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- Depositions of Charles Agle + Paul Gavin

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S-8541

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION - SOMERSET COUNTY
DOCKET NO. L-36896-70 P.W.

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

Plaintiff,

vs.

THE TOWNSHIP OF BEDMINSTER, a municipal corporation of the State of New Jersey, and THE TOWNSHIP OF BEDMINSTER PLANNING BOARD,

Defendants,

FILED

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FEB 22 9 00 AM 1972
SOMERSET COUNTY
L. R. OLSON, CLERK

DEPOSITIONS UPON ORAL EXAMINATION OF

CHARLES K. AGLE
PAUL F. GAVIN

RULS - AD - 1971 - 80

Tuesday, December 14, 1971
Basking Ridge, New Jersey

KABOT, BATTAGLIA & HAMMER
CERTIFIED SHORTHAND REPORTERS
MASTER OF THE SUPERIOR COURT
NOTARIES PUBLIC
24 COMMERCE STREET
NEWARK, N. J.
MA. 2-6644-5-6

AREA CODE 201
622-4444

McCARTER & ENGLISH
COUNSELLORS AT LAW
550 BROAD STREET
NEWARK, N. J.
07102

January 18, 1972

Re. Allan-Deane Corporation
v. Bedminster Township

Kabot, Battaglia & Hammer
24 Commerce Street
Newark, New Jersey 07102

Att. Mr. Irving Sabor

Dear Sirs:

I have perused the transcript of the depositions of Charles K. Agle and Paul F. Gavin, taken on December 14, 1971 (your Invoice No. 34747). Would you please make the following corrections:

Pg. 38, line 22 -- "agua first" should read "acquafers".

Pg. 39, line 1 -- the first word should be "Strip" rather than "Script".

Pg. 40, line 12 -- "Rezoning of Supply Property" should read "rezoning of Schley property".

Pg. 101, line 15 -- "national" should read "natural".

Very truly yours,

Nicholas Conover English

Nicholas Conover English

NCE:hk

cc: William W. Lanigan, Esq.
Edward D. Bowlby, Esq.

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Defendants.

DEPOSITIONS UPON ORAL EXAMINATION OF CHARLES K. AGLE PAUL F. GAVIN

TRANSCRIPT of the depositions of Charles K. Agle and Paul F. Gavin, witnesses, called for Oral Examination by the plaintiff in the above-entitled action, said depositions being taken pursuant to Rules governing Civil Practice in the Courts of New Jersey by and before IRVING SABOR, a Notary Public and Certified Shorthand Reporter of the State of New Jersey, at the office of William W. Lanigan, Esq., 59 South Finley Avenue, Basking Ridge, New Jersey, on Tuesday, December 14, 1971, commencing at 10:00 o'clock in the forenoon.

Appearances:

WILLIAM W. LANIGAN, ESQ.,
Attorney for Plaintiff.

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

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C H A R L E S K. A G L E, having been duly sworn according to law by the Officer, testified as follows:

DIRECT EXAMINATION BY MR. LANIGAN:

Q Mr. Agle, will you state your full name and business address and home address for the benefit of the record.

A My name is Charles K. Agle, A-g-l-e. My business address is 10 Nassau Street in Princeton, New Jersey. My home address is 247 Elm Road in Princeton.

Q Have you at my request brought with you or previously furnished certain material with respect to the Master Plan of Bedminster Township dated March 1965 and the various zoning amendments with which you are familiar following such date? A I understand that all the material pertaining to the Master Plan has already been furnished to you by counsel.

I hand you herewith additional copies of things that have happened since that time which I presented to the Bedminster Planning Board.

Q In respect of the Master Plan revision which occurred sometime during the period June or July of 1971, is that matter contained in this recent submittal?

A That matter is contained in that submittal. There were numerous visits to Bedminster and verbal conversations of which no records were made.

I also raised a question that I did not bring this morning the numerous candid aerial photographs that I have, that these can be supplied, but as I have explained, I rent a little airplane and go around and study the land from the air and through colored slides and these have gone on for quite a time.

Q Did you bring any maps or any diagrams, schematic or otherwise, which were referred to in the appendix of the Master Plan and referred to in some of the data which was previously submitted? A There are various work sketches which are available. May I speak off the record for a minute?

MR. LANIGAN: Sure.

(Discussion off the record.)

MR. LANIGAN: Let's go back on the record.

Q Will you refer to a copy of the Master Plan, if you will, item Roman XI appendix and indicate to me whether or not this material set forth as an appendix has been submitted.

A It is my understanding that this has been submitted by counsel.

Q Other than the aerial photographs.

A That is right.

Q What about the minutes of the subcomittees?

A One minute of the subcommittee and various longhand notes which I have made are submitted herewith in the supplemental

volume.

Q That is, as of today. A Yes.

Q We have previously received from the secretary of the Planning Board the minutes of the Planning Board.

A So I understand.

Q Mr. Agle, are you presently engaged by the Township?

A I am.

Q In what capacity? A As planning consultant.

Q Are you the planning consultant in connection with this litigation? A I am.

Q How long have you been so employed in your capacity as a planning consultant for the township?

A Since 1962.

Q Continuously since then? A Continuously since then or on a matter of on call when needed during some of these years.

Q Perhaps we can save some time in the record. Do you have any sort of a synopsis of your educational background and qualifications?

MR. ENGLISH: I have it right here.

Q Counsel has handed me one which will be quite satisfactory and I need not go into your qualifications. Thank you. A Right.

Q In your role as a planning consultant, did you participate in the formulation of the Master Plan dated

March 1965? A I did.

Q In the amendments to the zoning ordinances which succeeded such Master Plan? A I did.

Q Did you participate also in the proposed revision to the Master Plan which was introduced by the township in June of 1971? A I did.

Q Do you have a copy of that submittal or that proposal? A I believe that is in the material which I handed you a few minutes ago.

Q I don't seem to be able to find that.

A It is in the form of a memorandum from the chairman of the subcommittee, Mr. Paul Gavin, to the Bedminster Planning Board dated 14 June 71.

Q Does this constitute the Master Plan revision proposal? A That is right.

Q That is the official proposal. A I don't have a copy of the published proposal. As far as I know, this was the official recommendation from the subcommittee to the planning committee which then was given to the township attorney for the drafting of the official proposal.

Q I note to you that we could not find any evidence in the planning board minutes of an official proposal other than one had been evidently authorized.

Do you know of the existence of one or whether one was formally published in the paper? A I presume it was

published in the paper. I don't have a copy of it.

My efforts, other than attendance at the public hearing, ended with this memorandum which I helped draft for Mr. Gavin. It then became Mr. Bowlby's responsibility to work out the rest of it, as I recall.

MR. LANIGAN: Off the record.

(Discussion off the record.)

MR. LANIGAN: In consultation with the township attorney who is present here at the deposition, he indicates that a formal proposal was in fact drafted and published and he has indicated that he will furnish me with a copy.

I note for the record that there is no existence of this in the planning board minutes and at the previous deposition the chairman of the planning board did not have a copy. It is represented that there was no map made in connection with this revision.

MR. BOWLBY: I might say that this was formally acted upon by the planning board in my personal recollection, although I don't know why the minutes would be deficient in that regard.

The proposal was drawn by me and inserted in the paper by me and resulted in a rather large audience at the public hearing, so I'm sure it was

no secret and so far as I know, I don't know why the chairman would not have a copy, but I would not think it would be necessary, but there were copies all over the county at that time.

MR. LANIGAN: Thank you.

Q Mr. Agle, what is the present status of that revision?

A It is held in abeyance for various reasons, none of which I am quite sure are positive.

Perhaps the counsel could give you more advice as to what the status is.

The public hearing has been held. No action has been taken by the planning board on passing the amendment to the Master Plan.

Q You know of no reasons personally why action has not been taken. A No.

Q Are there any pending ordinances other than this proposed revision to the Master Plan now in existence in the township that you know of? A Not that I know of.

Q With respect to zoning. A Not that I know of.

Q Have you been authorized to do any revisions to the zoning ordinance as of this date? A No.

Q Mr. Agle, I show you a copy of a portion of the pleadings in this case which is the amended answer of the Township of Bedminster and the Township of Bedminster Planning Board. Have you any familiarity with that document?

A Without comparing it page by page, I have a copy which I believe corresponds to this.

Q I can represent to you that that is a true copy, a photostat of the amended answer filed by the defendants.

A Yes, I have a copy.

Q Did you participate in any way in the formulation of that answer? A No, I did not.

Q Did you see the answer prior to the time that it was filed? A No.

Q Do you have any personal knowledge as to who did participate in the formulation of that answer?

A Only by hearsay, that is, the township counsel and co-counsel prepared it.

Q As far as you know, neither the chairman of the planning board nor the mayor participated in the formulation of the answer. A Not to my knowledge.

Q Looking at that amended answer, Mr. Agle, going to page 7 thereof, do you have an opinion as to what remedies, administrative remedies, the plaintiffs have failed to exhaust in this matter? A In order to answer your question intelligently, I ought to have a copy of the complaint because this refers to various --

Q I show you a copy of the complaint.

A And on page 7, the First, Second, Third and so on defenses to various counts, can you give me a further clue?

Q Yes, I can. Referring to paragraph 25 of the complaint, will you look at paragraph 25.

A Yes.

Q With respect to that paragraph, you will note that the plaintiffs allege no duty to pursue the remedy for the board of adjustment. Is that correct?

A Yes, I note that.

Q Having that paragraph in mind, do you have an opinion as to what administrative remedies the plaintiffs have failed to exhaust as set forth in the Third Defense to all counts of the answer?

MR. ENGLISH: I object to the question on the ground that it calls for an answer involving a matter of law, legal procedure, which is I submit not within the professional competence of this witness.

MR. LANIGAN: He may very well say just that, but I think the witness should be permitted to answer, if he can.

Perhaps he has no opinion and then counsel's objection will be exactly the way Mr. Agle will have stated it, but until that point I think he should be permitted to answer the question.

MR. ENGLISH: Answer the question.

A It is my understanding as a professional planner that if

anyone wants to amend a zoning ordinance, that they first appeal to the people who control the zoning ordinance, that is, the governing body.

The procedure then for the governing body is to refer the matter to the planning board for recommendation. A recommendation might be made in one form or another from the planning board back to the governing body. This is one channel.

The other channel is an appeal to the Board of Adjustment for a use variance under Subsection (d) according to the statute, so that here we have a circumstance in which conversations were open with the planning board in lieu of the other two proper channels of appeal I believe.

This would be my lay presumption on it and the failure of the planning board to act on this matter I don't think abrogates the power either of the governing body to hear an appeal or the Board of Adjustment to hear an appeal. This, however, I caution you is my lay illegal opinion.

Q. As the township planner, however.

A. As the township planner, yes.

Q. Mr. Agle, you are aware, are you not, that a request was made to the governing body similar to the request made to the planning board? A I was not entirely aware of it, no. If this is in a letter which you addressed to the governing body, I presume it was the same as addressed to the

planning board and I have read that letter.

Q It was and the answer indicates acknowledging the receipt of that by the township committee. Do you know of any action which has taken place with respect to such letter?

A No.

Q Mr. Agle, then is it safe to say that, assuming a request has been made to the planning board and the township committee and you know of no action which has been taken with respect to such request, that the only remedy is the remedy that you have suggested as a variance?

A If I were a lawyer, this is what I would suggest to my client.

Q Thank you. Do you know of any reason why there has been no action taken by the planning board or the township committee with respect to the plaintiff's request?

A There has been considerable discussion but no formulation of any reasons.

Q Do you know of any correspondence with the plaintiff with respect to such request? A No.

Q Do you know of any contact with the plaintiff with respect to such request other than correspondence?

A Only the contact in the meetings in which I have been present.

Q What meetings are those? A Various members of the planning board and in which the counsel for the

applicant at that time, an applicant and not a plaintiff, appeared to present various tentative proposals for a change in land use.

Q That is prior to May 24, 1971. A Without referring to my calendar and everything, presumably, yes.

Q That is the date of the plaintiff's letter to the planning board. There were no meetings with the plaintiff subsequent to such date, were there, or plaintiff's representatives? A Not that I recall without referring to my calendar.

Q Do you know of any other contact with the plaintiff or the plaintiff's representatives subsequent to the receipt of the request on May 24, 1971? A Other than counsel's representation with respect to the present litigation, no.

Q Thank you. Mr. Agle, as the township planner, do you have an opinion as to the request made by the plaintiff in its letter of May 24, 1971? A Yes. I reviewed the material that you submitted and have been present at the meetings.

Q What were your conclusions with respect to such requests? A I think an intensification of the land use in an area not appropriate for such action.

Q Intensification in what way? A In the matter of having a large generator of employment and of traffic in the form of offices, research laboratories and whatnot,

a convention center, a scattering of town houses and a few single family residences, but the matter which would make the principle change in the intensity land use ought to be the generators of employment, that is, the research offices, laboratories, administrative offices or whatever might develop.

Q Do you feel that way in general or with specific reference to this particular piece of property?

A In general with respect to the Somerset Hills area.

Q How about with respect to this particular piece of property? A Including this particular piece of property

Q You mentioned something besides intensification, what was that other comment which you made with respect to the plaintiff's request? A May I review the record?

Q Yes. Mr. Agle, why is the area not appropriate?

A It does not have the facility to support such use in the way of roads, sewer, water, schools, utilities and it does not have within easy transportation distance a housing supply either in existence or in prospect to serve the people who would be employed in this area.

So that there is neither an adjacent working public or facilities for the working public that might be employed in such an enterprise, nor with respect to the location of the area on the map with the topography west of Bedminster and with the Bedminster area center, such prospect you have of such intense urban development which this area might be a

nuclear center.

Q With respect to this particular piece of land, are you aware that the plaintiff has indicated that it will sewer the tract? A It was stated verbally, yes.

Q In its request of May 24, 1971. A Yes.

Q Is your opinion the same then if the tract is going to be sewered? A As far as an overall plan for the area, including this tract, is concerned, I'm not sure that this is an area which should be equipped with a full range of urban facilities.

Q I am not sure I understand that. What do you mean by equipped with a full range of urban facilities?

A Sewers, water, intense housing development and everything else involved.

Q Are you saying that the Pluckemin area should not be sewered? A The Pluckemin center has certain limited problems at the present time. These are minor problems which have come down through the inheritance from its past history do not justify a major utility enterprise to change the entire character of the community.

Q Are you aware that an outside consultant and the board of health have indicated that a sewering in Pluckemin is desirable? A I have heard so. Assewering of Pluckemin, I reiterate, does not imply that this means the sewering of the entire area for intense use.

Q This land is in the Pluckemin area, is it not?

A Agreed, yes.

Q The so-called back village area.

A All right, let's call it the back village area adjacent to Pluckemin.

Q Is that a good phrase for it? A Sure, fine.

Q It is your phrase, isn't it? A Back village, I don't know. It's an intelligible phrase as far as I am concerned.

Q What are the other utilities which you don't think this area should have other than sewers?

A We have sewers, water, extensive fire and police protection, extensive road maintenance, all of the ingredients that go in with a full range of municipal services such as we would find in the center of a larger fully developed urban area.

Here we have an area that is appropriate for sparse population and as we propose a sparse population to a heavy concentration of people, the matter of need for community facilities becomes intensified.

Q Let's take the roads which you spoke of. This property, the plaintiff's property, is located on State Highway 202-206, is it not? A Part of it has frontage on it, yes.

Q Is there any special traffic problem created for an

office-research facility coming out onto 202-206?

A Certainly. Any intense use on any road, whether it's a state highway or anything else, creates a major traffic problem at that intersection and the load of traffic has a considerable affect on all the lands up and down the line, whether it's a state road, whether it's a county road or whether it's a municipal road.

Q Is there any way to alleviate this?

A Keep the population sparse.

Q Is there any other way in terms of construction of new roads? A Certainly. You can construct a four-lane highway with acceleration and deceleration lanes and the handle and all the necessary equipment found necessary in more intense use.

Q How about a road which would act as a bypass, is that a probability? A A road which would act as a bypass could be constructed, if justified, but this again would change the character of the area.

Q You recommended such a road, did you not?

A Yes.

Q What has happened with respect to that recommendation

A The recommendation has been changed because the conditions have changed in the intervening time.

Q What conditions? A The minor improvement and development of the immediate center of the Pluckemin area.

In other words, the construction of the A & P super market, the rehabilitation of the store across from it have necessitate the continuation of Main Street in Pluckemin as a street through a community rather than abandoning it for any intense use at all.

Q Your proposed bypass would not have in any way abandoned the Main Street of Pluckemin, would it?

A It could have kept through traffic off the Main Street.

Q Now you feel it is not necessary to keep the through traffic off Main Street. A I think it would persuade the state highway to relocate State Highway 202-206 [redacted] an additional use put on the Main Street in Pluckemin.

Q For the time being at least, you would not recommend a bypass to alleviate any possible additional traffic flow through the Main Street of Pluckemin.

A I think my recommendation was realistic at the time I made it in the Master Plan in 1965. I no longer think it is realistic because of intervening developments in Pluckemin.

Q The addition of the A & P. A That's right.

Q Anything else? A The rehabilitation of the store across the street from the A & P, the other discussions of the development of the southwest corner of the intersection of Washington Valley Road.

Q What is that? A An oil station that has

been applied for.

Q When? A Sometime during the last year. I don't know when preliminary conversations first took place on it.

Q Is that going to become a reality?

A I believe -- I don't know what action has been taken by the township committee on the recommendation of the board of adjustment and the review of the planning board.

Q In your thinking, the necessity for the bypass is eliminated by the presence of this new facility which is going to be on that corner. A By the construction of the facilities, including to the north a state construction itself of the maintenance facility, the highway maintenance facility.

Q What is the nature of that facility, Mr. Agle?

A I haven't examined the equipment, but presumably this is where they will have trucks carrying salt, where they will have snow plows, maintenance equipment, piles of material [illegible] in enclosed buildings and so on.

[illegible] one which faces principally on 287 and is partially shielded, we hope, with landscaping from 206 which is the main street in Pluckemin.

However, with the state facility, I believe it is unrealistic at this time to hope for a rerouting of 206 into another location.

Q That facility actually fronts on 202-206, does it not?
A It has its entrance on 202-206 north of the villa part of the village.
Q It has a heliport, does it not?
A I have not seen the heliport, but I have heard that there is supposed to be one there.
Q Do you know if there is any facilities for the helicopters to be stored there? A No, I do not.
Q Do you know where they are presently being stored?
A No.
Q Do you have any knowledge of what the [redacted] is going to be with respect to this transportation [redacted]
A We reviewed a plan which was submitted to the planning board and to the township committee as a matter of courtesy by the state.
Q When was that submitted? A It may have been two years ago.
Q Was that while Mr. Gavin was on the planning board?
A I'm quite sure, yes.
Q So that he would probably have some familiarity with that facility. A I believe so.
Q At that time, what was the attitude of the planning board with respect to this facility? A Helpless regret.
Q What if anything did the planning board do about

the installation of this facility? A It inquired if there is anything to prevent its construction.

Q Why? A Because of the fact that although remote from the Village of Pluckemin is a type use which the planning board did not consider appropriate for a community.

Q In what respect? A Intensification of the use, the amount of trucking which would be involved, the possibility of noise, the matter of appearance which some considered unattractive and the fact that Pluckemin is an historic area, it has the character of a small community, well, similar to certain parts of Basking Ridge, which the people in Bedminster were anxious to preserve the character.

Q Do you suppose it would have an effect on surrounding properties? A It would have some effect on surrounding properties, fortunately, not too much in its location because it is trapped between 206 and 287 in the northern extent of the village.

It is of a limited area remote from the center of the village and for access to 287 is quite close to the interchange which exists between 206 and 287.

Q Of what advantage is that? A The trucks get on to the major highway without going through the village.

Q So that that is an advantage to the state highway, department, is it? A It also mitigates damage to the

surrounding property.

Q Is the access fairly close to the state highways at that point? A It is a matter of, oh, a few hundred yards. There is an intervening area which I believe has been purchased by the state for park purposes between the entrance on the west side of 206.

Q Is it quite easy to get onto the major highways from that transportation facility? A The major Highway 287 and it is easy to get on 287 northbound at that point. Southbound requires somewhat longer travel.

Q But it is still probable and still possible to get on it. A Yes. In the discussions we urged them to get on 287 directly without using local roads, but this was not realized in the design.

MR. ENGLISH: Do I correctly assume that in your last few questions you have been discussing access onto the highways from the state highway facility as distinguished from --

MR. LANIGAN: The transportation facility, yes.

MR. ENGLISH: Thank you.

Q From the transportation facility they also have access to Route 78 as well, do they not?

A Poor access to 287 or to 78 in my judgment because of the fact that the access to 287 at that point is some distance north, maybe a mile or two miles, I haven't measured it, away

from 78.

Q But none the less, that was one of the business reasons that the facility was selected for that site.

A It could be. I didn't discuss the reasons for it.

Q Did you as a planning board file any objections to this? A Verbally at the time it was presented, but it was our understanding that we had no right to object and it would be helpless, so I am not aware of any letters to the governor or the state highway department because of that.

Q Do you feel that the residential use is suitable adjacent to this facility? A There is no residential use immediately facing it. There is 206 in between and considerable screening between the facility and 206 and screening on the other side of 206.

I think that it is compatible across the way. In other words, where we have a use of this sort, why, there has been other land use elsewhere. We can't sterilize the whole countryside.

Q What is the nature in front of the transportation facility right now? A At the present time there isn't much that I observed on the plans. There is landscape screening which may be put in place later.

Q The screening on the other side is what, scrubbed cedar? A As I recall, it is landscaping of some sort. I don't know precisely what it is.

Q Wild or cultivated? A It looked to me wild, as I recall.

Q Do you know what density it is? A As I recall, it is quite dense.

Q Do you think it is suitable for a five-acre residential development immediately across the street from this facility? A Yes, I do.

Q Why? A Because on a large lot you can place the house and supply ample screening. You can supply better screening on a larger lot than you can on a smaller lot.

Q At greater expense. A At greater expense. On a small lot, for equivalent protection, you would have to use more expensive type of screening, such as one piece of property in Princeton constructed of berm in order to protect itself from any noise on 206, and so that any small lot development across from an objectionable use would have to use still more stringent means of protection than a large lot.

Q Yet the property directly across the street is not zoned five-acre, is it, Mr. Agle? Would you like to consult the zoning map? A Yes, let's take a look at the map. It is close to the boundary between R-5 and the old R-1.

Q You say old R-1. It is still R-1, is it not?

A That is correct. It has not been changed.

Q Directly across the street from the transportation

facility. A Yes. The zoning an antedates the invasion by the state and has not been changed.

Q Is it going to be your recommendation to upgrade that to five acres zoning? A That has not come up for discussion recently in the Master Plan, as I recall, but we better refer to it again. I believe my recommendation was at that time two-acre zoning.

Q Two acres. A That's right.

Q Based on what you have just told me, is it going to be your recommendation to upgrade that from one acre to five or six or to leave it as is? A I have not been asked for any recommendation on the matter.

Q As a planner, what is your recommendation?

A If I studied the matter in detail at the present time and were asked to examine the matter, I would reexamine it and it is entirely possible that I would recommend the upgrading in that area because of the fact that I have despaired of the realistic hope of relocating Main Street and since there is no hope of relocating Main Street into the bypass as I can see it shown on the Master Plan, I then would very likely recommend the upgrading to five acres of the land tighter in around the Village of Pluckemin.

Q To be permitted to be landscaped more properly so that it would be screened from the transportation facility.

A There is no dividing, no line, a fringe of existing use

up and down Main Street in Pluckemin and then five acres behind which would be consistent with the way the major area behind the Village of Pluckemin is already indicated and zoned for five acres.

Q You postulated that the five acre lot across the street from the transportation facility would permit suitable landscaping. Can you do it on one acre?

A At greater expense, yes.

Q What is the effect of a helicopter flying down over a house at that point to go onto the helipad which is at this facility? A It is undesirable noise.

Q Is there any way to alleviate that?

A Not that technology has developed yet.

Q Is there a suitable place for a residential dwelling?

A In answer to an earlier question, I said just because there is an unavoidable invasion is no reason for sterilizing the entire countryside. It would be no reason to intensify the use for more people who would be damaged by the noise than fewer.

Q Is this a proper place for residential dwelling in view of such facts? A Yes. In view of such facts that here is an isolated public use that the township could not avoid, there is still the possibility of this being a suitable area or desirable area since the frequency of the helicopter noise presumably would not be great. It will be

an occasional annoyance.

Q How do you know that it will be occasional?

A Well, it so happens I also fly and this is a service helicopter area. Presumably it will not be used for commercial purposes, for commutation or anything of that sort. I don't know the frequency. I presume that it will be infrequent.

Q It could be frequent then. A If this turned out to be a commuting place for state bureaucrats to come to conventions, yes.

Q Mr. Agle, with respect to the transportation facility, what are the uses immediately adjacent to it on the south? A Vacant land. There are some residences and there is a filling station and a tavern.

Q They are directly across from the plaintiff's property, are they not? A Somewhere in there, yes.

Q So that in front of the plaintiff's property across Route 206 we have a tavern, a filling station and the transportation facility. A They are in that same general area, yes.

Q Are these uses, some fifty or seventy-five feet away, compatible with residential dwellings?

A In the present scale, yes.

Q I don't understand that answer. What do you mean by the present scale? A If they were enormous and the

tavern got to be as large as, say, the Far Hills Inn, then the traffic generated by the tavern would do greater damage than the traffic generated by the present small village sized tavern.

It is a matter of degree rather than principle and to have a place where you can drop in for a beer on a small lot in a small building, in a place that has the character of a village inn is not all that bad.

Q That is with respect to traffic.

A And the character of the community. It's small. In other words, when I say small scale, I mean small sized in the area of Pluckemin is made up, alas, with the exception of the A & P, of small scale uses and this is part of the historic character.

Q Is there any way to separate this Pluckemin area in its small scale use from the property immediately adjacent to it on the east?

MR. BOWLBY: You mean the Allan-Deane property?

MR. LANIGAN: I mean the plaintiff's property, yes.

A The only feasible way of doing this would be to have a major street at some distance east of the main street leading to the intersection of 287 with intense landscaping in between.

Q You now recommend against that.

A I think it is unrealistic to have a four-lane highway

and an extension of 206 in that location because of the commitments made by the state and the other minor commitments made by the owners of the property at the crossroads in the Pluckemin area.

Q On another subject, Mr. Agle, the Answer speaks in terms of a discussion of other towns, other municipalities and other zoning in those municipalities.

Do you have any familiarity with the zoning in the adjacent municipalities? A I have not studied it recently. I have studied the zoning maps of all the adjacent communities at one time or another, but this has changed undoubtedly in the last ten years since I studied the original Master Plan which is sort of the background for the present zoning.

Q You studied it at that time. A At that time, I did.

Q You haven't studied it since. A In detail, I have not kept up with all the amendments in the adjacent communities.

Q With respect to the township, are you aware of the existence of any historical commission? A I have had no contact with any historical commission in Bedminster.

Q You speak of historical significance, do you not? A Various reports were submitted to the Planning Board by people knowledgeable about the history of Pluckemin at different times and this generated the provision which was

written in the zoning ordinance referring to the desire of the township to preserve that character of the community.

Q Do you have any copies of those reports?

A I have not seen any in my files. This is from my recollection of discussions in the planning board and with the township committee and as represented by people from Pluckemin in conversation both at those hearings and at other times.

Q So that with respect to the historical significance, you have never seen anything in writing as to this significance

A I have seen maps showing Washington's camp ground.

Q Have you ever seen Washington's camp ground?

A I have looked at the open area. It must be there somewhere.

Q You have never seen it though. A I have seen the area on which Washington's camp is supposed to have been. Yes, I have seen it.

Q You have never seen it. A I was not there at the time.

Q I am saying, Mr. Agle, that you looked at the land and they have told you or someone told you that was Washington camp ground and you believed it, did you not?

A That's right.

Q Have you ever seen anything to indicate that there was a camp ground there? A No.

Q Thank you. With respect to the ecology, do you know what ecology is? A I think I understand it as well as anybody else.

Q What does ecology mean? A Ecology is the interrelation between living beings and the physical environments surrounding them.

Q Is there a commission in the township which concerns itself with ecology that you know of? A Not in the township alone. However, this comes within the general purview I believe of the Upper Raritan Water Shed Association.

Q Specifically with reference to the planning board, to what extent has it concerned itself with ecology? A It is concerned with the change in ecology which is a major change in the balance of the natural environment with relation to the intensification of urban development in the area where it is necessary to have large sewage treatment plants, where it is necessary to have public water supply, where it is necessary to upset or change the balance of animals, including human beings, and the land on which they live.

Q Thank you. In the Answer to the plaintiff's complaint there is the phrase "the maintenance of sound ecological systems." Do you know what that means? A I can tell you what I think it means and what I urge.

Q Yes. A To put it in a nutshell, since we

cannot support all the population of the United States in the State of New Jersey, I think it is highly important that we keep our water home.

Q I don't understand that, our water home.

A Return it to the soil where it can be purified and recycled for consumption of people living on the soil.

In other words, if we intensify our areas to such extent that we no longer get pure water out of the natural water table supply, this means that all the water that falls on the State of New Jersey will end up in the Atlantic Ocean.

Q Let's go now to the plaintiff's property.

MR. ENGLISH: Have you finished your answer?

THE WITNESS: This is a nutshell affair. You change the natural fertilization of the soil. You change the animal life that fertilization has the responsibility for the restoration of the area.

You change the pollution of the air because of the fact that we bring a great many vehicles into an area that did not have the vehicles before and so on down the line.

This is a very brief outline of the ecological concern of the people in Bedminster as to try to keep the air pure, the ground water fit to drink, the destruction of the land to a minimum and so on.

Q With respect to the water that you have talked about

and the water being put back in the ground, will this become an ecological problem if city water is going to be supplied to a particular tract? A Any intensification of this very much becomes a problem because the water has to come in somewhere and New York has already been borrowing it from Delaware, and on the west coast they are talking about piping the Columbia River as far south as Los Angeles, and so personally I take a dim view of the sanguine of assumption that we can supply city water everywhere we went.

Q With respect to plaintiff's property, you are aware, are you not, that the plaintiff has postulated that it will supply city water to the tract and will not use any of the ground water? You are aware of that, are you not?

A I presume you would have to because you could not get enough water out of the ground there to take care of the intense use you propose.

Q If city water is going to be supplied, is there any ecological problem with respect to water on plaintiff's tract? A This is an element of intense use which is counter to what the overall planning of the area would be the best use of the land.

Q Perhaps I didn't make my question clear. With respect to plaintiff's property, if city water is going to be supplied, is there any ecological problem with respect to water on our particular property? A On your

particular property, probably not.

Q With respect to the conservation of natural resources, are there natural resources on the plaintiff's property that you are aware of that should be conserved?

A The most conspicuous natural resource is very steep hillside over which I scrambled twice in years gone by.

Q It is your recommendation that that natural resource should be preserved. A Yes.

Q You are aware, are you not, that in the plaintiff's request to both planning board and the township committee it too postulated that that area should be conserved.

A Yes. In this respect the plaintiff's proposal is consistent with the earlier thinking of the planning board.

Q Thank you. With respect to the rest of the tract, is there any natural resource which you know of offhand which should be conserved? A In the way of a mineral or water source or anything of that character, no. However, with the intangible matter of the character of the countryside, the character of the community and so on, since this is dependent upon the preservation of natural resources of rural character, it is the present thinking of the planning board, its consultant, or let me say of the planning board's consultant that this natural resource of rural character should be preserved.

Q That is a natural resource that you are talking about.

A Yes, in addition to the trees and the rocks and the hillside.

Q In the Seventh Defense in the Answer to the plaintiff's complaint, would you look at that. A Yes.

Q Will you go to the Ninth Defense, paragraph 2. Do you know what the social interests are that were described in paragraph 2 of the Seventh Defense that I just asked you to look at?

MR. ENGLISH: May I object to the question because paragraph 2 of the Ninth Defense specifically refers to paragraph 2 of the Seventh Defense and paragraph 2 of the Eighth Defense as defining the social interests which are referred to therein.

MR. LANIGAN: That is correct, counsel, and my question is, would you tell me what the social interests are referred to in paragraph 2 of the Seventh Defense.

MR. BOWLBY: You are asking for a construction of Paragraph 2 of the Seventh Defense?

MR. LANIGAN: I merely want to know what the social interests are referred to, if he knows. Of course if he doesn't know, he can say so.

MR. ENGLISH: I suggest that the question is unfair. The obvious answer is to read paragraph 2 of the Seventh Defense and paragraph 2 of the Eighth

Defense. If counsel can't read that --

MR. LANIGAN: If it were so obvious, counsel would not have had to make a motion for a more definite statement and would not have listened to counsel for the defendants tell counsel for the plaintiff that this could be achieved through discovery.

We are now at discovery and I am deposing the planning consultant. I don't know what the social interests are and my question to this planning consultant is, does he know what they are.

MR. ENGLISH: The witness has already stated that he had nothing to do with the preparation of the amended answer. I think plaintiff's attorney will agree that discovery includes a lot more things than the deposition of the planning consultant or, in deed, oral depositions and I repeat that if plaintiff's attorney cannot read the English language that is no excuse for asking worthless questions.

MR. LANIGAN: I am perfectly able to determine the weight and merit as to the question as to whether it is worthless or not. I would like the question answered.

MR. BOWLBY: I wonder if you can repeat it or rephrase it so that I am sure what the question is.

Q Mr. Agle, I will repeat the question. I asked you to look at paragraph 2 of the Seventh Defense and keep that in your mind.

I then asked you to look at the Ninth Defense where it refers to a social interest described in paragraph 2 of the Seventh Defense.

Can you tell me now what the social interest is that is being described? Do you know what a social interest is?

A Yes, I have a very good understanding, at least I know.

Q Perhaps you can explain to me what they are, particularly with reference to paragraph 2 of the Seventh Defense of the defendants' answer. A I apologize for practicing law and making a reference to a statute. However, some of these are spelled out in detail in the category in the preamble of zoning powers and to the Master Plan statutes.

The prevention of overcrowding of land is one of the powers which is granted to a municipality.

Q Mr. Agle -- A The matter I am getting to is the matter of social interest.

Q Paragraph 2 of the Seventh Defense.

A That's right. In other words, you asked for an expansion of what I think this means or what social interest is.

Q Yes. A In other words, a social interest is the prevention of unlivable conditions and I don't mean to digress, but I have done consultant work and have tried to

rehabilitate old law tenaments in the City of New York and we can leave open the matter of social interests and the matter of what language you speak or whether you want to play bridge or want to play pinochle or something else.

But where we have population which is inappropriately dense this is an active evil in the lives of those people, so that the matter of having some means of regulating the extent to which land is crowded is in the statute and lacking either a county plan or state plan with teeth, this has been delegated to the municipality and I think it is the statute which may be subject to attack rather than the municipality in this particular paragraph.

Q With specific reference to this paragraph, what is that social interest? A With respect to regional, this area is not appropriate for intense development.

Q And the overcrowding of the land with people?
A In other words, it is not a part of the map of the state with respect to the land use in the area, or where more intense land use is appropriate for this intensive use of land.

Q So that paragraph 2 of the Seventh Defense refers to overcrowding. A This is one of the ingredients of social interest, certainly.

Q You mentioned something, that the county plan or state plan have no teeth. What do you mean by that?
A They don't have control over the degree to which one area

of the state can be built up and another area of the state can be built up.

There are many legislators, many planners and so on that believe it is the responsibility of a higher level of governmer to help a municipality work this out.

However, in the State of New Jersey these other authorities don't have the legislative power, maybe constitutional power, although I have not read the constitution and I am not an authority on the state constitution, so this is something which is delegated to the municipality.

Q So that in this particular case the county plan and the state plan are existing plans but that is all.

A They are guides but they don't have the teeth. The last determination rests with the municipality, according to my understanding of it. If legally I am wrong, I would be delighted to be corrected.

Q Should they have teeth or what? A I believe that it would be appropriate for the state and the counties to have guide plans which determine the location of major utilities with respect to the state wide ecology.

You raised the question of ecology a while ago. There are areas where we don't have the agua first in the ground. We have areas that are astride of existing major transportation corridors.

We have areas that are already built up such as the

Script City from New York to Philadelphia in which intense development should take place.

This does not mean that every place out in the boondocks all over the whole State of New Jersey should be subject to intense development.

Q For the time being, these plans really don't have much bearing on Bedminster, although they are in existence, but it is really the planning board. A They do.

Q To what extent do you follow them?

A In the formulation of the Master Plan for Bedminster Township and the zoning ordinance I did review the plans, the zoning ordinances of the surrounding communities.

I discussed the matter of the land use in the area with both the county and the planning people of the state.

Q All of that was prior to any county plan.

A That's right, in deed. Well, I studied Somerset County prior to the formulation of the county planning board.

Q Even prior to the planning board.

A Yes.

Q I am going to ask you the same question with respect to the social interests referred to in paragraph 2 of the Eighth Defense.

You spoke of overcrowding being mentioned as one of the social interests in the previous paragraph, paragraph 2 of the Seventh Defense. Isn't that the same defense in paragraph 2

of the Eighth Defense? A It is similar. Perhaps counsel may be interested in perusing one of the documents I gave you this morning.

Q Sure. A In which the answer to the question may be helped by certain other things I have pointed out.

Q Where is that, Mr. Agle?

MR. ENGLISH: Can you give us the date of the paper?

THE WITNESS: The date of the paper is 14th of December 1970.

MR. ENGLISH: The title is what?

THE WITNESS: "Rezoning of Supply Property for Western Electric."

Correction. The figure I was looking for was notes for a talk in Bedminster which I gave you dated 9 November 1970, in which I say that in New Jersey at 7.8 families per acre, on 7,509.4 square miles, we can house a population of 9,587,232 people, but the present population is 7,000,000 so therefore there is not only room but the necessity for the future population of New Jersey to be distributed in different ways, that is, areas of sparse population and areas of more intense population and that by the time we get through with the sociology and psychology and the behavioral

sciences and everything else, we do come up to some part for paragraph 2 of the Eighth Defense, although I did not see that paragraph prior to the time it was written.

Q You think that fits. A Yes.

Q What do you know, if at all, about the phrase "quality of the regional environment as an antidote to urban sprawl"? Do you know what that means? A Yes. I will try to outline it as briefly as possible. When our cities throughout the nation were being formed, that is, when there was enough population to make them a city instead of villages and so on, the street car was the only means of transportation and because of the fact that you could take a street car to a certain destination, then you had to walk from then on, not like anything else.

We developed a relatively compact type of building in our central cities which is traditional, but now is completely obsolete.

At the present time we have means of more fluid transportation. We can get to various areas, but this is also in limits because of the matter of the carnage on the highways and the expense of transportation.

We kill 56,000 people on our highways and the expense of exaggerated commuting is both difficult in time and in money. (I might say the reason I no longer work in New York, commuting time costs four hours a day.)

We still have in our land development techniques, freedom to develope land in various communities that are unplanned or are susceptible to planning, so we have a subdivision on a subdivision on a subdivision action, but we end up with a continuing possibility of the entire State of New Jersey looking like a small box addition of the completely developed soft sand of northeastern New Jersey.

For example, the other night I happened to have waded through Route 24 from Bernardsville to Linden via Morristown and this was sort of a trying experience with the sprawling development.

Urban development is a matter of big cities are spreading out without any relief of open land use area, without proper relation between employment and home, without proper relation to transportation and open space, the better facts of life which involve parks and playground areas, we congregate and so on.

So that the matter of -- the community character of our future has to be quite different from the laissez faire urban sprawl which has characterized the building of northeastern New Jersey.

Q Thank you. With respect to that, you mentioned a ratio between office and research development and housing. What is that ratio? A I don't remember mentioning it.

Q I'm sorry. Is there a ratio? A However, I

can give you an approximate figure for the way our urban studies have been developed.

As they have existed, I believe my figures are 1950 or 1960, I have forgotten on which year it is, but approximately five per cent of the built up area of the cities is for industry, five per cent of the area is for the distributive matter of getting the products out to the people or call it business, if you will.

Between twenty and twenty-five per cent of the area is devoted to streets and parking spaces; streets, highways, parking spaces and so on.

Maybe two or three per cent of it is used for government purposes. Maybe three or four per cent for schools and I believe this leaves a balance of somewheres upwards of fifty per cent, between fifty and fifty-five per cent, which is used for residential use, including the related park and playgrounds if any.

Now, this is as the county has existed and this is the way it has been now. In the future the open area and residenti area will be larger in proportion to the total land area and that use for business and industry will be less simply because of the fact that with greater facility of transportation, we are now living on larger land area per capita than the older cities did.

Q That is with respect to Bedminster Township in terms

of percentages but -- A Correction. I gave you national figures.

Q I'm sorry. Are those figures applicable to Bedminster
A No. They are applicable on a regional basis. In other words, Bedminster is fully justified in having no business or industry.

Q Why? A As part of a regional plan. In other words, a major shopping center existing in Somerville could very well have as its trading area the entire surrounding area.

Q So that zoning in Bedminster is considered in light of other zoning ordinances in northern New Jersey.
A And its location in the State of New Jersey, but with respect to the major transportation arteries. Comparing, I mean, the transportation corridors that we have, there are two corridors that go across the State of New Jersey.

The major corridor is the New York-Philadelphia corridor that is U.S. 1 and the main line from Pennsylvania Railroad.

It has New Jersey Turnpike and it has U.S. 130 and now it has I-95 which goes all the way up and down the line.

This is a major draw for population and the distribution of products, the availability of labor pools and so on because of the fact that the major part of the eastern United States is built between the Appalachians and the ocean on the costal plain.

The second corridor is Route 22 and now 78, if it ever

gets hooked up, which goes over the mountains for the long range delivery of products to the west, but doesn't have the same population connections as the southeastern corridor does.

Q We are adjacent to that main corridor.

A You are slightly remote from it and it is entirely a secondary corridor.

Q You spoke of Route 78 as being a main corridor.

A Route 22 is the land service corridor and I-78 is not. To be specific about this, for land use and an interstate highway is quite different from a state primary and so that the industrial use along the line is and the employment potential the place where employment should be used would be adjacent to Route 22, Route 202, comparable to Route 130 and U.S. 1 instead of 78 or I-95 or the New Jersey Turnpike.

Q You considered these other municipalities and the region approximately ten years ago. A That's right.

Q Do you recall specifically what municipality?

A I had zoning plans at that time for all the surrounding municipalities ringing Bedminster. We have Bridgewater on the south, we have Readington, which incidentally has been another one of my clients, for a small distance on the southwest, we have Tewksbury on the west, we have Chester on the north and Peapack and Gladstone, Far Hills and Bernardsville.

Q With respect to Bedminster --

MR. BOWLBY: Bernards Township.

Q That letter, what action did it take first officially?
A I don't know what you mean by officially. The letter was circulated among the members of the planning board.
Q Then what action took place thereafter?
A Well, the next significant action that I remember was your disruption of our meeting on July the 23rd or whenever the meeting was.
Q You mean my questions to you. A Your disruption of the meeting.
Q That is your characterization of it.
A Fine.
Q What did you do about it then? A About the letter?
Q Yes. That is what we are talking about.
A Nothing that night.
Q Thereafter, what did you do about the letter?
A It had been generally discussed with our attorney, with our planner, with the members of the township committee, with the members of the planning board.
Q What did you do about it, you just kept discussing it? A I just got done telling you, among several other things, that is what we did do about it.
You just discussed it. A That is right, we discussed it.
Q Did you ever take any positive or affirmative action

with respect to the letter? A Of what nature?

Q Well, for example, did you ever acknowledge its existence on the minutes of the township?

A I don't know. I don't believe that it was acknowledged on the minutes. If you mean of the township committee, not to my knowledge.

Q The planning board, that is what you are a member of. A Yes. I don't know.

Q How about otherwise, did you ever acknowledge the letter to the plaintiff's attorney, for example?

A No. Since you had hand delivered it, that seemed to be rather unnecessary. You knew we had received it. You delivere it.

Q Did you ever respond to the letter in any way to the plaintiff other than a comment at the Master Plan revision hearing that you received it? A Yes.

Q How? A There were at least two responses by the planning board, one not to you, Mr. Lanigan, but to your planner, Mr. Catlin, asking him for a complete map of this proposal which we had seen just once at the meeting in April and which was then taken away.

Q When did you ask him that? A I can tell you. I believe that the date was in June.

Q Did you write him a letter or something?

A No. He was asked for it on the telephone by our planning

consultant, Mr. Agle, who had a better rapport and association with him than I did.

Q Are you certain of this of your own knowledge? Mr. Agle just testified this morning that he had no contact with anyone, so perhaps would you like to think about that a minute.

A I believe so.

Q Are you sure or is this what somebody told you?

A We had a meeting scheduled, a joint meeting, with the Bernards Township planning board which was held on June the 10th in the municipal building in Bedminster to discuss the Johns Manville proposal.

This is one of the other positive actions that we took. I am glad you reminded me. On the day before that, probably June the 10th, Mr. Agle at my direction and at my request asked Mr. Catlin for the complete map.

It was our understanding Mr. Catlin consulted you and he was told we could not have it and we did not have it.

Q Complete map in reference to what?

A The complete, if you want to call it "COMPLETE," it was a water colored rendition of your proposed development in Bedminster and Bernards Township.

Q You wanted to see the proposal in toto.

A In full.

Q In Bernards. A We wanted to see the complete proposal.

Q You had the complete map with respect to Bedminster, did you not? A But you took the map away. You showed it to us at the meeting in April and then took it away. We never saw it again, the complete map.

Q By complete, you mean with respect to Bernards Township as well. A Yes.

Q You did receive, did you not, a map with respect to Bedminster? A Yes, sir. That was part of the package that you hand delivered to us on May the 24th.

Q What was your reason for wanting to see the other part of the map that you didn't see? A Well, one very significant reason was that there are roads shown on the Bedminster portion of that map which originate and terminate in Bernards and without the complete map we didn't know how you got on these roads.

Q What other times did you contact the plaintiff or his agents with respect to this request made of you on May 24, 1971? A I can't give you the date of it, but there was a meeting that our planner was asked by letter to attend in Somerville which had to do with traffic studies about this proposal and at that time Mr. Agle, the planner, who had been invited asked me if he should attend and I directed him not to attend and to advise --

I guess it was Mr. Catlin who initialed this letter also, advised Mr. Catlin that if there were any presentations which

were to be made affecting traffic in Bedminster, that they should be made in Bedminster to the Bedminster planning board.

Q At any other time did you request any information of the plaintiff or his representatives? A Other than our meeting in July when I advised you of the same details, that we did not have the traffic information and that we did not have the complete map.

Q You advised me at the meeting? A You, Mr. Lanigan, yes.

Q We have a verbatim transcript of that meeting which we can check. A Fine.

Q Mr. Gavin, what is your present disposition on the plaintiff's request of May 24, 1971? Do you have any present intention to do anything with it? A It is my understanding that I am one of the ones being sued by you or your client.

Q Not personally. A No.

Q What is the planning board's intention with respect to our request of May 24, 1971 as of this date?

A The intention of the planning board and the township committee is that --

Q I am speaking of the planning board now. I already have the opinion of the mayor as to what they are going to do.

A That we intend to implement the defense of our zoning.

Q What do you intend to do with respect to the

plaintiff's request? Are you going to deny it or what?
A I don't think we are in a position to deny it or grant it now. We are in the same position, relatively speaking, that we were in July when I told you at the public meeting that we did not have a complete presentation, we could not approve it or disprove it and we have had nothing from you since then, not even those things that we asked for at that time nor many other things, that we never did get any disposition or any information about sewage or traffic or water.

Q Did you ever ask for those? A Yes, we did. We asked you several times for them.

Q When? A At the three meetings, at one or more of the three meetings, that we held in December, February and April.

Q What did you ask for? A We asked for information from you about how the sewage was to be disposed of particularly.

Q Let's take that. Do you recall any conversations with respect to that? A I recall in general your rather bland statement that you were going to take care of it, either put it in Bridgewater or pump it over the mountain.

Q Exactly. You had some other questions on that?
A We never saw any indication from anybody other than what was going to become of the sewage.

Q You never asked for it after the May 24th letter.

A I don't believe so.

Q I take it then that the present intention of the planning board is just to let the request sit.

A I would not answer that. I would have to ask counsel how we should proceed from here. I don't know.

Q What is the planning board's feeling?

A The feeling of the planning board is that, or at least the feeling of the chairman, myself, is that we are being sued by you, that you advised us at our meeting in August I believe, you handed or Mr. McConnell, if that is his name, handed me a letter on August the 23rd in which you indicated that you were considering bringing action which you had already brought earlier that day.

Q So that you don't have any intention to grant the request of May 24th or deny it. What are you going to do with it? A I don't know. I can't tell you what we should do at this moment in the predicament and position that you have put us. I don't know. I would have to ask counsel.

Q Fair enough. Are we not prepared at the moment to grant it or deny it because of the incomplete presentation.

Q Yet you have never reduced to writing any requests to make that presentation more complete, although the last sentence of that letter asks you to do that, doesn't it, Mr. Gavin? A I don't know which letter you are

referring to.

Q May 24th. A I don't know whether I have that with me or not.

MR. ENGLISH: I will show the witness the May 24th letter and direct his attention to the last sentence which I think is what you referred to in your last question.

MR. LANIGAN: The last two sentences.

Q "I know there are certain aspects of the application which you would like to consider further and the owner respectfully requests, however, that within some reasonable period of time the planning board act on the application and notify the undersigned of the planning board's decision." A That was a letter that you hand delivered to us at our May meeting.

The letter was not opened until at least until I got home that evening, so nobody in the planning board saw it on May 24th.

Our next meeting was in June. It is my understanding that you were having a meeting that same night with the Bernards Township planning board, on the same night as our June meeting, so you were unavailable that night.

Q Did you make that conclusion, draw that conclusion, or did you get it from someone else? A I was advised of that by Bernards Township that they were meeting with you

the same night the planning board was meeting in June.

Q Did you check with us to see whether we were available

A No, and at the July meeting you were so disruptive that there was no opportunity to discuss anything rationally with you.

Q Mr. Gavin, do you have a copy of the actual submittal of the Master Plan revision? Was there such a formal submittal

A To whom?

Q For the benefit of the public. A Yes. I don't have it with me. It seems to me that we had that here the last time I was here, the memo from the chairman to the board in which the matters that were to be reviewed were enumerated.

Q Was this done by memo or was there a formal submission?

MR. ENGLISH: For my benefit, will you define "submission."

MR. LANIGAN: It seems to me that there should be some sort of Master Plan revision in terms of a document and to my knowledge no one has ever seen it.

The people who found out about the hearing found out about it because of the front page of the Bernardsville News in an excerpt of a conversation that evidently one reporter had with Mr. Gavin.

It was evidently published. The notice of the

hearing was published in some other newspaper outside the township and no one seems to have knowledge of the actual document.

It is not in the township records, it is not in the planning board's records. The planner doesn't have a copy of it. I am simply trying to find out where it is.

THE WITNESS: I believe you had it here at the last hearing, a memo from the chairman to the planning board which I believe was read at the meeting prior to the July meeting.

MR. BOWLBY: If you are simply trying to find out, you will recall this morning that I represented to you that I drew that document. I had it published in the Somerset Messenger Gazette.

I have a copy in my office and I promised that I will give you a copy. I can't believe that no one knows about the content of that when we had an absolutely jammed packed meeting with everyone apparently understanding what the terms of that proposal were, including yourself.

If it's all you are looking for is a copy of the document, I have already guaranteed that I will furnish you with one.

MR. LANIGAN: Okay.

Q With reference to the Master Plan revision memo to the planning board from you, Mr. Gavin, that was delivered this morning to me by way of Mr. Agle, you indicate certain changes as part of the revision. A Right.

Q Taking the last change first, what was the reason for deleting the bypass east of Pluckemin?

A I think that we went over these questions the last time I was here.

Q Perhaps you can capsulize in one sentence.

A Do you have the memo right there from me to the planning board?

Q Yes.

MR. ENGLISH: Dated June 14, 1971.

THE WITNESS: It's a memo from me to the planning board. Is that formal enough for you, capsulizing what the recommendations were going to be?

Q I'm sorry.

MR. BOWLBY: Mr. Lanigan is asking you why the recommendations.

THE WITNESS: The reason for the suggested removal of the Pluckemin bypass?

Q Yes. A Because it seems to us and it seemed to our planner that the reasons for that having been put in the Master Plan originally no longer existed.

Q What were those reasons? A Traffic, primarily traffic through Pluckemin on 202-206.

Q It never materialized. A It had been there but much of it had been transferred to Route 287.

Q The Master Plan revision was done about the time Route 287 was finished in the Pluckemin area, was it not? A The Master Plan revision?

Q The Master Plan of 1965 was done just about the same time that 287 was completed. A I don't know.

Q You don't know. A No.

Q With respect to item 6, you picked an area which was directly in front of, in one respect, to the plaintiff's property and suggested its use as a restaurant, motel and taxable private club for outdoor sports, is that correct? A No, I don't believe so.

Q Is there any map which would show what areas you were talking about then when you described the area between Route 206 and I-287? A Yes. If you are talking about the areas that were discussed for a hotel, motel or a motel site or whatever and the taxable private club, we are talking about the so-called Brady-Pontin property which is not adjacent to your property at all.

Q Weren't you at that planning board meeting discussing the property south of that intersection which the planning board at that time assumed was owned by Mr. Ellsworth and by

Mr. Kean? A No, sir, not for the purpose that you just defined.

Q Are you aware that the front page of the Bernardsville News showed a map depicting that area as being suggested for hotel site? A No, I am not.

Q You are not aware of that. A I am not aware of it.

Q Did you have any land use map which was done at the time you redid this revision? A The maps that we used were the present, the then and still present Master Plan map and the zoning map.

Q Did you offer a revised map as part of your proposed revision to the Master Plan? A No, sir.

Q With respect to item 5, you suggested in the Burnt Mills area Lots 3 and 4 of Block 46 should be shown as R-5 in lieu of R-1. A Yes.

Q What was the reason for that? A The reason for that was that these lots still in a one acre zone or still in one acre were completely surrounded by the five acre area were undeveloped and would fit in more harmoniously with the plan of the area, with the five acre minimum rather than the one.

Q Is there any special problem in the area which had to be solved? A No, sir, not that I know of.

Q Item 4 states the two areas lying between Route 206

and I-287 and between Schley Mountain Road on the north as it formerly existed and the north line of the R-1 zoning district in Pluckemin on the south should be noted for restaurant and motel use and the taxable private clubs for outdoor sports in addition to the research use presently indicated. A Yes.

Q Isn't this the Brady-Pontin property you were talking about before? A I would think that that would be included in it, yes.

Q Are you talking about it twice then, in item 4 and item 6 or is that the same property each time?

A I cannot remember. I can only tell you again that the property, to my recollection, that was considered for motel and private club was the Brady-Pontin property.

Q So that you don't know what the reason is for talking about it twice under item 4 and under item 6.

A I can't remember.

Q Item 3 states the land southeast of the interchange should remain as shown on the Master Plan. What was the reason for permitting that to remain?

A This is probably the most unique piece of land in Bedminster Township. It is totally isolated from everything else in Bedminster.

It adjoins land which is zoned for research and development or whatever they call it, research and something

or other, in Bridgewater.

It is surrounded by highways on three out of four sides and the most appropriate use for it seemed to be that which is permitted in Bridgewater.

Q It fronts on Route 206-202, does it not?

A Yes.

Q Is there a traffic problem going to be created by having a research facility on Route 206-202?

A There might possibly be a minor traffic problem. This is not a very large piece of land.

Q How big is it? A I think it's thirty acres. I'm guessing.

Q You think it is thirty acres. A I think it's thirty acres.

Q You don't believe that with just thirty acres there would be any traffic problem? A I think there are other more compelling reasons. There were more compelling reasons for our decision on that, that because of the action of the state in creating the highways there and placing the way they did the unique piece of land, the position of this land, that its use for what I would consider more desirable purposes is rather limited so far as Bedminster is concerned.

Q You mean proximity to the highways makes it undesirable for anything other than research?

A It makes it undesirable for dwelling usage.

Q Why? A Because of the relatively small size of it. Traffic would be very, very close on three highways, 287, 78 and 202-206.

Q Can you say the same thing with plaintiff's property in that it fronts on 206 and 202 and looks out upon approximately 100 yards away of 287? A I don't know where it is that you are referring to.

Q The front of plaintiff's property immediately in front of the transportation facility, the Sunoco filling station and the tavern. Isn't that similar?

A No, it is not.

Q Why not? A Well, first of all, it is on Route 202-206.

Q So is the other property. A Correct.

Q What is the difference? A It has a much more desirable location for a residence. There are residences there adjacent to your property and on your property.

Your property is an integral part of Bedminster and of Pluckemin which this property is that you question me about. It's a unique piece. It is totally isolated by an embankment. You can't see into Bedminster from the piece of property that you are questioning me about.

Q Are you aware that people with good judgment have said that our particular property is unique and not part of the Pluckemin area? A No, I am not.

Q You are not aware of that. A No. It is not.

Q That could be treated differently because it is really not part of the historical Pluckemin. Are you aware of that? A No, sir.

Q Do you agree with that? A No, sir.

Q So that the only difference in the property is that the plaintiff's property is more desirable for dwellings because of the dwelling in the immediate vicinity as contrasted to the area which you have designated as research type.

MR. ENGLISH: I object to the question. It does not adequately sum up all the facts which the witness has given.

Q Are there any other facts other than proximity to traffic and the fact that plaintiff's property has some residences abutting it? A Which property do you want me to address myself to? The one south of 78. Is that what we are talking about?

Q Yes. Are there any other differences between plaintiff's property and that property?

A Well, one very significant difference is the great historic significance of your property.

Q What is that? A We talked about this the last time that I was here. This is the presence, I am told, of a very historical location on your property.

Q You say "I am told." Have you ever seen anything on

the property? A I have seen markers put up by the state highway department calling attention to the house that you people own in the -- the Dorman House I would call it.

Q There is one marker in front of the house on the highway, is there not? A The one marker that is there, the one marker is right at the corner of Washington Valley Road and 202-206 calling attention to the presence there of Washington's army as it returned from Princeton.

Q Do you know of anything on the site which you have ever seen which would depict any historical significance? A Other than the state department marker?

Q Yes. A I have been told that there are --

Q Do you know of any? A I have never seen it.

Q You are aware that the plaintiff in its request to you indicated that it would move and maintain the Dorman House, are you not? A Yes.

Q So that it should be preserved and should not be destroyed. A Whether moving it is preserving it, I don't know.

Q You know of the plaintiff's request and offer that it be done, do you? A Whether that constitutes preservation of the Dorman House and its significance is up to you.

Q Do you know that it is the intention of the plaintiff not to destroy the house? A So I have been told. I

think that was in one of your letters.

Q Do you know if the township or any of the historical groups have availed themselves of that, if you know?

A I don't know.

Q With respect to item 2 of the proposed amendments, you say in the Pluckemin area a small remnant of R-5 northeast of the interchange of I-78 and I-287 should be made R-1 to be consistent with the adjacent property.

A Yes.

Q Are you talking there about the property which has been purchased by ATT long lines? A No, sir.

Q What are you talking about? A I would have to show you this on a copy of the Master Plan.

Q This is the area behind the church.

A Yes, that is it there.

MR. BOWLBY: On the zoning map.

MR. LANIGAN: Mr. Gavin has explained where that is with reference to the map.

Q What was the reason for the planning board in removing the designation of research type from the property immediately north of 287 which has been purchased by ATT long lines? A Well, as I answered you the last time that I was here, there were several reasons, one of which was the feeling of the planning board that the residents of Bedminster did not desire large developments for research and

development purposes in the township.

Q Is that your opinion, too? A Yes, that is mine. The other answer that I believe that I gave you was that this location is probably one of the most beautiful and most ideal for the purpose that it is now shown on the zoning map, five acre residence.

It does adjoin the ten acre resident zone of the Borough of Far Hills. For those reasons it seemed that it would be desirable to remove that from the Master Plan as R & D, research and development.

Q In considering the revisions to the Master Plan, did the planning board consider the zoning in the adjacent municipalities? A I feel that it did consider this particular piece that you just mentioned, this Schley-Bassett piece, if we can call it that, the fact that it did adjoin the ten acre residential zone in Far Hills.

Q With respect to any of the other revisions, did it consider the other zones in the other municipalities?

A I don't think it was significant. No, no.

Q Did you give any consideration to the housing needs of the area in the revision to this Master Plan?

A I don't know what you mean by the housing needs of the area.

Q Let's back up again then. Does the area have adequate housing for all types of people to your knowledge?

MR. BOWLBY: Would you define what you mean by "area" for my benefit.

Q Let's take the area as defined by the township planner, Somerset County, first of all. That is one definition of it.

Does it have adequate housing for all types of people?

A I don't know.

Q You don't know. A No.

Q How about the area north up to Route 24, do you know whether that has? A I don't know.

Q Did the planning board consider other zoning as to office-research in the area? A Additional office-research in the area?

Q Yes. A It did not consider adding any research and development to the Master Plan, no, sir.

Q With specific reference to plaintiff's property, did it consider plaintiff's request for anything to do with plaintiff's land with respect to the revision to the Master Plan? A I think we are at this point -- last July when I was trying to explain to you, obviously not to your satisfaction at our public meeting, that we were too far along in our suggested revisions to include your presentation if it had been complete, which it was not, in those suggested revisions.

Q How long had you been considering the revisions, two

years? A Approximately a year and a half.

Q In your memo of June 14th you speak of them being placed on the agenda in January of 1971. A Yes.

Q Is that the first time you started to consider them? A No.

Q When prior to that? A I can't tell you exactly, Mr. Lanigan. I can only tell you that it had been started under the previous chairman, Mr. Nelson Slater, and my recollection of it is that Mr. Slater had to resign from the planning board in June of July of 1970.

I was appointed chairman on July 27, 1970. Prior to that time there had been meetings under the auspices of Mr. Slater about updating the Master Plan.

Q Were these substantial revisions in the Master Plan revision? A The ones that you have seen and noted here, yes.

Q You characterize them as what, substantial or quite simple? A I would not clasify them. I don't know.

Q Which are they? A I don't know.

Q Are they complicated or what? A They were serious.

Q They were quite simple, weren't they?

A No, they were not.

Q Would you like to read your report in which you say they are quite simple? The second paragraph, would you

read that. A At that point in June 1971 they were quite simple.

Q The revisions were quite simple. They could be covered briefly in words. A Right.

Q So they were not really complicated.

A They had been up to that time. What you see is the culling of what had happened over a period of a year and a half.

Q You could not consider the Johns Manville requests because they were complicated. A Tremendously and incomplete.

Q Going to the Answer, Mr. Gavin, I refer you specifically to the Sixth Defense to all Counts on page 8, paragraph 4. A Yes.

Q Do you know particularly what national resources there are to be conserved with respect to plaintiff's property? A One of the natural resources that certainly would be affected if your development proposal were approved, the greatest natural resource that we have, the Raritan River.

Q How would that be affected? A Well, we believe that if the zoning in Bedminster were significantly reduced, the requirements were significantly reduced, it would probably mean that the land could not absorb the effluent from large numbers of houses on small lots.

Q Do you have a study to this effect?

A I don't have one in my possession.

Q Was one ever made that you know of?

A A study to prove what?

Q What you just said. A How much effluent one acre can take?

Q You have just given us a reason and made some statement that it could not take the effluent. Is there such a study? That is what I am asking you.

A We have been advised by our planner, Mr. Agle. We have discussed this with the county planning board and there seems to be agreement that a five acre lot can provide the water resource and accept the effluent from the house that would be necessary.

Q Why have you zoned it one acre on a portion of the plaintiff's property then? A I think that that is probably a carry-over from what existed prior to the Master Plan.

The land adjacent to your property, the problems that they were having, houses on small lots do create sewage problems.

Q Supposing there is no problem about septic systems or anything and the sewers are in and the sewage is taken care of, is there any objection then? A Except that is not the fact. Those are not the facts as they exist.

Q Supposing they were, would your answer be the same, that is, if the sewage and effluent was taken care of, would your answer be the same that there is a problem?

A What sort of problem?

Q You stated there is a problem with sewers and effluent on less than five acre lots.

You are saying if there isn't any percolation problem, no septic system problem, if there are sewers there would be no problem. A It should not be a sewer problem if you have sewers.

Q So that could not be an objection if there were sewers on the tract. A Correct.

Q With respect to water, if the water is adequately disposed of, is that a problem, that is, surface water?

A Well, again we are getting back to your generalities. I don't know what you mean by adequately disposed of.

What do you mean by adequately disposed of, the water that will be on the roof, the water that will remain on the building that you have there and the water that will remain on the parking area that you have? You have never told us how you are going to dispose of it.

Q Let's assume that there could be some disposal of this water. A Tell us what it is.

Q Well, let's assume that there could be for the moment. If that were taken care of, what other objections

are there?

MR. BOWLBY: To what?

MR. LANIGAN: To the utilization of the plaintiff's tract with respect to the conservation of natural resources, which is my question.

A I'm lost now. I don't know what your question is.

Q We started out, Mr. Gavin, I asked you what conservation of natural resources with specific reference to plaintiff's property existed. You said, well, there is a problem on sewers.

MR. ENGLISH: He made reference to the Raritan River as our greatest natural resource.

Q I assumed that was not relevant or it just was not responsive to my question, so I asked you another question about effluent and you finally said that if there were sewers, that isn't a problem.

Now I am asking if there is adequate drainage. Is there a problem in disposing of surface water?

Assuming there is adequate drainage, whatever that means, is there any problem? A Since I don't know what adequate drainage means for a building of 900,000 square feet, I cannot answer that.

Q What are the other problems that you see?

A They are not all problems.

Q What else? A We are talking about the

conservation of natural resources.

Q What other natural resources are there that we are talking about? A The other natural resource is the almost, the totally unique mountain that you have there which is one of the few remaining promontories left in the state that are not destroyed or ruined.

Q It is a fine view, is it not?

A Exceptional.

Q It could well be utilized as a view for residential dwellings, perhaps for multi-family dwellings?

A That is not what you proposed.

Q But it is. A Not for multi-family dwellings.

Q Town houses. Plaintiff has proposed promontory residential uses, have they not? A For a very, very small number of people, yes, a very small number of families.

Q Fifty homes in one area and approximately two hundred-fifty in the other. A I don't believe that the two hundred-fifty would have any access to the view other than looking over somebody else's property.

Q Others have considered that there is a view up there, haven't they, in recommendations to you?

A I think it is an accepted fact it is a beautiful view.

Q Hasn't it been established to you at least that this is an exceptional place for residential dwellings?

A I am not aware of that, no.

Q With respect to the conservation of natural resources are there any others other than the view and the two that you mentioned before? A Well, you didn't seem to think that the Raritan River was of any great consequence.

Q Perhaps you can tell me how the Raritan River is affected by plaintiff's property.

MR. ENGLISH: May I object to the question because paragraph 4 in the Sixth Defense to the Answer is not limited to the plaintiff's property.

A clear reading indicates that this defense is directed to the charge in the complaint that five acre zoning anywhere in Bedminster Township is illegal per se.

I object to counsel trying to distort the plain meaning of the answer in order to interrogate the witness.

Q Is there any special problem with respect to plaintiff's property and the Raritan River that you know of?

MR. ENGLISH: I object to that question because paragraph 4 of the Sixth Defense is not talking just about the plaintiff's property.

MR. LANIGAN: The plaintiff's property is in the township.

MR. ENGLISH: The township is a lot bigger and the attack which plaintiff has seen to make on

the ordinance to declare it illegal five acre minimum lot zoning anywhere in the township, that is the charge which you, Mr. Lanigan, have seen fit to lay before the court and I think that if you are interested in fairly interrogating this witness, your question ought to be directed to that issue which you have injected and not arbitrarily limited to a different issue than which is in the Sixth Defense.

MR. LANIGAN: Referring counsel to the Third Count in which I incorporate by Answer reference to all the counts, I have complained in the Third Count with specific reference to plaintiff's property about that defense.

Q With respect to our property which is in the township and you have said that the Raritan River could be a problem, is there any problem with respect to plaintiff's property?

A The use that the plaintiff, that you people wish to make of this property could, among many, many other things, cause problems with what I think is one of our greatest natural resources, the Raritan River. That is only one of the many things it would do.

Q How? A How?

Q Yes. A The uncontrolled infusion of large numbers of people in a very, very short time in a community

which is totally unprepared to receive them could affect everything, not only the Raritan River, but the sewage which is already bad there, traffic which would be intolerable.

Generally this plan that you have proposed, to me it is a monument to greed and underachievement.

Q Similar to the ATT plan. A I haven't seen any plan of the ATT. The ATT has never made any approach to the planning board.

Q You don't have any knowledge whether it is similar or not. A I have no knowledge of it at all.

Q With respect to the sound ecological systems referred to in Paragraph 4, do you know what ecological systems are? A Well, ecology is what, the science of relationship of organisms to their environment, is that right?

To my recollection, there seems to be a satisfactory balance in most parts of Bedminster Township today between the environment and the various ecological systems.

Q Which are what? What are those systems?

A I am not equipped to discuss ecological systems.

Q You don't know what they are.

A I can tell you what ecology is I think. I hope I answered that for you.

Q My question is, what are ecological systems? If you don't know, say so. A The relation between

organisms to their environment.

Q What are these ecological systems that you have reference to? A The relationship, for example, of the river to its banks, the relationship of roads to the land, the relationship of the surface to the land and the relationship of the surface to the ground, the relationship of the ground to the river. These are systems which seem to be in balance.

Q Going to the Eighth Defense, Mr. Gavin, paragraph 2 speaks of quality of the regional environment.

A Yes.

Q Do you know what that phrase means, the quality of the regional environment? A Well, may I read the whole thing?

Q Surely. A What it refers to in my judgment is that the open spaces which exist in the majority of the area in Bedminster and around us are desirable.

Q The plaintiff has offered a relatively large portion of the property in open space, over half, is that correct? A Over half of the property in Bedminster, yes.

Q Can you as a planning board member be concerned with property being offered somewhere else? A No. I want to make sure I understand your question.

Q So that the plaintiff, can you conclude, has

exhibited some intention to comply with your theory of preserving open space? A I think you, just as we did, recognize that a considerable amount of the land that you purchased is unuseable. We had it for green acres, open space and you have indicated similar future use.

Q With respect to the Ninth Defense, paragraph 2, it speaks of social interests described in paragraph 2 of the Seventh Defense and paragraph 2 of the Eighth Defense.

Would you look at both of those paragraphs and tell me what those social interests are. A Do you want me to address myself to the Seventh Defense to all counts, paragraph 2?

Q What are those social interests, if you know?

A What we are saying is that the social interests that are mentioned in paragraph 2 can be vindicated by upholding the provisions of our zoning ordinance.

Q What are those social interests?

A The general welfare of the community.

Q What is the general welfare? A Keeping it the way it is, the desirability of the community and its acceptability for the use which most people feel it is ideally suited for.

Q Keeping it just the way it is.

A No.

Q How would you change it then?

A Keeping it just the way it is to me means some sort of a static condition which we all know is not possible.

We contemplate that Bedminster is going to grow. It is zoned for an orderly growth.

Q Where? A Throughout the township.

Q So that you feel existing zoning will permit orderly growth. A Yes, sir.

Q Do you make any provision in there for multi-family dwellings? A No, sir.

Q Why not? A We don't believe that this area, so far from centers of population, is the place where multi-family use would be in demand or desirable.

Q Are you aware that there is a demand in the Somerset Hills area for multi-family use? A No, sir. We are in the Somerset Hills area and we have an indication of absolutely no demand for multi-family use.

Q Where did you get that indication?

A I say that we have absolutely no demand for it. I can't tell you where I got it from. It doesn't exist.

Q You have had no demand. A I have had no demand.

Q Do you have any obligation to provide for young couples or retirement couples? A I don't know whether that is the problem of the Planning Board to provide a totally and completely balanced community. You are thinking

of only two. How about the unmarried people and the divorced people who may have entirely different requirements?

Q Let's include them, too. A No, we have not attempted to provide housing for every type of demand that might possibly exist.

Q Has there been any consideration of multi-family use at all by the Planning Board to your knowledge?

A Yes, it has been discussed.

Q What started the discussion? A I couldn't tell you, Mr. Lanigan. This is something that I have heard it discussed over a period of years.

Q You had recommendations for multi-family use?

A No, sir. From the public you mean?

Q No. You have said that you have had no demand. I meant from anyone else, professionally or otherwise.

A Not that I remember.

MR. LANIGAN: I have no other questions.

MR. ENGLISH: I have no questions.

MR. BOWLBY: No questions.

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SUPERIOR COURT OF NEW JERSEY
LAW DIVISION - SOMERSET COUNTY
DOCKET NO. L-36896-70 P.W.

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

Plaintiff,

vs.

THE TOWNSHIP OF BEDMINSTER, a municipal corporation of the State of New Jersey, and THE TOWNSHIP OF BEDMINSTER PLANNING BOARD,

Defendants.

CERTIFICATE

OF OFFICER

I, IRVING SABOR, a Notary Public and Certified Shorthand Reporter of the State of New Jersey, do hereby certify that prior to the commencement of the examination the witnesses, CHARLES K. AGLE and PAUL F. GAVIN, were sworn by me to testify the truth, the whole truth and nothing but the truth.

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

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

financially interested in the action.

[redacted]

Irving Sabo
A Notary Public of the State
of New Jersey.

My Commission Expires
August 1974.

[redacted]

[redacted]