yes.

7 Q To your knowledge, no one else would have the records  
8 of the Planning Board. A Not the records of the  
9 Planning Board as I know them. If there were reports which  
10 might have been submitted, as I just said, to the Chairman,  
11 I may not have them in my file.

12 Q But you would have or should have all the reports  
13 which are of a public nature. A I should have.

14 Q Do you have any correspondence in your files which  
15 further refer to the Green Acres fund, the application which  
16 was made in 1965? A Not that I can specifically  
17 remember as such.

18 MR. O'CONNELL: Thank you.

19 MR. ENGLISH: No questions.

20  
21 P A U L F. G A V I N, having been duly sworn according  
22 to law by the Officer, testified as follows:

23  
24 DIRECT EXAMINATION BY MR. LANIGAN:

25 Q Mr. Gavin, you are here in response to a notice of

1 taking of depositions, are you not? A Yes, sir.

2 Q First of all, what is your home address?

3 A Union Grove Road, Gladstone.

4 Q That is a post office address, Gladstone.

5 A Yes.

6 Q You are actually a resident, are you not, of the  
7 Township of Bedminster? A Yes.

8 Q Where in the township do you live, referring to the  
9 Master Plan which is as good a map as any of the township?

10 Could you show us where your home is in relation to that map?

11 A I think so. Do you want me to mark it?

12 Q That won't be necessary. If you can, describe it  
13 for the record. A It is in the upper northeast  
14 corner. I believe that that dot might be my home.

15 Q So it is in the extreme upper northeast corner of  
16 the township, is that right? A Yes.

17 Q Mr. Gavin, by whom are you employed?

18 A By the New Jersey Bell Telephone Company.

19 Q In what capacity? A My title is Manager,  
20 Community Affairs, Newark.

21 Q Does that job encompass the entire State of New  
22 Jersey? A No, City of Newark.

23 Q Just the City of Newark. A Yes.

24 Q How long have you been so employed?

25 A I have been with the telephone company twenty-five years.



1 Q You are the Chairman of the township Planning Board.

2 A Right, yes, sir.

3 Q How long have you been Chairman of the township  
4 Planning Board? A I believe it was July of 1970.

5 Q Prior to that time, were you on the Planning Board?

6 A Yes, I was.

7 Q For what period of time? A I believe from  
8 July of 1966.

9 Q Did you hold any official title on the Planning  
10 Board from July 1966 until July of 1970?

11 A No.

12 Q How long have you lived in the township?

13 A Eighteen years.

14 Q You began your residence there approximately when?

15 A Approximately August of 1953.

16 Q Do you have a familiarity with the township?

17 A Yes.

18 Q How would you classify your familiarity? Is it  
19 great or is it little? A If those are the two poles,  
20 I would say moderate.

21 Q Are you familiar with the so-called Pluckemin center?

22 A Yes.

23 Q And the interchange of Route 78 and 287?

24 A Yes.

25 Q Are you familiar with the area in the Pluckemin area,

1 the Pluckemin center? A Yes, I am familiar with it.

2 Q Approximately how far is that from your own residence?

3 A I would say three and a half, about three and a half to  
4 four miles.

5 Q Mr. Gavin, as Chairman of the Planning Board, do  
6 you have a familiarity with the Master Plan which was  
7 adopted some time I guess in 1965? A Yes, I do.

8 Q Would you like to review that a little bit or look  
9 it over at all? Have you looked it over lately?

10 A I have not looked at it. Do you mean the text of it?

11 Q Yes. A I haven't looked it over in some months.

12 Q You are quite familiar with it.

13 A I am familiar with it, yes.

14 Q Perhaps we can get another copy of it that you can  
15 follow.

16 MR. ENGLISH: I have another one here.

17 Q Going first to the appendix, Mr. Gavin, do you know  
18 the location of these various reports which are referred to  
19 in the appendix? A The present location of the  
20 reports?

21 Q Yes. A No.

22 Q You don't have them. A I do not have them.

23 Q Is it probable that your planner has them?

24 A I would think that is probable.

25 Q Who is your planner? A Charles K. Agle,

1 A-g-l-e.

2 Q Mr. Gavin, are you familiar with the property in  
3 connection with this lawsuit, the property comprising some  
4 467 acres, owned by the Allan-Deane Corporation?

5 A Yes, I know where it is.

6 Q Could you describe in your own terms where it is in  
7 the township? A I am not too good on north, south,  
8 east and west.

9 Q In your own terms of reference, where is it?

10 A It is on the northeast side of Pluckemin.

11 Q Are you familiar with that area?

12 A Reasonably.

13 Q Mr. Gavin, I am going to show you some pictures and  
14 I am going to ask if you can identify them.

15 MR. LANIGAN: The first picture I would like  
16 to have marked as P-22.

17 (Photograph received and marked P-22 for  
18 identification.)

19 Q I ask you if you can describe that now.

20 A Yes. That would be the corner of Route 202, 206 and  
21 Burnt Mills Road.

22 Q Can you tell what direction it is looking?

23 A Well, it would be taken from the front of the Span real  
24 estate office looking towards the old Woolman house.

25 Q What type of use is in that house now?

1 A I do not know, I do not know.

2 Q Can you tell from the photograph? A No.

3 Q Looking to the right-hand side of the picture, do  
4 you recognize that building? A Yes. That is what is  
5 generally known as the Pluckemin Store.

6 Q Is that a liquor store? A One part of it is  
7 a liquor store, on the ground floor, and the other part of it  
8 is the grocery store.

9 Q Do you have any idea how far away that is from the  
10 Allan-Deane property, approximately? A I guess the  
11 Allan-Deane property would come in on the other side of that  
12 road called Knox Avenue, the other end of the A & P shopping  
13 center.

14 Q Yes. A Four hundred feet.

15 Q Thank you. I show you this picture.

16 A Yes.

17 MR. LANIGAN: I ask that it be marked P-23.

18 (Photograph received and marked P-23 for  
19 identification.)

20 Q Can you describe what that is and where it is?

21 A Yes. I believe that that is the rear of the shopping  
22 center in Pluckemin looking again from near the Span real estate  
23 office property.

24 Q How far away from the Allan-Deane property?

25 A From where the picture is taken?

1 Q Yes. A Well, you can see that fence up there.  
2 That is at the embankment. I think there is only a road  
3 separating it, two hundred feet.

4 MR. LANIGAN: Would you mark this photograph,  
5 please.

6 (Photograph received and marked P-24 for  
7 identification.)

8 Q I show you the next picture. Do you recognize that  
9 picture? Can you describe that? A Yes. That is just  
10 the opposite view from the one you just showed me, standing  
11 I guess somewhere in the vicinity of the street called Knox  
12 Avenue.

13 Q That is a picture of what? A It is a picture  
14 again of the rear of the A & P shopping center.

15 MR. LANIGAN: The next picture will be  
16 marked P-25.

17 (Photograph received and marked P-25 for  
18 identification.)

19 Q I show you this next picture marked P-25 and ask you  
20 if you can describe that picture? A Yes. That is again  
21 a photograph of the rear of the shopping center in Pluckemin.

22 (Photograph received and marked P-26 for  
23 identification.)

24 Q I show you the next picture marked P-26. Can you  
25 describe that? A Yes. That is a photograph of the

1 front of the Pluckemin shopping center taken from the parking  
2 lot.

3 Q Can you identify any of the land in the background  
4 towards the top of the shopping center?

5 A Well, I of course can see the hills but I am -- yes, the  
6 hills that run up along Washington Valley Road.

7 Q Is that the Allan-Deane land? A Some of it  
8 I believe is.

9 (Photograph received and marked P-27 for  
10 identification.)

11 Q I show you picture marked P-27 and ask if you can  
12 identify that and tell us what it is. A That is a  
13 picture taken from the parking lot of the Pluckemin shopping  
14 center looking toward Woolman's Corner.

15 Q What is in the picture? Is there a bus in the picture?

16 A No. There is an old garage in the picture.

17 Q Is that garage still in use, do you know?

18 A I don't think it is in use. It is still there but it is  
19 not in use I don't think.

20 (Photograph received and marked P-28 for  
21 identification.)

22 Q I show you picture marked P-28 and ask you if you  
23 can identify that for us. A Yes. That is a view of the  
24 Roy Barker bus operation.

25 Q About how far is that from the Allan-Deane property?

1 A Oh, five hundred feet.

2 Q What is the color of those buses?

3 A Yellow.

4 Q Light yellow or dark yellow or what?

5 A I describe it as a school bus yellow, whatever that means.  
6 I don't know.

7 (Photograph received and marked P-29 for  
8 identification.)

9 Q I show you the next picture marked P-29 and ask if  
10 you can describe it. A That is a former Esso gas  
11 station on the west side of Route 202-206.

12 Q Is it in use? A No.

13 Q Where is that property located in relation to the  
14 Allan-Dean property? A I believe that is directly  
15 opposite.

16 Q Directly in front of it. A Yes.

17 (Photograph received and marked P-30 for  
18 identification.)

19 Q I show you the next picture marked P-30 and ask you  
20 if you can identify that. A That is the Sunoco station  
21 on the west side of Route 202-206.

22 Q Is it in use? A Yes.

23 Q Where is that located with reference to the Allan-  
24 Deane property? A That is opposite it.

25 Q Directly in front of it. A Yes.

1 (Photograph received and marked P-31 for  
2 identification.)

3 Q I show you the next picture marked P-31 and ask you  
4 if you can identify what that shows. A That is the  
5 new State Highway Department maintenance garage also on the  
6 west side of Route 202-206.

7 Q Where is that located with reference to the Allan-  
8 Deane property? A That is opposite it.

9 Q Directly in front of it. A Yes.

10 Q Are you familiar at all with the use to which that  
11 facility is going to be put? A Well, fairly, yes,  
12 I remember.

13 Q What use is it going to be put to?

14 A For the storage of and maintenance of State Highway  
15 Department vehicles that will be servicing Routes 287 and 78.

16 Q Is there a heliport contemplated for that facility?

17 A Yes. There is a helipad that is there.

18 Q Is it presently being used, if you know?

19 A I don't know.

20 Q Did the Planning Board take any position with respect  
21 to the installation of this facility? A We were  
22 consulted about it.

23 Q Did you approve of it or object to it?

24 A I don't believe that we had or it was our province to  
25 object to it or to approve it.



1 Q Irrespective of officially, did you approve or  
2 disapprove of it either publicly -- A We reviewed it.

3 Q What were your comments? A I cannot remember  
4 that. That is several years ago.

5 Q Would those comments be a matter of record some place?  
6 A I do not know.

7 Q To whom did you forward your comments?  
8 A I did not say that we made any comments.

9 Q I am sorry. I understood they were written comments.  
10 A No.

11 Q What were the comments? A I don't remember.  
12 We had a meeting with the gentlemen from the State Highway  
13 Department. I don't know what they called it at that time.  
14 I would say it was the State Highway Department and the  
15 state police who showed us the courtesy of reviewing the  
16 plans with us.

17 Q Did you or members of the Planning Board try to talk  
18 them out of it? A No, because I believe my recollection  
19 is that we were told that we had no jurisdiction over it, no  
20 authority to prevent it.

21 Q From your recollection, can you summarize your  
22 attitude or the Planning Board's attitude towards the facility  
23 at that time? A I can't summarize the Planning Board's  
24 feelings. My own were that and are that I am sorry that it  
25 had to be there.

5 describe it, P-32. A That is a picture of the  
6 Pluckemin Inn or Pluckemin Tavern. I do not know for sure  
7 what they call it. Pluckemin Tavern it says on there.

8 Q Where is that located with reference to the Allan-  
9 Deane property? A That is also on the west side of

10 202-206. I am not absolutely certain if that is directly in  
11 front of your property or not. I am not sure.

12 Q Pretty close. A Close, yes.

13 Q Mr. Gavin, did you participate at all in the  
14 consultation or planning which took place with the location  
15 of Route 78 and 287? A No.

16 Q That was prior to your time. A Yes.

17 Q Mr. Gavin, do you have any knowledge of traffic flows  
18 through the Village of Pluckemin on Route 202?

19 A No.

20 Q Do you know whether any studies have ever been made?

21 A No, I do not.

22 Q You and the Planning Board have not made any.

23 A Not to my knowledge.

24 Q Have you ever made any traffic studies of any of  
25 the roads in the area as a Planning Board or authorized any?

1 A Not to my knowledge.

2 Q Have you as a Planning Board ever made any investi-  
3 gations of the sewage in the area? A In the area of  
4 Pluckemin?

5 Q Yes. A No.

6 Q You have never considered that. A Well, we  
7 have considered the presence or absence of sewers in  
8 Pluckemin. We never had made any studies.

9 Q In what respects? A We have considered the  
10 absence of sewers in Pluckemin in the planning that we have  
11 tried to do for Pluckemin.

12 Q For what reason? A Well, to try to keep the  
13 planning in step with the facilities that are or are not there.

14 Q You mean you have health problems there.

15 A I am not aware of that. That would be the board of health.  
16 I don't get involved with that at all.

17 Q You are not familiar with any health problems.

18 A No, sir.

19 Q Or any areas that require sewers in the area of  
20 Pluckemin, A To the best of my knowledge, there are  
21 no sewers in Pluckemin.

22 Q No, there are not. Are you familiar with any areas  
23 that require them as a result of a health problem?

24 A No.

25 Q You have not at any time consulted with anyone with

1 respect to the sewerage or the sewer problems of the township.

2 A I have not, no.

3 Q Or as the Planning Board I mean.

4 A I am not knowledgeable about that. I do not know.

5 Q At least since you have been on it.

6 A Not that I know of, no.

7 Q Could it have occurred without your knowledge?

8 A Yes.

9 Q By whom? A Well, I would not know if it was  
10 without my knowledge.

11 Q Do you have a subcommittee or anything on the  
12 Planning Board in charge of sewers? A No. That is  
13 the board of health.

14 Q Do you know whether the Planning Board has ever  
15 made any recommendation to the township with respect to the  
16 Green Acres Program? A You mean with respect to the  
17 land that Bedminster acquired under the program?

18 Q Or simply stated, you are familiar, are you not, with  
19 the Green Acres Program? A I am aware of it. I would  
20 not say I am terribly knowledgeable.

21 Q The availability of funds to purchase lands.

22 A Yes.

23 Q Has the Planning Board recommended the purchase of  
24 lands and have they participated in that to your knowledge?

25 A Not to my knowledge, not since I have been on the Planning

1 Board.

2 Q With respect to the so-called historical sites in  
3 the area, are you familiar with them? A I am aware  
4 of the existence of some historical sites, yes.

5 Q In the Pluckemin area. A Yes.

6 Q You are aware of them. A Yes.

7 Q How are you aware of them? A Well, just  
8 general knowledge in town that there had been a significant  
9 encampment there during the revolution. I think that there  
10 are one or two State Highway Department markers which define  
11 where the route of Washington's Army was coming back from  
12 Princeton and the other so-called Dorman House and the Planning  
13 Board did hear a very interesting discussion by a gentleman  
14 from Staten Island who was doing his master's paper on the  
15 historical significance of the encampment at Pluckemin.

16 Q Are these encampments evidenced by anything tangible  
17 that you can look at? A The student said there was.

18 Q Does the Planning Board have any knowledge or have  
19 you ever seen them? A No.

20 Q So that the historical significance of Pluckemin is  
21 that it was an encampment area. A It was an encampment  
22 area and it was the location where the first military school  
23 was established for the Continental Army.

24 Q Did that school exist? A Now?

25 Q Yes, sir. A No. This is during the

1 revolution.

2 Q Is there any evidence of the school?

3 A Yes. I have been told that there is evidence that the  
4 earthworks are still there.

5 Q Have you ever seen them? A No.

6 Q Do you know where they are, approximately?

7 A No. I know where they are approximately, yes. I could  
8 not take you to them unless I go there myself.

9 Q Are they up in the mountains somewhere?

10 A I believe they are at the base of the mountain.

11 Q With reference to Pluckemin's location, do you go to  
12 New York? A Newark. I commute to Newark.

13 Q Do you have occasion to ride to New York?

14 A Yes.

15 Q By car? A No, not with any regularity.

16 Q Have you ever driven to New York?

17 A Yes.

18 Q Have you ever taken 287? A In which direction?

19 Q South to the Turnpike. A Yes.

20 Q Then into New York. A Yes.

21 Q Do you recall how long it took you?

22 A Oh, hour and a half.

23 Q Do you have any knowledge where the figure of forty  
24 minutes came from in your Master Plan? It says here in your  
25 Master Plan, Section 5, that with respect to through traffic,

1 few are more fortunate than Bedminster in its location in the  
2 regional highway pattern. Interstate 78 on the south will  
3 lead to Manhattan in thirty-seven miles or about forty minutes."

4 A Right.

5 Q Do you know what the derivation of that is?

6 A Well, possibly when Route 78 is finished that will be  
7 possible.

8 Q Do you have any special knowledge when Route 78 is  
9 going to be done? A No.

10 Q In reference to the Master Plan, did you participate  
11 in any way in the enactment of the original Master Plan?

12 A Yes. I was on an advisory committee to the Planning Board  
13 prior to the adoption of the Master Plan.

14 Q Which committee? A I'm sorry?

15 Q Which committee? A An advisory committee.

16 Q Overall advisory. A Yes.

17 Q So that you have some familiarity with what evolved  
18 as the Master Plan, having advised the Planning Board.

19 A Yes..

20 Q Looking at the Master Plan with reference to item  
21 No. 2, residential development, first of all, were there any  
22 minutes of the advisory committee meetings?

23 A I do not remember.

24 Q Do you have any recollection of conversations or  
25 discussions which took place? A No.

1 Q At that time did you consider the residential  
2 development of the township? A Yes.

3 Q Did you consider the existing zoning at that time?  
4 A I am sure we must have.

5 Q Did you make any provision at that time or discuss  
6 the use of multi-family use for the township in residential  
7 development? A I cannot remember it.

8 Q Was there any discussion or any feeling on the part  
9 of the advisory committee that the acreage requirement should  
10 be reduced from five acres? A No.

11 Q Can you express a reason as to why, if there were  
12 no discussions, why there were no discussions with respect to  
13 the multi-family use first? A I would say probably a  
14 total absence of demand for multi-family dwellings.

15 Q How about with respect to the reduction of the acreage  
16 requirements? A No. There was a discussion of  
17 increasing the acreage requirement, but I cannot remember  
18 any of reducing it.

19 Q Thank you. With respect to the commercial  
20 development, can we say that the commercial development is  
21 confined reasonably to two sections of the township?

22 A I think so.

23 Q Pluckemin and the so-called Bedminster center.

24 A If you mean by commercial business, yes.

25 Q Did you at any time increase that development zone



1 as a result of your advisory committee? A I cannot  
2 remember.

3 Q With respect to the research and development facilities,  
4 do you recall any of the conversations which prompted this new  
5 concept, research and research development facilities?

6 A I honestly cannot tell you who said what or when and why.

7 Q You did not have it in the township prior to that  
8 time. A Yes.

9 Q Do you recall any of the reasoning as to why you  
10 should have it then? A I can't honestly remember it  
11 now, no.

12 Q With respect to traffic control, you are not in  
13 any way familiar with any traffic surveys which were done.

14 A Not by the Planning Board, no.

15 Q Or any traffic surveys that you relied upon.

16 A I seem to think that Mr. Agle had done some work in the  
17 traffic study area but I would not be sure.

18 Q With respect to the conservation which is item 6,  
19 the intention of the Planning Board to protect the streams  
20 and prevent erosion, what other concepts did the Planning  
21 Board have in putting a section of conservation in at that time?

22 A Well, I think that part of it was to reflect the existing  
23 topography of the township, to preserve the streams, prevent  
24 erosion, damage.

25 Q Most of it refers, does it not, to flood plain and

1 flood possibility? A Yes, it seems to.

2 Q In terms of historical significance or historical  
3 sites, is there any reference to that in the Master Plan?

4 A I do not know. I cannot remember it.

5 Q Presumably it was not considered then.

6 MR. ENGLISH: You mean by his advisory group.

7 MR. LANIGAN: Yes, by his advisory group.

8 MR. BOWLBY: All these questions pertain to the  
9 advisory group.

10 MR. LANIGAN: Yes.

11 THE WITNESS: I can't fix it in time, but I  
12 know we discussed very seriously the colonial  
13 character of Pluckemin or attempt to preserve it as  
14 a village.

15 In fact, the so-called Pluckemin by-pass which  
16 is on the Master Plan was intended for that purpose,  
17 to attempt to preserve Pluckemin as a colonial village.

18 Q The by-pass went where? A It never really  
19 went anywhere, but it was on the Master Plan to by-pass  
20 Pluckemin to the north.

21 Q On the Allan-Deane property.

22 MR. BOWLBY: If you know.

23 A Yes, I believe it would have included part of that.

24 Q So that the intention of the Master Plan would be  
25 to reroute the highway across the Allan-Deane property.

1 A Yes.

2 Q To preserve the village character of Pluckemin.

3 A Yes.

4 Q Jumping now to 1970, if that is the proper year,  
5 what did the Planning Board commence its studies of the revision  
6 of the Master Plan? At this time you can speak as Chairman  
7 of the Planning Board. A Yes. I believe that they  
8 were originally started prior to July of 1970 under the  
9 previous Chairman.

10 Q When you took over as Chairman, did you continue?

11 A Not immediately.

12 Q When did you start? A Well, I would have to  
13 look back at my calendar. I think we started or restarted  
14 our meetings again about January of 1971.

15 Q So there were no meetings, at least to your knowledge,  
16 from July until January. A That is correct.

17 Q From July 1970 until January of 1971.

18 A Yes.

19 Q At that time did you commence meetings again?

20 A Yes.

21 Q What meetings took place? Are they evidenced by  
22 minutes? A No, we did not have any minutes. We  
23 had I believe three meetings at my home and at least two and  
24 I think three field visits.

25 Q Field. A Field trips.

1 Q Where you went out into the area. A Yes, the  
2 area that was under consideration in the updating of the  
3 Master Plan.

4 Q With respect to those revisions, they culminated,  
5 did they not, in a memo to the Planning Board from you?

6 A Yes.

7 Q Are you familiar with that memo?

8 A Yes.

9 Q Mr. Gavin, with respect to a memo which is entitled  
10 "Memo to Bedminster Planning Board from Paul Gavin, Chairman,"  
11 dated June 14, 1971, will you look that over and I am going  
12 to ask you a few questions with respect to it.

13 A Yes.

14 Q What revisions did you make, if any, to the Pluckemin  
15 area in this Master Plan revision? A None as yet.

16 Q What was proposed? A The elimination of the  
17 Pluckemin by-pass and the conversion to I think one acre zone  
18 of a small piece that was isolated on 78 and 287 and a change  
19 to five acres in the rear of the Pluckemin church.

20 Q Beginning with the by-pass, what was the Planning  
21 Board's reason for eliminating the by-pass?

22 A Well, the fact that Pluckemin has become a small shopping  
23 center -- correction, not shopping center, has more stores  
24 than were originally contemplated.

25 Q You have told us the reason for the by-pass was to

1 preserve the character of Pluckemin. A Right.

2 Q The village character. A Yes.

3 Q Is it no longer necessary to preserve that?

4 A Yes, it is.

5 Q Why did you eliminate the by-pass?

6 A I think one other consideration is that the traffic that  
7 would have benefited from the by-pass is probably using Route  
8 287.

9 Q Which traffic is that? A Traffic that would  
10 be going north and south on Route 202-206.

11 Q Did you have any traffic studies to back that up or  
12 access to them? A No, I did not.

13 Q To your knowledge, the Planning Board did not.

14 A I do not know whether our planning consultant did or not.  
15 I do not know.

16 Q He did not discuss them with you.

17 A He did not discuss studies, no.

18 Q With respect to the conversion of small acreage,  
19 what did you convert it to? A The one piece -- I do  
20 not know whether it would show up on here or not.

21 MR. ENGLISH: May I object to the form of the  
22 question, proposed converting, because the witness  
23 testified that there has been no action taken on  
24 his memorandum and no revision yet made in the  
25 planning.

1 MR. LANIGAN: I accept that change.

2 THE WITNESS: I have forgotten about the one  
3 section.

4 Q How about the acreage behind the Presbyterian church?

5 A That was converted to five acres.

6 Q From what? A From one.

7 Q What was the reasoning for that?

8 A The ideal location of it, the undeveloped character of it  
9 and the compatibility of it with the rest of the area.

10 Q Most of that acreage abuts 287, does it not?

11 A Most of it did. It's high above 287, right.

12 Q Did you make any changes with respect to the office-  
13 research zone or the proposed changes, rather?

14 A The research-office zone?

15 Q Yes, as it had been originally designated on the  
16 Master Plan. A Are you referring to research-office  
17 or research development?

18 Q I am going to research-office first and then research  
19 development. A All right. Research-office is in the  
20 zoning ordinance.

21 Q Where is it located? A On the southwest  
22 corner of Route 202-206 and Lamington Road.

23 Q In a large triangle, so to speak.

24 A No, opposite the triangle, the other side of 206.

25 Q Could you show us with reference to this map.

1 A Which one is the R-O, research and office?

2 Q Yes. A This piece right here.

3 Q About how large a piece is that?

4 A I don't know.

5 Q Is it one hundred acres or five acres or approximately  
6 how many? A I would say it runs for 1,500 feet on  
7 Route 206.

8 Q And to what depth? A It varies. The deepest  
9 depth back from 206 would probably be 1,000 feet.

10 Q What about the other zones, the research, so-called  
11 research type that you have designated in your Master Plan,  
12 that is, the original Master Plan? A Yes.

13 Q Where is that located, describe it for us, if you  
14 can. A Well, there are two pieces bordering Routes 78  
15 and south of 78 and on the opposite sides of Route 202-206.

16 Q Approximately how far is that from the Pluckemin  
17 center? A Oh, 2,000 feet.

18 Q Where are the other zones, research zones?

19 A The other one is what is referred to as the Brady-Pontin  
20 property which is bounded by 202-206, Schley Mountain Road  
21 and Route 287.

22 Q Is there a third piece? A Yes. There was  
23 another piece that was on the west side of 202-206, between  
24 202 and 206 and 287 and the fourth one was a piece that is  
25 bounded by the Borough of Far Hills, Route 287 and the

1 Raritan River.

2 Q You stated you cannot recall what the reasons were  
3 for making that revision as an advisory board member.

4 Can you tell us what the reasons were for the changes  
5 which took place with respect to that property on your Master  
6 Plan revision, your proposed revision, or did you leave them  
7 the same? A As far as all of them are concerned?

8 Q All of them, beginning at the one next to 78.

9 A All right. The one on the west side of 202-206 and south  
10 of 78 was left as research and development, R & D.

11 The piece opposite it, the other side of 202-206, was  
12 also left that way. However, its use is and has been and  
13 probably will be a YMCA camp.

14 Q Nonetheless, it was left the same way.

15 A Yes.

16 Q How about the piece immediately to the north of 287  
17 called Brady-Pontin pieces? A I would want to check  
18 my records to check that. I am not absolutely sure. May I?

19 Q Sure. A That was to be left as research-type.

20 Q Where is that specifically? A All of the  
21 land southeast of the interchange should remain as shown on  
22 the Master Plan. I can't just remember exactly what we did  
23 with that piece there.

24 Q Isn't that the piece that you designated as a motel  
25 site? A I cannot tell you. I would want to check my



1 records to see what we did with that piece.

2 Q Will you consult your memorandum. What piece did  
3 you designate as motel site? A The one that I am more  
4 sure of is the Brady-Pontin piece.

5 Q That is to the north of 287. A Yes.

6 Q North of -- A North and west.

7 Q Will it help if I refresh your recollection that  
8 the Planning Board felt that piece below 287 was owned by  
9 the Keans? A I know the piece you mean.

10 Q You cannot recall what your revision is for that  
11 piece. A No, I do not remember that.

12 Q Has it been left in office-research?

13 A I do not remember. I can't answer you. I would have to  
14 check.

15 Q Your memorandum doesn't disclose it.

16 A I can't discuss it with you any further. I do not remember.  
17 I would have to look back and see my own notes.

18 Q Was there any formal revision proposed or published  
19 with respect to the revision of the Master Plan?

20 A Yes. It was advertised in the newspaper.

21 Q The actual revisions? A I did not see the  
22 newspaper article. I never did see it. I cannot tell you  
23 positively.

24 Q I am talking about at the Planning Board meeting.  
25 Did the Planning Board as an entity introduce the proposed

1 revisions, reintroduce proposed revisions, or was there an  
2 announcement in the paper? A Yes. I think this  
3 memorandum was read. I don't just remember the details of  
4 how it was made public other than I was told it was advertised  
5 as it had to be in the paper.

6 Q The notice of meeting was advertised.

7 A Yes.

8 Q But do you know of your own knowledge whether there  
9 was a proposed legal revision of the Master Plan which was  
10 published? A I did not see it.

11 Q With respect to the property immediately north of  
12 287 which had formerly been on the Master Plan as research-  
13 type, what did the Planning Board propose to do with that  
14 piece? A They proposed to convert that to five-acre  
15 residence.

16 Q What was the reasoning for that?

17 A Well, there were several reasons. There was an outpouring  
18 of public sentiment in town against any commercialization or  
19 industrialization of Bedminster.

20 There was no sentiment in favor of it. That was one  
21 consideration.

22 The other one or one other was the ideal residential  
23 character of the land, its beauty and I would say they were  
24 the main considerations.

25 Q You speak of outpouring of sentiment. How was that

5 Q Did that involve Western Electric?

6 A Yes.

7 Q So you took the sentiments against Western Electric  
8 as being your guide to eliminate office-research in another  
9 section of the town. A No, there was no sentiment  
10 against Western Electric. The sentiment was against the  
11 change that such an office building would bring to the town.

12 Q What sort of change? A Traffic, people,  
13 the effect it would have on the adjoining property owners,  
14 the effect it would have on our zoning ordinance.

15 Q Taking the first one, the adjoining property owners,  
16 what effect would it have? A The Western Electric  
17 proposal was <sup>adjacent</sup> ~~a change~~ to a viable and a going five acre  
18 residential development.

19 Q I don't mean to sidetrack you, but I am not really  
20 interested in pursuing why you turned down Western Electric,  
21 insofar as you have utilized that public sentiment as some  
22 expression to change the zoning ordinance elsewhere, really  
23 we can save some time.

24 MR. BOWLBY: You mean change the Master Plan.

25 MR. LANIGAN: I'm sorry.

1 Q You took the outpouring and sentiment from the  
2 hearing at the Western Electric hearing and translated that  
3 into a revision or proposed revision to make it five acre  
4 residential. A That was one of the considerations  
5 that we had, yes.

6 Q And the other was that it was of an ideal residential  
7 character. A Right.

8 Q Did you consider the fact that it was next to the  
9 interchange and abutted 287? A Yes.

10 Q What effect would that have on the residential  
11 character? A We did not think that it was harmful at  
12 all. I am <sup>not</sup> sure that this does about it.

13 Q The zone abuts it. A I am sure that the land  
14 does. Isn't there a road between 287 and this property, a  
15 new road? I don't think it is shown on any maps.

16 Q Your zone abuts 287, does it not?

17 A Yes, the zone does, yes.

18 Q And the entire zone would be five acre residential  
19 under your proposal. A Right.

20 Q In your proposal you included a proposal with respect  
21 to motels. A Right.

22 Q And to quote your memorandum, "Restaurants, motels  
23 and taxable private clubs for outdoor sports." Right?

24 A Yes.

25 Q What reasoning prompted that change?

1 A Well, the unique -- I am now speaking of the Brady-Pontin  
2 property but I just cannot remember. I do not want to tell  
3 you that is not so, but the other piece that you referred to  
4 as the Kean property, that was not the only owner.

5 We believed that this piece of land which is totally  
6 landlocked by three state highways was too small for research  
7 and development or any large scale commercial operation.

8 It is not too desirable as a residential neighborhood  
9 which is the use that is put to now.

10 Q Why not? A Because of the existence -- one  
11 of the houses is very close to 287, very close.

12 Q Did the Planning Board feel that there was some need  
13 for restaurants and motels in the township?

14 A Not today, no.

15 Q Well, why did you make the proposal?

16 A Well, that was our look towards the future, that some day  
17 we felt that this might be a spot where such facilities as  
18 that could possibly go.

19 Q When would that happen in your thinking?

20 A Oh, I guess we were thinking ten, fifteen years.

21 Q What would happen to make that change? How would the  
22 character change to require that sort of facility?

23 A I put it in a different light. I work at it from the  
24 other way, the point when one of those houses might become  
25 undesirable as a residence.

1 Q Was the reasoning the same for the land immediately  
2 to the south of the intersection which was included in the  
3 same change without any residences on it?

4 A You mean the Ellsworth-Kean property?

5 Q Yes. A Was that included in the same change  
6 as motels, restaurants and so forth?

7 Q Yes. A You are asking me if we had the same  
8 considerations as we did in the Brady-Pontin situation?

9 Q No. There is no residence there as you are aware of.

10 A Yes. I think our primary thinking was that that again was  
11 not large enough for much else.

12 Q Did the fact that it was next to the heliport have  
13 anything to do with it? A I cannot remember that ever  
14 entering our discussions. I cannot remember that.

15 Q It is next to the heliport, is it not?

16 A No, no.

17 Q The zone abuts the heliport. A Well --

18 MR. BOWLBY: The highway facility you mentioned?

19 MR. LANIGAN: Yes.

20 THE WITNESS: I do not know.

21 Q Where is that property located that we are talking  
22 about with reference to the Allan-Deane property?

23 A The Ellsworth-Kean property?

24 Q Yes. A It is on the other side of 202-206.

25 I believe some of it, most of it, is slightly to the north of

1 the Allan Deane property.

2 Q Is it possible that some of it is directly in front  
3 of it? A I do not know.

4 Q How far away is the office-research property to the  
5 north of 287 from the Allan-Deane property, if you know?

6 A The research-office -- up at Lamington Road?

7 Q The research, the research-type which is designated  
8 on your Master Plan. A Okay. Are you talking about  
9 the Schley-Bassett property?

10 Q Yes. A Oh, a quarter of a mile.

11 Q How far is the property located below Route 78 with  
12 reference to the Allan-Deane property?

13 A From here down to here?

14 Q Yes. A Half a mile.

15 Q Of your own knowledge, does the town have a conserva-  
16 tion commission? A Yes.

17 Q Are you familiar with it? A Yes, I am aware  
18 of it.

19 Q Have they advised the Planning Board from time to  
20 time? A Yes. We have had meetings with the conserva-  
21 tion commission, yes.

22 Q Have they advised you lately with respect to your  
23 Master Plan revision? A No.

24 Q Have they advised you in your time as a member of the  
25 Planning Board with respect to ordinance revisions?

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Q So you have not been advised by them.

A I am not aware there is one.

Q Has anyone advised you other than this young student with respect to any historical interests?

A Not in a formal nature, no, no.

Q Informal then. A Other than the knowledge of gossip and old stories that people tell us about what went on in Pluckemin and Bedminster and the town in general.

Q Have you sat on any of the other township bodies or boards, the board of health? A No.

Q Any of those. A No.

Q You are a candidate, are you not, for the township committee? A Yes, I am.

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financially interested in the action.

*Irving Aabor*

A Notary Public of the State  
of New Jersey.

My Commission Expires  
August 1974.