RULS - AD - 1971 - 70

12/14/1971

• TRANSCRIPT OF PROCEEDINGS, RE: APPLICATION OF ALLEN-DEANE

PGS - 92

TOWNSHIP OF BEDMINSTER
PLANNING BOARD

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RE: THE APPLICATION OF ALLEN-DEANE CORPORATION, : TRANSCRIPT OF PROCEEDINGS

BLOCK 59, LOTS 1, 11, 13A, and 14. :

RULS - AD - 1971 - 70

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December 14, 1971

B E F O R E:

THE PLANNING BOARD OF THE TOWNSHIP OF BEDMINSTER.

PRESENT:

RAYMOND SCHAPLEY - CHAIRMAN
DUNCAN S. ELLSWORTH - SECRETARY
CANDACE ASHMUN - MEMBER
JAMES NERVINE - MEMBER
LOUIS STARR - MEMBER
SAMUEL MARTIN - MEMBER
ANN SIEMINSKI - CLERK

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

SALVADOR DIANA, ESQ.
Attorney for the Board.

WILLIAM W. LANIGAN, ESQ.
Attorney for the Applicant.

EUGENE HALPERIN
SHORTHAND REPORTER

# I N D E X


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(The Court Reporter is sworn.)

THE CHAIRMAN: If you will read the papers, please.

MR. ELLSWORTH: I have before me Application 71-5, filed on 11/30/71 with the Board of Adjustment of the Town of Bedminster, New Jersey.

To the Board of Adjustment: Request is hereby made for permission to construct an office and research and lodge complex together with townhouses, one family residences on one acre lots, and a golf course upon premises known as Block 59, Lots 1, 11, 13A, and 14, contrary to the requirement of Article VI, VIII, XI of the Zoning Ordinance and in accordance with the plans hereto attached.

This is a brand new form.

On October 27, 1971, the Bedminster Township Building Inspector, D.J. Ramsy, rejected our application for a building permit on behalf of the Allen-Deane Corporation on the grounds that the proposed construction and land use was in violation of the Zoning Ordinance of the Township of Bedminster, more specifically Article VI, VIII and XI.

The Applicant request a variance from the requirement of Article VI, Article VIII, Article X, Article XI, Article XIV, Section 7.

It comes under the Section of N.J.R.S. 40:55-39(c)&(d

Name of Owner: The Allen-Deane Corporation, Law Offices of William W. Lanigan, 59 South Finley Avenue, Basking Ridge, New Jersey, 07920. This is the agent of the attorney to the Allen-Deane Corporation.

The Zone District is R-5 and R-2.

Use of proposed building and premises: Office and research lodge and residential.

The use is residential and premises vacant.

Size of lot: Property consists of approximately 500 acres.

Has the Building Department examined the plans for the proposed building and refused a building permit? No.

Has there been any previous appeal involving these premises? No.

Does this application involve action by the Planning Board? No.

The following arguments are urged in support of this appeal: See rider attached.

Rider to Appeal of the Allen-Deane Corporation: The proposed use of the property for office and research facilities and a lodge complex in conjunction thereto and the additional construction of multi-family and residential dwellings in accordance with the petitioners' comprehensive plan will further the Township's intentions as set forth

in their zoning plan. The office and research zone is in an area already zoned for business and less than 5 acre residential properties and is at the major interchange of I-287 and I-78. It is also a logical extension of the office and research zone as set forth in the Township's Master Plan.

Since the petitioner intends to leave over 50 per cent of the property in green acres and its present natural state, the development of this property in this manner will be a benefit to the Township from an ecological and conservation standpoint. This will be at not cost to the Township.

The use of a portion of the petitioner's property for office and research facilities will be of an extremely low density, but the tax benefit to the Township will be great, in fact the development of the property as presented will yield plus tax dollars to the Township of approximately $300,000 annually.

The single family residences proposed are on one acre lots and utilize the open air concept of reducing the lot size and providing for additional green acres.

The proposed use of a portion of petitioner's property for multi-family dwellings for people of all ages and income brackets is a valid reason for a variance since it is apparent that there is a severe housing

shortage of this type in New Jersey and that because of this it is within everyone's interest to provide housing accommodations of a safe, sanitary and decent type as proposed in the petitioner's plan. In addition, the construction of this type of housing will promote the health, safety, morales, and general welfare of the residents of the Township, Somerset County and the State of New Jersey.

The petitioner's comprehensive plan will in no way be detrimental to the public good and will not impair the intent and purpose of the zoning plan but on the contrary, will promote the reasonable development of the property without creating problems relating to traffic, fire, health, welfare, light and air, over-crowding or overconcentration of population.

Attached hereto and made part of this appeal are submitted the following papers:

1. Three sets of drawings, drawn to scale, and containing all necessary measurements and full features involved in this appeal, including site plan where applicable.

2. A letter of authority, or power of attorney, in case the appeal is made by a person other than the actual owner of the property.

3. Filing Fee $25, which we have received.

Signed: Daniel F. O'Connell, Attorney for The Allen-Deane Corporation, 59 South Finley Avenue, Basking Ridge, New Jersey.

Also, notarized.

I also have in front of me an affidavit of application in the Bernardsville News that the notice of this hearing was entered in the News on the 2nd day of December, 1971. I also have in front of me a sworn affidavit of all the affected property owners in Bedminster Township, Bridgewater, Far Hills and Bernards Township.

THE CHAIRMAN: Is there any request that these names be read? They have gone over them, and they're all okay.

(No response.)

MR. ELLSWORTH: They were checked out against the Township Map.

A VOICE: What's the subject of the Application?

MR. ELLSWORTH: It lists all the affected property owners.

A VOICE: Is this simply the list of the property owners, or dces this give any indication of how they feel?

THE CHAIRMAN: No, just a list.

MR. ELLSWORTH: As Mr. Schapley stated, we've checked

this list against the Township Map.

THE CHAIRMAN: Before we continue with our meeting, we will conclude taking testimony at 11 o'clock. If any witnesses are giving testimony at that time, they will be allowed to finish; but there'll be no new witnesses giving testimony after 11 o'clock.

Now, we have two letters to read, I believe.

MR. ELLSWORTH: I have a letter here from the Building Inspector of the Township of Bedminster, Somerset County, New Jersey, addressed to Mr. William W. Lanigan, Attorney & Agent for Allen-Deane Corporation, 59 South Finley Avenue, Basking Ridge, New Jersey.

"Dear Mr. Lanigan,

This is to inform you that your application for building permit in behalf of the Allen-Deane Corporation dated October 25, 1971, to erect Office and Research Facilities, Townhouses, Lodge, One Family Residences and Golf Course on U.S. Highway Routes 202-206, Washington Valley Road, Mount Prospect Road and Schley Mountain Road, known as Block 59, Lot numbers 1, 11, 13A and 14 is rejected.

This action has been taken because you in behalf of the Allen-Deane Corporation are proposing certain constructions and land uses in violation of the Zoning Ordinance, Township of Bedminster (1968) and the

requirements included in but not limited to Article VI, Article VIII, Article XI. Because of the lack of certain details in your plans there may be other violations such as signs, parking areas, et cetera, which cannot be ascertained from the plans furnished.

Appeal can be made to the Board of Adjustments.

In accordance with our usual procedure, the applicable fee or fees for this Application may be deferred until such time as there is a formal issuance of the Building Permit or Permits.

B.J. Ramsey, Building Inspector."

I also have a letter from the Blue Mill Realty Company, 342 Route 206, Flanders, New Jersey, addressed to the Board of Adjustment, Bedminster, New Jersey:

"Attention: Raymond J. Schapley, Chairman.

Gentlemen:

Blue Mill Realty Company is the owner of the Sunoco Service Station property located on the west side of Routes 202-206 in Pluckemin, designated as Lot 2, Block 57 on the Township Tax Map.

As a property owner within 200 feet of the property owned by the Allen-Deane Corporation, we were notified that they are seeking approval from the Board of Adjustment to erect office and research facilities, townhouses and a lodge complex, single family residences

and a golf course.

In view of the general character of the immediate surrounding area, mainly the N.J. Department of Transportation's truck terminal and garage complex, a tavern and service station we feel that the Applicant has chosen the highest and best use for their property designated on the Township Tax Map as Lots 1-11-13A and 14 Block 59.

Therefore, in our opinion, the Allen-Deane Corporation's proposed improvements will not only bring to Bedminster a substantial ratable, but equally important they will also substantially add to the present aesthetic character of Bedminster.

In conclusion, we have no objection to the Applicant's proposal as stated.

Very truly yours, Blue Mill Realty Company, Richard J. Salisbury."

THE CHAIRMAN: That's all?

MR. ELLSWORTH: That's all we have.

THE CHAIRMAN: Okay.

Now, Duncan, you, being a neighbor--

MR. ELLSWORTH: I will absent myself from the proceedings, as I am an affected property owner.

THE CHAIRMAN: We have Mr. Sam Martin that's on the Planning Board. Will you want to leave him sit on the

Board?

MR. LANIGAN: If the Board please, has the Township enacted an ordinance which permits alternates to sit on the Board of Adjustment?

THE CHAIRMAN: Yes.

MR. LANIGAN: Who are they?

THE CHAIRMAN: Mr. Sam Martin and Mr. Gould, and he's not present.

MR. LANIGAN: Is it possible to get him here?

THE CHAIRMAN: No, sir, he's out of town.

MR. LANIGAN: Well, in view of the fact that we've commenced litigation against the Planning Board, of which Mr. Martin is a member, I do not see how he can sit on this Application. So that it will be my suggestion that he will not be permitted to sit. On the other hand, one of the obligations in passing the Ordinance and having ordinances was so that this wouldn't happen, so the Applicant would have the opportunity of a full five man board. And I gather that when we proceed, we'll not have that opportunity, but a four man Board.

THE CHAIRMAN: Right. It just happens that the one is within 200 feet of the ground in question. That's what makes us short a man.

MR. LANIGAN: Which is why they have two alternates. In view of that and in view of the Statute which requires

three affirmative votes, the Applicant is going to proceed reluctantly in face of the fact that it cannot be heard in any other way and it will agree to the four members sitting.

THE CHAIRMAN: We'll proceed, then. Okay.

MR. DIANA: Mr. Lanigan, it's been brought to our attention in answer to Question 5, I don't know if that should be corrected or not.

MR. LANIGAN: That's 4d, sir. It should be R-1.

MR. DIANA: "Has the Building Department examined the plans for the proposed building, and refused a building permit?"

Your answer is "No."

Shouldn't that be yes?

MR. LANIGAN: I think the answer is now yes. They have, and they have refused the Permit.

I might also point out that 4d, we're properly in the R-1 Zone and so informed the abutting property owners, rather than R-2.

THE CHAIRMAN: Also, in 6, "Has there been any previous appeal involving these premises?"

MR. LANIGAN: We don't know of any, unless you do.

MR. NERVINE: You've been before the Planning Board, haven't you?

MR. LANIGAN: Oh, I think this refers to the Board

of Adjustment. Are you going to take cognizance of something outside the Board of Adjustment?

MR. DIANA: No.

MR. LANIGAN: Yes or no?

MR. DIANA: Mr. Lanigan, the point is this: In some instances you are required to go before the Planning Board as well as the Board of Adjustment.

MR. LANIGAN: Not in this instance.

MR. DIANA: Does your application involve, under the Ordinance, does it involve a reference to the Planning Board for site plans?

MR. LANIGAN: No, sir.

MR. DIANA: Then your answer is correct.

MR. LANIGAN: For the benefit of the Reporter, I wonder if we might have the names of the members of the Board of Adjustment.

MR. NERVINE: James Nervine.

MR. STARR: Louis Starr.

THE CHAIRMAN: Raymond Schapley.

MRS. ASHMUN: Candace Ashmun.

MR. DIANA: Salvador Diana.

A VOICE: I live in Bedminster, and I would like to object to a portion of which we're seating, by which a member of this Board was more or less excused by the Attorney for the Applicant. I think as a citizen of the

town, we have a right to have him there and the fact that he's been sued and in view of the fact that the lawsuit has not come to a conclusion, I do not think that that means that he's disqualified. I think we have a right to have some sort of a ruling.

MR. LANIGAN: Perhaps we should get him back here and ask him.

A VOICE: We're not in a courtroom. You're not selecting a jury.

THE CHAIRMAN: Now, Mr. Diana is our Counsel, and I'll call on him to make a decision on this.

MR. DIANA: I believe that under the circumstances, as long as Mr. Lanigan does not wish Mr. Martin to sit, it would be better that he did not. It may be a question about whether or not there's a conflict of interest, but that should be avoided. And therefore, Mr. Martin, himself, has disqualified himself.

MR. LANIGAN: I'm perfectly willing, if you insist

west on the southwest corner of 202 and Burnt Mill Road.

Q. Approximately how far is that from the subject property? A. Approximately 600 feet.

MR. LANIGAN: I there's no objection, I'll ask that this be admitted into evidence.

THE CHAIRMAN: Right.

(Colored snapshot marked P-17E in evidence.)

Q. Finally, Exhibit P-17B. And I ask you what it depicts. A. This shows the two buildings in front of the school bus storage yard. This property is on the southwest corner of 202 and Burnt Mill Road.

Q. Can that be viewed from the subject property?

A. Yes, it can.

MR. LANIGAN: If there's no objection, I'll ask that this be admitted into evidence.

THE CHAIRMAN: Right.

(Photograph of buildings in front of school bus storage yard marked P-17B in evidence.)

Q. Now, with reference to the Exhibits which you've just viewed, can you describe for us the complexion of the abutting properties to the subject property beginning, if you will, at the intersection of Route 202-206 and Washington Valley Road, at the shopping center.

A. Well, on the northeast corner of 202-206 and Washington Valley Road, there is a shopping center which contains six

stores, including the A & P Market, a pharmacy, Buxton's Restaurant, a cleaners, a barber shop and a bank. Moving north, on the east side of 202-206, there are a number of homes that have been converted to either antique shops or real estate offices. There's one house that's used for coiffures. There are some single family homes in the area. There's one abandoned dilapitated duplex building. I think that pretty much characterizes the stretch of land moving north to the subject property.

Q. Will you begin on the other side of the street, at the same point, and tell us the character of those properties? A. On the corner there is the market, a number of real estate offices, there's the church, some single family homes, the tavern and the Sunoco gas station.

Q. Is there any use being made of the property north of the gas station? A. The property north of the gas station is the site of the Department of New Jersey--New Jersey Department of Transportation's maintenance yard. This is a new structure that will be serving this part of the county, and also a helo yard for helicopters to patrol the Interstate Highways.

Q. Do you have any general knowledge as to what use will be made of this facility? A. As I say, it's a maintenance yard where they will store highway maintenance vehicles, sand, snow plows, anything pertaining

to maintenance of State Highways.

Q. You say there is a heloport pad on the property?

A. Yes.

Q. To the north of the Plaintiff's property, what is the use, present use? A. Along 202-206?

Q. Yes. A. There's one large home on a very large site that runs all the way up to the ramp and on 287. And just north of that, there is a subdivision that contains four homes. Three of these homes are on a cul-de-sac street running off on Schley Mountain Road. And then there's one more home on Schley Mountain Road where the road curves in a northerly direction. So there are five homes on the east side of Interstate 287 north of the subject property all the way up to the municipal boundary line.

Q. What is the use of the property immediately to the east of the subject property in the adjoining township?

A. The property is vacant.

Q. What is the use to the south of the subject property running on Washington Valley Road? A. There's two homes on the north side of Washington Valley Road from the subject property behind the shopping center up to the Ridgewater municipal boundary line.

Q. What's the character of the use across the street on Washington Valley Road? A. On the corner, that is the southeast corner, there is the Esso gas station.

Then there is a home that also contains some bus storage. At least there were two busses parked there the last time I was there. Then there is a cemetary. There are then five homes up to a cul-de-sac that runs south off from Washington Valley Road that contains single family homes. And then there are two more homes beyond the cul-de-sac.

Q Summarizing, what is the character of the area surrounding the Plaintiff's subject property?

A All of the property on the east is vacant property in Bernards Township. The one half of the northerly boundary of the tract is vacant. There is one large home immediately north of the subject property that abuts this northerly property line. The Village of Pluckemin is in the corner, that is the southwesterly corner of the subject property. This is characterized by the old single family homes, some antique shops, real estate offices, a church, the shopping center on the corner. On the southwest corner of the intersection, there's the dilapidated abandoned garage, the bus storage behind that garage and some single family homes in front of the storage yard on the west side of 202 running down to the Federal Aid Interstate.

Q What is the size of the lots in the Pluckemin area abutting the subject property? A I would say that the size of those properties would average 50 to 100 or 150 feet in some instances. Most of the lots are 100 foot

or less.

Q. And how close together or how far apart are those houses situated on those lots? A. There is, with perhaps one or two exceptions, some kind of structure on every one of the lots.

Q. And what is their proximity, one to the other? A. They abut one another.

Q. I mean the dwellings? A. Well, the dwellings I would estimate would average as close as ten to fifteen feet in some instances, and as far as 40 feet in other instances.

Q. On the main street? A. On 202-206.

Q. Thank you. Mr. Catlin, I show you an Exhibit marked P-9 and ask if you can identify it? A. Yes. This is the generalized land use plan of the subject property.

Q. And by whom was it prepared? A. By my office, under my direction.

MR. LANIGAN: If there's no objection, I'll ask that this be admitted into evidence.

THE CHAIRMAN: Right.

(Map entitled Land Use Map marked P-9 in evidence.)

Q. Referring now to this Land Use Map, did you at the request of the owner of the property make a land use study with respect to the property? A. Yes, we did.

Q. And did you draw any conclusions from such study?

A. Yes.

Q. Are such conclusions depicted on Exhibit P-9?

A. Yes.

Q. Would you explain the conclusions as depicted on that Exhibit, beginning, if you will, in the upper portion of the subject property referring, if you will, for purposes of the record, to positions on the subject property, and explicitly as you can. A. The upper portion of the subject property is shown as proposed to be developed for single family residential dwellings with a minimum lot size of 1 acre or larger. They would meet the minimum requirements of the present R-1 Zone in Bedminster Township.

Q. Approximately how many dwellings are so depicted? A. There are 52 single family homes shown in that classification in the Plan.

Q. What was your reason for selecting that site for these residential dwellings? A. There were various factors taken into consideration. One was the topography. The second was the proximity to the single family homes off on the south of the small subdivision south of Schley Mountain Road and the steep slope of the land immediately west of the proposed single family homes.

Q. What was your conclusion with respect to the topography that you mentioned? A. The topography, as the previous studies had indicated, showed that much of this

land had a slope of 20 per cent or greater. We, therefore, felt that from a planning standpoint it would be better to have the single family homes on the more level ground near the top of the plateau and use the top steep slope west of those lots in green area so as not to disturb the trees and to encourage a problem of surface drainage runoff. The overall density, if we take the 52 homes and divide this into area, it comprises these 52 homes which is 64 acres and add the open space of the plan, it really results in an overall density of one house on every 6.28 acres. This is exclusive of the two small townhouse developments, but does include the 21 acres in the proposed building.

Q. What do planners call this type of plan?

A. It's referred to as either open space zoning or cluster zoning.

Q. And does it represent the latest thinking in planning principles? A. I think it represents the latest thinking and thinking that goes back as far as 1957.

Q. Where? A. Where was this thinking?

Q. Yes. A. The first municipality in the State of New Jersey, to my knowledge, was Rockaway Township, where they adopted amendments to the zoning ordinances to permit this type of subdivision.

Q. Do you have any similar types in this area?

A. I think the best example would be the Village Green in Hillsborough, where the lots were reduced from 1 acre to approximately 15,000 square feet and about two-thirds of the tract was dedicated to open space so it would not develop into a suburban type of subdivision.

Q. Have you reviewed the Exhibit which was depicted as a Planning Report of the Bedminster Planning Board?

A. Yes, I have.

Q. What is that conclusion with respect to your proposal? A. Well, frankly, I was quite amazed when I read it, because we prepared this plan and made our studies over a period of two years, and I did not see that report until two weeks ago. And after reading it, it looked like Mr. Agle was reading our mind or I was reading his mind, because the conclusions were almost identical even to the extent of the numbers of homes to the single family and townhouses with the one exception that Mr. Agle suggested the property of having six story apartments on the top of the plateau. I do not feel that I can go that far and recommend this type of use. And we therefore limited the townhouse development that we're talking about to only 33 acres. And we would not have any townhouses in there that would be over two stories.

Q. With specific reference still to the residential dwellings to the northeast section of the property, are they

serviced by any roads or do they front on that road?

A. These lots would all front on interior roads on the plateau of the mountain.

Q. And it is its intention to comply in all other respects with applicable codes. Is it not?

A. These homes would comply with all local ordinances as far as the improvements requirements are concerned. The roads will be constructed pursuant to the subdivision specifications and the homes will be constructed pursuant to the building codes. These homes will sell for an average of $90,000.

Q. Now, with reference to the golf course or the holes of the golf course, what was your recommendation with respect to the facility? A. Well, there is a buffer zone between the single family homes and the townhouse development on the top of the mountain along the municipal boundary line. These would include two complete holes of an 18 hole golf course and a part of a third hole. And this golf course would then continue on into Bernards Township as part of an 18 hole complex.

Q. Now, with respect to the townhouses which are depicted on your land use map, would you describe for the Board what your proposal was with respect to that use?

A. We have two areas that are proposed for townhouse development. One area is the area in the center of the map, and it's circumscribed by the two golf course holes, fairways, that I

just mentioned, and a municipal boundary line. The second area is an area in the southerly or the bottom of the map, and it would run out on a plateau or an area that falls off on both sides and would have a supply street with townhouse development on either side of that service road. This would include a total of 33 acres out of 1,267 acres. This is approximately 7 per cent of the site. It would include a total of 264 single family attached homes that would be designed with each home sold/individuals to. Each home would have a front and rear entrance. The property outside of the homes, itself, would be proposed to be developed as a condominium venture. These townhouses would sell for a minimum of approximately $25,000 and a maximum of approximately $45,000. The average cost would be about $35,000.

Q Mr. Catlin, I show you Exhibit P-18 and ask if you can tell me what it depicts. A This is an architect's rendering of a townhouse development to show how each structure has its own private entrance. Each structure would have its own architectural character, unlike the garden apartment development that many people are familiar with. These homes are designed to be sold to individuals.

MR. LANIGAN: I'll ask that this be admitted into evidence.

THE CHAIRMAN: All right.

(Sheet entitled Typical Elevations marked P-18 in

evidence.)

Q. Does this depict in a genral sense the proposed construction? A. Yes.

Q. Mr. Catlin, did you consider at all the impact of school children with respect to the possible residential use to the north of the property and the residential use in terms of the townhouses? A. Yes. We did a complete income analysis of the entire plan as it pertains to all of the proposed land uses on the site.

Q. With specific reference now to the one acre residential development, what was your conclusions with respect to the amount of children which might accompany such use? A. Well, if this plan is carried out and it was entirely built five years from now, it would be a maximum of 78 children coming out of a single family subdivision and approximately 222 children coming out of townhouse developments. This is a ratio of .84 school children per townhouse and 1.5 children per single family. Now, we have purposely been conservative in the single family and very lenient in the number of children in the townhouses. Our experience has shown, and taking actual case histories of townhouses in other areas, that for the first five years the ratio of school children per family will be lower than .84. It will be lower. It will not run over .84.

Q. From what source did you derive your figures and

estimate? A. These were derived from our experience in working in a number of communities, not only in New Jersey, but other parts of the country, for this type of townhouse development.

Q. With respect to the cost of such facilities, did you give us or did you estimate any amount for such dwellings, first with respect to the residential one acre and then with respect to the townhouses?

A. If the entire plan is carried out as shown on this map, we have estimated that there would be an annual surplus of $299,000 a year. And this takes into consideration not only the educational costs, but the other municipal costs, police, fire and things of this nature. The county costs, which last year was 1.47 per hundred dollars of assessed evaluation, and the exemptments. Even taking into consideration the educational cost and the other costs, this plan, if carried out, has been estimated to have a surplus of $299,000 a year. We also estimated using the same figure of 1.5 school children per family on 5 acres and 1 acre, as it's presently, that it will come up with an annual surplus of $4,836 a year.

Q. So that using the Township's figures and tax rate, you determined this result? A. We determined that this would not be a financial liability to the community.

Q. Now, with respect to the other two uses on the Plaintiff's property, will you explain what the proposal is on

the Land Use Plan with respect to the office research facilities?

A. The proposal is to develop approximately 92 acres for office building use and a lodge to be used in connection with that office building use. This would provide for a maximum of 600,000 square feet of floor area. No building would be higher than two and a half stories, which complies with the present ordinance.

Q. What were your reasons for suggesting this type of use for that particular piece of land? A. Well, this is in the field behind the Pluckemin Center with the slope. The topography blends itself to this type of development, as Mr. Agle said, that this is the most valuable property in the Township for office building use. The exposure to the two Federal Aid Interstates makes it extremely valuable. It could be developed without having an adverse effect upon the Pluckemin Center or the character of the Township. It's almost an island unto itself, surrounded by the Interstates and the Watchung Mountains.

Q. I show these photographs entitled P-14, P-15 and P-16 and ask if you can tell me what that depicts.

A. P-14 is a three dimensional model of a possible layout of the office building area that would be--that would show its maximum potential development.

Q. What do you mean by "maximum potential development"? You mentioned that with respect to both the residential and

the townhouse residential use.

A. It is proposed that there would not be anything larger than this 600,000 square foot office building complex, and that is the purpose of this use variance. This is much less than the maximum that would be permitted under the present zoning for office building research zones.

Q. The other zone in the Township? A. That's right. It's the subject of this particular variance to develop something much less than is permitted in your other office building zone.

Q. Have you looked at P-15 and P-16, as well?

A. Yes. I took these photographs in my office. P-15 is a view of a model at a greater distance showing the relationship of the proximity of the office building development to the interchange of 78 and 287 and the alignment of those two Interstate roads. It also shows the relationship of 202-206 with the jughandles that service that road.

Q. And P-16? A. P-16 is an enlargement for a closer view of the office building complex and the proposed lodge motel.

MR. LANIGAN: I'll offer these in evidence.

THE CHAIRMAN: Okay.

(Photograph of office, research and lodge house marked P-14 in evidence.)

(Photograph of Routes 78 and 287 marked P-15 in

evidence.)

(Additional photographs of Routes 78 and 287 marked in evidence as P-16.)

Q With respect to that facility, did you at my request consider the number of people who might utilize such facility? A Well, it's a pretty good standard developed through the years, and if this facility was developed to its maximum, 600,000 square foot, it could conceivably have a maximum population expectancy of 2,000 persons. However, we don't know at this time if this is going to be with a large national corporate institution or if there will be three or four different institutions, but we do know, based upon experience and standards, that whatever happens there, it's reasonable to expect a maximum of 2,000 persons. There's a good probability that it could be considerably less than that, depending on what goes in there.

Q Making reference, if you will, to P-10, can you tell us what that depicts. A All right. P-10 is a Development Plan of the entire tract that shows the approximate location of all of the various buildings on the tract, the townhouses, single family homes and the office building development.

Q In schematics? A It's schematic but it is laid out rather accurately with the dimensions so that the Board of Adjustment can ascertain the exact size of the

parking area and the exact size of the various buildings in the office building complex.

MR. LANIGAN: I'll ask that the Development Plan be admitted into evidence.

THE CHAIRMAN: All right.

(Development Plan marked P-10 in evidence.)

Q Now, referring to Exhibit P-12, can you tell me exactly what that depicts, Mr. Catlin?

A Well, this shows the exact same thing as P-10 except the various buildings have been dimensioned.

Q And what does it provide in some detail with respect to the facility? A It provides--depicts the location of the service road that would service this office building complex, the approximate location of various buildings, the location of the parking areas, to and from the parking areas. It depicts the service road running off from 202-206, up the mountain into the tract and the location of various townhouses, single family homes and golf course.

Q Have you made provisions with respect to the office research facility for parking and landscaping?

A Yes, we have.

Q In what regard? A We planned the entire complex so that the parking area could adequately serve those proposed office buildings with a minimum amount of congestion to get into and out of the tract without running

into any problem.

Q I show you Exhibit P-11 and ask you what it depicts. A This is the breakdown of the Plan indicating the number of acres devoted to the various land use categories, and also what per cent of the entire tract will be devoted for the various uses.

Q Prepared by you? A Yes. And it also indicates the number of single family units, townhouse units and motel development.

MR. LANIGAN: I'll ask that P-11 and P-12 be admitted into evidence.

THE CHAIRMAN: All right.

(Breakdown marked P-11 in evidence.)

(Map of Wardley Woods marked P-12 in evidence.)

Q Did you compute for the benefit of the owner the number of parking spaces which would be required for the development of office research facilities?

A Yes. We did.

Q And how many spaces is that? A We have shown on this plan 2,400 office spaces.

Q Parking spaces. A I'm sorry. Parking spaces.

Q Do you have any general comment with respect to the construction of the facility or its landscaping?

A Well, the construction of the office building would be

masonry or steel construction, fireproof, soundproof, to most all of the standards of the Township and the State.

Q. Would there be any production facility or manufacturing facility? A. No.

Q. Would it create any noise? A. No.

Q. Would it create any flair or noxious fumes?

A. No.

Q. Would it use the atmosphere in any way, that you know of? A. No.

Q. Now, with respect to the 4th segment of the Application, the lodge facility, referring to Exhibit P first, will you tell the Board what your proposal was with respect to the Land Use Plan and such lodge facility?

A. The proposal is to build a 180 unit lodge that would be used in conjunction with the office building complex. It would be--would contain 7 stories with one story for the necessary service equipment, air conditioning and such, on the top. So it would have a total of 8 stories. The first floor would be for banquet facilities and things of this nature. The levels 2 through 7 would be for rooms, transient rooms and the 8th floor would be for service facilities.

Q. Is that depicted on the photographs which have been admitted into evidence? A. Yes, it is.

Q. Now, with respect to such facility, did you ascertain the cost of the facility and the rateable which such

facility would produce? A. We have estimated that the motel would have a total land value and improvement of $1,920,000, or an estimated value of $960,000 existing at 50 per cent ratio. Based upon the 1970 tax rate, that would result in municipal taxes of $50,304. By detracting the municipal cost and county cost exemptions and so forth, it would end up with a surplus of $29,180 a year.

Q You say by detracting the community and county costs. A Yes.

Q What do you mean by that? A Well, it costs money to run the municipal and county government. The municipal last year was 72 cents for every 100. And the county cost was 1.47, the exemption was 7 cents. So having the facilities pay its share of the other municipal costs, although it may not generate these costs, it's still going to end up with $29,280 a year.

Q With respect to the office and research facility, did you at my request, and request of the owner, make a study as to the amount of rateable and the cost involved in such structures? A. Yes. The anticipated income derived from the office complex would be $531,860 a year, based upon last year's tax rate. The other municipal costs, again, municipal, county and exemptions, would result in an annual tax surplus of $309,575 a year.

Q Again, did you take into consideration the same

cost of municipal services as attributable to such a rateable?

A. Yes, we did. For instance, the county cost, the county would derive $149,000, if the complex was built as proposed, each year.

Q. And provide whatever services it provides for on the rateable? A. That's right.

Q. I show you Exhibit P-12 and ask you: Is that the same as Exhibit P-13, except that it's in color?

A. That's right.

Q. Okay. Finally, I show you Exhibit P-19 and ask you if you can identify it? A. It's a report prepared by the Bedminster Township's Planning Consultant, Charles Agle, dated July 13, 1964.

Q. Do you know where that was obtained?

A. From the Township records.

MR. LANIGAN: I'll ask that that be admitted into evidence.

THE CHAIRMAN: All right.

(Plan marked P-19 in evidence.)

Q. Now, with reference to your plan and the plan of the Township Planner, in what respects are they similar?

A. They're almost identical. Mr. Agle indicated in his report that he felt that that so-called back village area behind the Pluckemin Center was the most desirable office building property in the Township, and we have shown that

property to be developed for office building use. He has also suggested that the municipality might consider open space or clusters zoning on top of the mountain. We have, as I indicated earlier, shown 52 homes to be developed on that plateau that would have an overall density of over 6 acres per unit. He has suggested the property of the Township permitting up to 6-story apartments on top of the plateau. This, I suppose, is where we have been a little more conservative in that we are only proposing two-story townhouses for sale, and we have not shown any garden apartment development that he has suggested might be considered. So I would say that the Township Planning Consultant and our plan are very similar.

MR. LANIGAN: I have no other questions.

THE CHAIRMAN: I think, at this time, before we do any questioning, we will have a five minute recess.

MR. LANIGAN: Thank you.

(A recess is taken.)

THE CHAIRMAN: I might say that as soon as Counsel comes back, I will let the Board ask the questions they want and then after they have finished, if any of the public has questions, they can.

MR. LANIGAN: I would like to suggest that for an orderly presentation of my case, I be permitted to put my case in. I'll make my witnesses available, and I'm

certain that a lot of questions which you or the members of the public would be prone to ask are going to be answered by my next two witnesses. The next two witnesses pertain to the drainage on the tract and the traffic with respect to the tract.

THE CHAIRMAN: I think we should, because a lot of things they may forget by the time we have two more.

Mrs. Ashmun?

MRS. ASHMUN: Mr. Catlin, on your maps you show property in Bedminster Township and a neighboring municipality. What's the total of both towns?

THE WITNESS: The total tract of the entire--

MRS. ASHMUN: Right.

THE WITNESS: Yes. It's slightly less than 1,000 acres in Bernards Township.

MRS. ASHMUN: You're talking about almost 500 in Bedminster Township?

THE WITNESS: Right. 466 and almost 1,000 in Bernards Township.

MRS. ASHMUN: 1,000 plus or minus?

THE WITNESS: Minus. 967 or 977 or something like that.

MRS. ASHMUN: Could you tell us how many acres of the 466 in Bedminster Township are in each of the zones that are represented by this tract?

THE WITNESS: 64 acres in the proposed single--

MRS. ASHMUN: Under the R zoning ordinance?

THE WITNESS: I have not computed that, but I can tell you that the entire tract is in a 5 acre zone with the exception of 320 feet back from 202-206. So somebody would have to compute that.

MRS. ASHMUN: All right. You say you worked on this Plan for two years. Can you tell me: Were you ever asked by a client to prepare a plan for this property according to the Bedminster Township Ordinances?

THE WITNESS: We were not asked to prepare a plan pursuant to the present Ordinance. However, we had supplied information as to the number of homes that would be put on the tract by an engineering firm. Our charge by the client was to come up with a plan that we felt was the most reasonable plan for the property.

MRS. ASHMUN: You prepared a municipal income statement. Did you also prepare an environmental study?

THE WITNESS: Well, we certainly had to take into consideration all of the problems that were inherent with this property. And that's why we made the ledge study on the topography, the excessive slope. It's preserving the ecology of the mountains.

MRS. ASHMUN: But you have no study that would indicate whatwould happen to the river or any of the actual

impact on what would happen to the environment around it?

MR. LANIGAN: If you please, that's why I wanted to complete my case. I have a witness who is going to testify with respect to the drainage on the tract.

MRS. ASHMUN: All right. I can ask him, can't I?

Mr. Catlin, how many acres of pavement would be expected to be required for the office facility and for the lodge?

THE WITNESS: I can give you the breakdown for the entire plan. It's estimated there will be 14.97 acres of land that will be in streets, paved streets. And approximately 2 acres will be in parking lots and driveways.

This takes into consideration not only the parking for the office building zone, but the driveways that lead into each single family home off of the street and the driveways that lead into each townhouse.

MRS. ASHMUN: These figures are for the whole 466?

THE WITNESS: That's right.

MRS. ASHMUN: 14.7 in the streets?

THE WITNESS: Approximately 14.97 in the street and 2 acres of parking.

MRS. ASHMUN: That's all I have.

MR. NERVINE: There were certain figures that didn't

come across clear here. The cost of the facility. By facility, do you mean the offices as well as the motor lodge?

THE WITNESS: No. We have two separate figures. One is for the office complex and the other is for the lodge.

MR. NERVINE: What are those?

THE WITNESS: It's anticipated tax income from the office facility.

MR. NERVINE: No. I'm asking first for the construction figures.

THE WITNESS: Oh. The construction figures? Do you want just the building without the land?

MR. NERVINE: That's correct.

THE WITNESS: The construction figure on the office complex would be $18 million.

MR. NERVINE: And the motor lodge?

THE WITNESS: $1,680,000.

MR. NERVINE: And did I understand that these two, the tax was $531,000?

THE WITNESS: Yes--no. $531,860 was for the office. $53,304 was for the motel.

MR. NERVINE: And I understand that the traffic problem is being taken up by--did you go into that?

THE WITNESS: The traffic problem will be taken

up by Mr. Mendelson, who we worked with as we developed the Plan; but he's going to testify as to the exact traffic pattern on the site.

MR. NERVINE: Thank you.

MR. STARR: You have testified that you could see no pollution resulting from the office complex. Correct?

THE WITNESS: No pollution?

MR. STARR: Yes.

THE WITNESS: No, I don't see any pollution coming from the townhouses.

MR. STARR: Would you care to comment on the effect of the 2,000 cars coming into there daily?

THE WITNESS: I don't think it would have any impact on the health of the community.

MR. STARR: Do you think it would create any noise at all?

THE WITNESS: No.

MR. STARR: In other words, 2,000 cars would not contribute to pollution?

THE WITNESS: No.

MR. STARR: In what way do you think the general welfare of the public would be promoted?

THE WITNESS: I think it would permit the utilization of this land to its maximum effectiveness.

MR. STARR: In what way would it effect the residents?

THE WITNESS: I do not think it would be adversely effected. I think it will be effected from a financial standpoint, tax impact standpoint. It would provide a certain housing that is not being met at the present time in this area, and it will provide some employment opportunity for those people working in the office building.

MR. STARR: That's all I have.

THE CHAIRMAN: I would like to ask how many acres are in the 1 acre zone?

THE WITNESS: Well, that question was asked before--you mean at the present time?

THE CHAIRMAN: Yes.

THE WITNESS: That was asked before, and it had not been computed. It can be computed by taking the distance 320 feet from the highway across the subject property and subtracting it from 466 acres.

THE CHAIRMAN: You say there's supposed to be 52 houses on a 1 acre zone?

THE WITNESS: There's 52 houses on one acre lots on top of the mountain, in the existing 5 acres zone.

THE CHAIRMAN: And I believe you said 78 children in the 52 houses.

THE WITNESS: 78 children.

THE CHAIRMAN: In 52 houses?

THE WITNESS: That's right. Let me point out one thing. As I said before, we have been purposely conservative in estimating the number of school children in a single family home. When we computed the taxes to be derived in, it was developed under the present zoning. So that we're comparing apples with apples. We know that the average for most single family homes in new subdivisions is closer to 1.8, but we've got a unique development if the average home is going to be $90,000. So that would have an effect on the school population. What I'm saying is that that figure is relative. If it's 1.8, it will have to be carried across the board. We think the figure is reasonable for this type of home.

THE CHAIRMAN: I'm just going by what I had observed in other places around.

MRS. ASHMUN: Mr. Catlin, as a planner, do you think it's impossible to develop this tract according to the Ordinance?

THE WITNESS: No, it's not impossible. That can be developed for almost anything, if you want to spend enough money to develop that mountain.

THE CHAIRMAN: Anyone from the audience who would like to question?

MR. LANIGAN: Is it the Board's intention not to permit me to continue? Are they going to open the public

hearing now?

THE CHAIRMAN: Just on questions of your witness.

MR. LANIGAN: Is this the public hearing portion of your meeting?

THE CHAIRMAN: Yes.

MR. LANIGAN: We'll have three different public hearings, or will this be the end of the public hearing?

THE CHAIRMAN: No.

MR. LANIGAN: I respectfully submit that in doing it in this manner, you're creating three public hearings, one public hearing after each witness. And I request that I be permitted to put my case in first.

THE CHAIRMAN: The way it is now, it's almost-- in another half hour it will be 11 o'clock. And there's a lot of people here that probably won't be able to come back at the next meeting, and they'll have questions.

A VOICE: Mr. Lanigan said--

MR. LANIGAN: That's their problem, not mine.

THE CHAIRMAN: I'll leave this up to Counsel.

MR. DIANA: I think you're in order to have the public cross-examine the witness.

MR. LANIGAN: I have offered to produce him, to make him available at the close of my presentation and permit such examination by some people, by whatever people this Board chooses. I do request, however, the opportunity

to put my case in first so that the questions being asked will, perhaps be answered, and secondly, so that we will not be subjected to three distinct public hearings. I can appreciate that the public would like to talk to Mr. Catlin, and I respectfully suggest that the opportunity will come at the conclusion of my case which normally is when the public is entitled to be heard, and I object.

A VOICE: That may be one o'clock in the morning.

MR. LANIGAN: I couldn't care less.

A VOICE: You ought to care.

THE CHAIRMAN: Let's take a vote.

All members of the Board who would like to continue with the public to question this witness while he's on the stand, please say "aye".

(A vote is taken.)

THE CHAIRMAN: Continue with the questioning.

A VOICE: We've been very patient all night, and we've allowed Mr. Lanigan to have the floor for the entire evening, and I believe it's proper that we interpolate along the line rather than have a long record of transcripts there. And I would say right now that we ought to inquire a little further into the qualifications of Mr. Catlin inasmuch as so much stress is being placed on Mr. Catlin's testimony that we ought to question him immediately right now before any further

testimony is put on the record.

A VOICE: You're out of order.

THE CHAIRMAN: That's why I'm asking you if you have any questions.

A VOICE: Yes, I do.

With your permission, Mr. Lanigan, Mr. Catlin's credentials are outstanding.

Mr. Catlin, have you had occasion to present some of your professional work to similar bodies, and planning boards, boards of adjustment, where you sought variances and asked for a change of the established zoning laws? Have you been before any such bodies before, Mr. Catlin?

THE WITNESS: Before Boards of Adjustment?

A VOICE: Where you sought a variance and you plead with the Board for a variance based on your professional--

THE CHAIRMAN: This is, for now, just for questions on any of his testimony that he gave.

MR. DIANA: That's all.

THE CHAIRMAN: Nothing else.

A VOICE: His testimony is directly related to his background, and I want to go into that deeper.

MR. LANIGAN: Mr. Chairman, the Reporter is having great difficulty in summing up all the comments. So with your permission, if you could have one person speak

at a time.

THE CHAIRMAN: I'm trying to straighten him out.

MR. LANIGAN: Thank you.

THE CHAIRMAN: At this time, you can only ask direct questions.

A VOICE: Well, I have. I've asked him a direct question.

THE CHAIRMAN: About testimony that he gave.

A VOICE: That's right. I want to know if he's ever been before a planning board and sought variance. I want a record of this achievement.

THE CHAIRMAN: I don't think there's time for that now.

A VOICE: We don't have to have that now. In other words, if he's ever obtained variances before and has been instrumental--

THE CHAIRMAN: Yes.

A VOICE: Hear me out, please. His testimony is only as good as his background, and Mr. Lanigan has put a lot of stress on his background. Therefore, it's important that we know. For example, in any of his professional work, we'd like to have a record of what two, three years after these different developments have occurred on his recommendations, what the tax impact is. We've heard a lot of generalities and

estimates what the tax income is going to be. I'd like to know what the true record of some of these developments is. I think that's a valid question, Mr. Chairman.

THE CHAIRMAN: My Counsel has asked that we cannot proceed with those statements until we have statements after the whole hearing is completed. This only pertains to the questions on the testimony that he gave.

MR. DIANA: This has got to be legal. All the public may do now is question this man on the testimony that he's given, not try to question his qualifications. The public will have an opportunity to present its own testimony later on; but at this point, as to this witness, as far as this witness is concerned, you may only ask him questions on the testimony that he has given. If anybody else wants to become a witness, he'll have to take the oath of office and be sworn in and then testify.

A VOICE: Why can't we know more about his professional background?

A VOICE: Come on.

THE CHAIRMAN: I think that we've heard a question of his background.

A VOICE: We've heard generalities. I'd like more proof.

THE CHAIRMAN: It's in order to proceed with questioning on his testimony. And then afterwards, the public--as

Mr. Diana said--will be sworn in and give statements.

MR. MATTHEWS: I had a question relating, as I understand it, in your 20 years in this particular field, you have worked on something like 67 projects in various municipalities. Is that correct.

THE WITNESS: We've worked for 67 municipalities.

MR. MATTHEWS: All right. Well, the question I have is of the 67 municipalities, what is the number of projects of the type that you're proposing here that you have worked with of this total of--

THE WITNESS: Of those 67 municipalities that we've been retained by, approximately 50 of those we were retained to prepare a comprehensive matter plan for the entire community, which takes in the whole municipality in dealing with community facilities and schools and parks and streets and zoning and land use and so forth. As it pertains to this kind of project, as you know or not know, P.U.D., Planned Unit Development, is a relatively new concept in the State of New Jersey. The Statute has only been on the books for a few years, and there's only one or two projects in the State that have actually been constructed pursuant to the Statute. One is Twin Rivers in East Windsor Township. There are others now at about the same stage as the Johns Manville Project is. The one community that's

about at that stage is Sparta Township, where U.S. Steel has 2,000 acres and they're proposing a P.U.D. as part of that ballooning program. In that instance, we happen to be on the other side of the fence, and we are consultants to the municipality. Another consulting firm from Newark is representing the P.U.D. to the municipality.

MR. MATTHEWS: The way I was heading here, you would talk about average numbers for taxation income and cost to the Township. And these averages would be based upon some experience that you have had in the past projects of this type. And I just wondered what data the average was based upon.

THE WITNESS: The average for the price of homes, you mean, and townhouses, and so forth?

MR. MATTHEWS: Right. For example, you projected an income to the Township based on an average number.

THE WITNESS: Right.

MR. MATTHEWS: Depending on exemptions. I was talking about what would be the maximum deviance from the past experience from your average numbers.

THE WITNESS: Well, when we speak of an average single family home of $90,000, for computation sake, so it's easier to understand, this would result in a range from maybe $60,000 to $120,000, to make an average figure.

The same applies to townhouses. I believe I testified the average townhouse would sell for $45,000 and the range would be from $25,000 minimum to $45,000 or up, depending upon what actually happens when these things are constructed and you test the market and so forth. That's why we established average figures. It gets too complicated, because we know that we're not going to build every townhouse up that is selling for the minimum $25,000. Just as we know it's not going to sell for $45,000 and up. So we try to pick a figure that would represent an average that would permit you to get an impact on the municipality.

MR. MATTHEWS: But when looking at the average sale price and average children and average house over the past jobs that you have done, what is the spread of the area? You have indicated a net income for the community. Have you always been under that net income or what has been the experience in your projections? Have you always been right or have you ever been wrong in your estimates?

A VOICE: That's what I was trying to determine before, and I was stopped.

THE WITNESS: We have, if anything, been too conservative. And these are factors that are really beyond the ability to forecast, such as inflation and the

things that are happening in the area. The tremendous house shortage, for instance, has just skyrocketed real estate value. If we projected five years ago something like this, it would have looked altogether different, because we would have, under the cost of it, made the values of the homes and building costs and economic condition and so forth. So if anything, the Applicant has been too conservative.

MR. MATTHEWS: Thank you.

MR. DUNLAP: Sir, I request to know if in your analysis of the impact of say just the commercial portion of this plan you took into consideration the fact that the homes that you referred to as old in Pluckemin are, in fact, historic but old, possibly over 100 years old, and the nature of the town, in fact--

MR. LANIGAN: Mr. Chairman, I hate to interrupt this man and I love this comment and that's exactly what they are. If you're going to have questions, so be it. If this is the commentary by the public, I submit my objection.

THE CHAIRMAN: I agree with you. He's to ask a question and not--

MR. DUNLAP: All right.

Did you--I see that there is a modern building and

and some old houses. Did you consider the nature of the old houses in analyzing the impact of the modern building?

THE WITNESS: Well, we certainly were cognizant of what was in Pluckemin when we prepared this Plan, as I've testified earlier. We do not feel that as planning experts that there's going to be any adverse effects on that Pluckemin Center in the development.

MR. DUNLAP: Thank you,

THE WITNESS: The same point has been verified by your Consultant seven years ago.

MR. QUINN: I'm here at the direction of the Mayor and the Township Committee.

The first question I have has to do with the sewering of this tract. I believe it was stated in the attorney's remarks that the tract could take care of its own sewage. I don't understand what is meant by that.

MR. LANIGAN: Here again, Mr. Chairman, this is part of the remaining presentation of my case. If the witness is competent to answer it--

THE CHAIRMAN: Let him answer.

MR. LANIGAN: I really would like to put my case in in an orderly fashion.

THE CHAIRMAN: What we're trying to do is as orderly as we can. The public has a right to question this witness.

You may proceed with your question.

MR. QUINN: The question was--

THE CHAIRMAN: How are they going to take care of the sewage?

THE WITNESS: I can only answer that question this way, Mr. Chairman: In my testimony I did not say anything about sewage. I can only indicate to you that the sewage has to be taken care of or you would be remiss if you approved this variance. I think the method of taking care of that sewage should be the testimony of the engineer.

MR. QUINN: The other questions I have have to do with traffic and drainage, and so I assume it's proper to ask someone else.

MR. LANIGAN: I have, Mr. Chairman, represented that my next witness is on traffic, and the one--

MR. QUINN: Will those witnesses be testified tonight? Will we be notified of the next meeting?

THE CHAIRMAN: The next meeting will be the third Wednesday in January.

MRS. ASHMUN: The 19th.

THE CHAIRMAN: The 19th.

MR. LYENS: Mr. Catlin, did you testify that there would be a motel-lodge type of structure in this plan?

THE WITNESS: This is proposed.

MR. LYENS: And this would be a public motel taking--accepting transient type of guests?

THE WITNESS: Yes, among other things.

MR. LYENS: And this was to be a structure that is 8 stories tall?

THE WITNESS: This is proposed.

MR. LYENS: And did you consider the effect on our type of community of the possible signboard flashing neon lights, et cetera, that such a structure usually has when it's developed and opened?

THE WITNESS: Well, I think if you're going to deny a motel because it may have a signboard, that's like the tail wagging a dog.

MR. LYENS: You did testify that it was to be 8 stories tall?

THE WITNESS: This is proposed. Now, again, it's going to be whatever it's going to be.

MRS. EWING: Mr. Catlin, did your firm in the past work on this development with another owner?

THE WITNESS: No.

MRS. EWING: Did your office prepare a septic effluent map?

THE WITNESS: Septic effluent map?

MRS. EWING: Yes.

THE WITNESS: We prepared a study that indicated the

quality of the soil as it pertained to septic effluent disposal.

MRS. EWING: That was not entered into testimony tonight.

THE WITNESS: No. And the reason it was not entered into testimony is because it was really academic. We found out that it would be unthinkable to assume that this tract would be served with anything other than public facilities. It--

MRS. EWING: In your overall planning--you answered that before.

In going over the property here that you're working on, have you made a careful study of the general area in Bedminster Township, itself?

THE WITNESS: I don't quite understand the question.

MRS. EWING: Did you travel around the area here, yourself, personally?

THE WITNESS: Yes, I'm familiar with the area.

MRS. EWING: What's in the other roads?

THE WITNESS: When I say I traveled around the area, I'm completely familiar with the area in the southeast corner of the Township. I did not go over on the western side of the Township or other parts of the 27.70 square miles of the Township.

MRS. EWING: You stayed right in the very area, so

you do not know what the rest of the Township is like?

THE WITNESS: I'm familiar with it. I studied the Master Plan.

MRS. EWING: You have not been through it, yourself?

THE WITNESS: Yes, I've been through it.

MRS. EWING: And you also refer to Village Green in Hillsboro as a cluster area development.

THE WITENSS: I testified that the Village Green was an example of cluster zoning. I didn't say it was good, bad or anything.

MRS. EWING: What's your feeling on it?

THE WITNESS: I have no feeling on it at this time.

A VOICE: Jesus, that's marvelous.

MRS. EWING: I hope to heavens we don't have anything like Village Green up here.

MR. LANIGAN: I'd like to say again if there's any questioning, and no comments.

THE CHAIRMAN: You're right.

MRS. EWING: And you referred to townhouses. And the average number of children coming out of them was the figure .8, you said?

THE WITNESS: I believe it was .84.

MRS. EWING: And how many bedrooms are in these townhouses?

THE WITNESS: This would be a 50-50 ratio of 2-bed-

room and 3-bedroom.

MRS. EWING: Is that the average of 8 floors?

THE WITNESS: That's right. If the ratio is all 2-bed--I mean, if all of the townhouses are 2-bedroom, that ratio would be considerably less than that. There are no 1-bedroom townhouses.

MRS. EWING: In your discussion of net gain supposedly to the Township in the way of taxes, what figures did you take into the added service that the Town would have to develop for the complex?

THE WITNESS: Again, I testified as to each of the uses as to their share of the tax dollar that would be going for community and town service.

MRS. EWING: And what do you feel the increase to Bedminster Township would be in the way of additional services? What were those items?

THE WITNESS: What--

MRS. EWING: Like an 8-story motel. We're going to need new fire equipment. We don't have a hook and ladder here.

THE WITNESS: Well, you don't have a fire truck that goes up to every high rise building. These have to be fireproof construction. New York City has skyscrapers, but that doesn't mean they're going to have--

MRS. EWING: Answer the question, please.

THE WITNESS: I'm trying to. (Continuing) That goes up 100 stories.

MRS. EWING: These have all been computed, and the school costs and the municipal costs and the county costs have been computed in the figures?

THE WITNESS: This is what I'm testifying to as an expert. If you dispute these figures, that's your prerogative.

MRS. EWING: I just want to know if you considered the additional fire equipment and police.

THE WITNESS: Yes.

MRS. EWING: And you still come out with a net?

THE WITNESS: Yes.

MRS. EWING: And would those figures be available to us?

THE WITNESS: They are in the record.

MRS. EWING: As to the number of new policemen and fire equipment, et cetera?

THE WITNESS: We didn't break down the number of firemen and policemen and so forth. We used a dollar figure. It was geared to the specified values. As I testified before, the new office building is going to be an $18 million improvement that will result in a half million dollars per year. And the total cost to service that is $222,000 a year. Now, $222,000 a year

is going to buy a lot of fire equipment and police cars and whatever you want to use it for.

MRS. EWING: Well--

THE WITNESS: I'm assuming you're going to make out. You're not going to spend $222,000 a year for Bedminster Township to service that office building; but even so, I'm throwing it in.

MRS. EWING: Did you have an actual community that you've dealt with in making plans of this nature that have actually come ahead?

THE WITNESS: As I said before, the only one built, to my knowledge, is Twin Rivers. And the experience has been a plus factor. They're making more from it than it's costing them.

MRS. EWING: How long has it been open?'

A VOICE: Two years.

THE WITNESS: The first part was opened three or four years ago. It's 5- or 600 units.

MRS. EWING: But the potential is much--

THE WITNESS: 700 acres.

MRS. EWING: That's all theory of what we're going to net in taxes?

THE WITNESS: It's an opinion.

MR. GIES: Mr. Catlin, you've told us what we might expect in Bedminster Township, but I wonder whether this is

more than one township development. What is proposed for Bernards Township in the way of housing units? And we know the golf course spills over into Bernards Township, apparently.

MR. LANIGAN: We're making application in Bedminster Township for a variance in Bedminster Township with an application before this Board. And Mr. Catlin has testified as to things with respect to the subject premises. And I don't think it's proper to ask him as to some other premises he may be working on.

A VOICE: That was introduced.

THE CHAIRMAN: I'd like to know what the other half of this picture is.

MR. LANIGAN: So long as we know, Bob, tell them.

THE WITNESS: Well, it's going to be a continuation of the same kind of development. There will be single family homes and townhouses similar to the kind we're talking about here. And the other 16 holes of the golf course will be with the country club. There will be a 16-acre man-made lake with a business center complex serving the population of the entire Planned Unit Development. There will not be any office buildings or research. Now, I think generally that pretty much covers it.

THE CHAIRMAN: Any other questions?

MR. MERRIAM: Is it permittable to ask Mr. Lanigan a question?

MR. DIANA: No.

THE CHAIRMAN: Just the witness.

MR. GARR: Mr. Catlin, the property that's in the 5-acre zoning. In your opinion, you feel as though this could possibly be developed as 5 acres residential lots?

THE WITNESS: It could be developed, but it would be very expensive. And in my opinion, not very wise. I think it would have a more adverse effect on the ecology trying to put in roads to develop the 5-acre area than what we're talking about, trying to develop it only on the top and leaving the whole side of the mountain.

MR. GARR: It could be developed?

THE WITNESS: Of course, you can develop anything anyplace if you want to spend enough money.

MR. CALAY: As regards to expense, whose expense goes up if you develop that 5 acres?

THE WITNESS: Well, I think the expense for development is certainly higher and the end result is, it's going to be inexpensive for the community. You're going to have to maintain the roads and plow them, and you're going to have an adverse impact on your taxes. So really, the town's losing and the developer's losing.

THE CHAIRMAN: In other words, we won't have to plow

these roads up there or anything. Is that going to be all taken care of? The Township won't have to maintain roads? That's what I understood you to tell him.

THE WITNESS: In the Planned Unit Development, what I'm saying--

THE CHAIRMAN: Such as you're planning?

THE WITNESS: This can be a condition of the variance. I believe it's really the intention of the Applicant to do this. This is going to be a club kind of community. If this is a development for 5 acre lots, then I assume that it's going to be dedicated pursuant to the Ordinance and deeded to the Town, and you're going to take them over and maintain them.

THE CHAIRMAN: Anybody else want to speak that hasn't? Anybody else have any questions that hasn't asked any questions so far?

A VOICE: Mr. Catlin, in view of the fact that you were talking about a housing shortage a short while ago, now you're talking about a club community. Could you explain that?

THE WITNESS: Well, these facilities, the townhouses and single family homes will be made available to anybody that wants to buy them. And it's the intention to develop a club kind of condominium, where once you buy a townhouse, let's say, in that unit, that you would then pay a certain

fee for maintenance of grounds and having access to the golf course and the swimming pool and the county club facilities; but anybody can buy in there that wants to.

THE CHAIRMAN: Any members of the Board have any questions?

(No response.)

A VOICE: If you don't get enough people to join your club plan, then who's going to plow the road?

THE WITNESS: That's the responsibility of the developer. This is a self regulating thing. They're not going to build the road and all the improvements. They're going to build it in sections. If they don't sell one section, they're not going to build Section 2 and 3.

A VOICE: What comes first on your plan?

THE WITNESS: The section we're talking about right here.

A VOICE: Well, is that the office space?

MR. LANIGAN: The entire Bedminster Township section.

A VOICE: Section 1?

MR. LANIGAN: Yes, in our mind.

A VOICE: As a follow-up to what I said before, what it boils down to is that basically, the cost is to

the developer to maintain our current Master Plan. Plowing the road is insignificant. What you're saying, to subdivide, according to the Plan, is more expensive to the builder than the Township?

THE WITNESS: I said in the long run that it's more expensive to the builder than in the long run to the Township.

A VOICE: In what way?

THE WITNESS: The maintenance and the total tax. The expenses are going to exceed the tax revenue.

MR. LANIGAN: Any other questions?

THE CHAIRMAN: I think this gentleman.

A VOICE: Mr. Catlin, you projected 300 school children in that area in five years.

THE WITNESS: Is that a question?

A VOICE: Yes.

THE WITNESS: Yes.

A VOICE: You did project 300?

THE WITNESS: Yes.

A VOICE: And the cost of those children--the cost for those children. Did you find that there will be income from the property to maint in the school facilities for these children?

THE WITNESS: For the entire Plan?

A VOICE: Yes.

THE WITNESS: Yes.

A VOICE: Are there going--

THE WITNESS: I testified that there would be a surplus of $289,000 for the entire Plan. There's going to be a deficit, if you only permit the residential developments. I think this is obvious.

A VOICE: Are you projecting school facilities on the site?

THE WITNESS: Not on this site. We are projecting school facilities on the Plan; but not in Bedminster Township.

A VOICE: On this 289,000, that's the net after all the expenses for educating the children?

THE WITNESS: Yes.

A VOICE: What do you put in for educating the 300 children?

THE WITNESS: Well, I testified.

A VOICE: I'm asking you again.

THE WITNESS: What do you want to know?

A VOICE: What did you put in for the education of 300 children?

THE WITNESS: $71,760 for a single family and $204,240 for townhouses.

A VOICE: Toward the education building?

THE WITNESS: No. That's what it's going to cost.

That's the cost to Bedminster Township to educate children coming from those two developments. That's exclusive of revenues. That's raw cost.

A VOICE: For a total of what, 300, some thousand?

THE WITNESS: Whatever.

A VOICE: 279.

A VOICE: What's the two figures?

THE WITNESS: I don't know. I didn't set them up.

A VOICE: 7--

THE WITNESS: 71,760 and 204,240.

THE CHAIRMAN: Okay. I think now--

MR. LANIGAN: Are there any other questions?

THE CHAIRMAN: No other questions.

MR. LANIGAN: It's now 11 o'clock.

THE CHAIRMAN: 11 o'clock.

MR. LANIGAN: So we're--

A VOICE: That's it.

THE CHAIRMAN: Adjourned to the next meeting.

MR. LANIGAN: I won't produce him because you've already asked him questions. When will the next meeting be?

THE CHAIRMAN: January 19.

MR. LANIGAN: May I respectfully request that the Board entertain the request by me at this time for an additional meeting at some time prior to that, or in addition to your regular meeting, in view of the obvious

interest of the Township and the obvious importance?

THE CHAIRMAN: Well, I'll leave that up to the Board. We'll consider it.

MR. DIANA: We'll consider it.

THE CHAIRMAN: We'll give that consideration and let you know.

MR. LANIGAN: Thank you.

THE CHAIRMAN: We're going to have a recess.

* * *

C E R T I F I C A T E

I, Eugene Halperin, do hereby certify the foregoing to be a true and accurate transcript of the proceedings in the above-entitled matter as taken by me stenographically at the place and on the date hereinbefore set forth.

Eugene Halperin
A Notary Public of the State
of New Jersey

My Commission Expires:
June 9, 1975.