

RULS - AD - 1972 - 30

5/22/1972

- DEPOSITION OF WILLIAM REATCH

PGS - 41

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

RULS - AD - 1972 - 30

6 Plaintiff,

7 v.

:
:
: Depositions of:

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

: William E. Roach, Jr

11 Defendants.

12
13 TRANSCRIPT OF TESTIMONY taken by and before

14 Herman Nedzela, a Notary Public and Certified Shorthand
15 Reporter of the State of New Jersey, at the offices of
16 Bowlby, Woolson & Guterl, Esqs., 17 E. High Street, Somerville,
17 New Jersey, on Monday, May 22, 1972, commencing at 10 a.m.

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

19 William W. Lanigan, Esq.,
Attorney for Plaintiff.

20
21 McCarter & English, Esqs.,
By: Nicholas Conover English, Esq.,
22 Attorney for Defendants.
23
24
25

A P P E A R A N C E S (CONTINUED):

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

Bowlby, Woolson & Guterl, Esqs.,
By: Edward D. Bowlby, Esq.,
Attorney for Defendants.



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

INDEX TO WITNESS

| WITNESS | PAGE |
|-------------------------|------|
| William E. Roach, Jr. | |
| Direct by Mr. Lanigan | 3 |
| Cross by Mr. English | 33 |
| Redirect by Mr. Lanigan | 37 |
| Recross by Mr. English | |



1 WILLIAM E. ROACH, JR.

sworn.

2 DIRECT EXAMINATION BY MR. LANIGAN:

3 ~~PLASA~~ Mr. Roach, by whom are you employed and in
4 what capacity? A I am employed by
5 the Somerset County Planning Board as County Planning
6 Director.

7 Q Now, Mr. Roach, you are here, I can say for
8 the record, because your name has been listed in the answers
9 to interrogatories as being someone familiar with the subject
10 matter of the litigation and as being one who may be called
11 upon to testify in the litigation on behalf of the ~~defendants~~ ts.
12 You have been listed along with other people who ~~are~~
13 reported to be experts in the answers to the interrogatories and
14 because of that listing I have served you prior to today's
15 hearing with a notice to take your deposition and I have at
16 the same time served upon you a subpoena to present yourself
17 to testify and to bring with you such relevant documents as
18 have been contained in the notice to take depositions.

19 Is that correct, Mr. Roach?

20 A Yes, what you have stated is correct. I understand
21 that I am to be subpoenaed by counsel for the township to
22 appear on their behalf.

23 MR. ENGLISH: I know that's correct so long
24 as the implication is not taken that the defendants
25 have retained Mr. Roach as an expert on their behalf.

1 The defendants, knowing of his position and the
2 work he has done for the county, believe that he
3 has information which would be relevant to the
4 issues in this litigation and, has been stated, intend
5 to subpoena him to testify at the trial.

6 We recognize that his knowledge and background
7 are such that some of the testimony he may give
8 in the case would be in the nature of expert
9 testimony, and in that sense we regard him as
10 someone having expertise, but he is not a person
11 whom we have engaged as our private expert to prepare
12 opinion evidence.

13 MR. LANIGAN: Thank you.

14 Q Mr. Roach, on what date and by whom were you
15 first contacted to become a witness in the subject litigation?

16 A I do not have fixed dates in mind, but I think my
17 first official contact was by Mr. Bowlby, who asked me
18 if I was aware of any lawyers or law firms in the state
19 who specialized in zoning when the case was first posed to
20 the township. I would have to go to old date books to
21 find the date when subsequently the firm of McCarter-English
22 was employed and Mr. English came to my office to review
23 county planning documents as they related to the case.

24 Q Can you recall what that date was?

25 A Not offhand, no, I can't.

1 Q Is it a matter of weeks ago or several
2 months?

A Several months ago,
3 certainly. Last year.

4 Q Last fall, perhaps?

5 A Last fall would be an approximation, yes.

6 Q In response to Mr. Bowlby's question to
7 you, what was your answer? A There was no

8 specific answer. I merely mentioned men who were recognized
9 as outstanding in the field of zoning law.

10 Q And who were those men?

11 A As I recall it, I mentioned Fred Stickel and
12 Bernstein and the then Senator Harry Sears, who has indicated
13 his retirement from the legislature.

14 Q Did you mention McCarter-English?

15 A No, I did not. I was not familiar with the firm at
16 the time.

17 Q Has anyone else in the township or any
18 resident of the township asked you to testify or assist
19 the defendants in this litigation?

20 A No. My only communication has been with Mr. Bowlby
21 and with Mr. English.

22 Q Have you had any conversations with
23 Assemblyman Hewing with respect to the subject litigation?

24 A Assemblyman Hewing was in touch a couple of times
25 seeking information for use at the various meetings that were

1 held in the township. I did not have extensive conversations
2 with him on the litigation.

3 Q And you had no conversations with him with
4 respect to testifying on behalf of the township.

5 A Not conversations, no.

6 Q Is he aware that you're going to testify
7 on behalf of the township?

8 A I believe he might be.

9 Q Now, Mr. Roach, what is your educational
10 background?

A I have a bachelor
11 of science degree in city and regional planning from
12 Rutgers University awarded in 1951.

13 Q And subsequent to that time, what has been
14 your employment history?

A I worked for
15 four months with the Westchester County Planning Commission
16 under Hugh Pomeroy. I then worked for four years with
17 the state planning agency terminating my employment there
18 as acting chief of the bureau of planning at which time I
19 came to Somerset County in 1956. I have been employed here
20 ever since as planning director.

21 Q As part of your duties as planning director,
22 what other than serving as the county planning director--
23 what other duties does that entail? For example, are you
24 concerned with zoning?

25 A Well, we are concerned with planning on the local

1 levels, zoning, master planning, subdivision activity,
2 coordinating development amongst the 21 municipalities in
3 the county.

4 Q What is your involvement in zoning, in
5 particular, in the individual municipalities?

6 A No direct involvement other than being kept informed
7 or responding to specific requests to review pending
8 zoning. We have historically kept composite zoning maps
9 of the county overtime to see how municipalities are zoning
10 for the use of land.

11 Q But you do not as a county planning board
12 or county planning director specifically involve yourself
13 in the local zoning.

14 A No, we do not. We do not serve as expert staff in
15 the preparation of zoning ordinances or revisions. It was
16 unique in Somerset County, when I came here, each of the
17 21 municipalities had a zoning ordinance so we did not
18 have to engage in that type work.

19 Q In terms of coordination, what coordination
20 do you have between municipalities with respect to zoning?

21 A Well, that coordination is a relatively new thing.
22 Under the revised county planning act, zoning changes within
23 200 feet of a municipal boundary must be referred to the
24 county. Prior to that, it was simply preparing the composite
25 zoning maps and indicating if there were sharp clashes along

1 municipal boundaries.

2 Q You're notified as well, are you not, when
3 there's a zoning or changes involving county roads?

4 A Oh, yes, there are other notice requirements. When
5 land is adjacent to a municipal boundary, zoning amendments
6 generally must be submitted to the county for their
7 information prior to public hearing and adoption.

8 Q Do you at any time take official positions
9 with respect to those zoning ordinances or amendments?

10 A I do not recall an instance where the county planning
11 board has officially involved themselves in a zoning
12 change. We did, however, endorse a zone amendment proposed
13 in Bernards Township when they had a recommendation from
14 their planning board consultant for some multi-family
15 zones.

16 Q Other than zoning, to what extent do you
17 involve yourself in other areas such as housing and
18 transportation?

19 A Well, one of--the second or third comprehensive plan
20 that we prepared was a comprehensive transportation plan for
21 the county. Here we were concerned with the relationship
22 of our county road system to the state and interstate highway
23 system with mass transit and with airports, all modes of
24 transportation.

25 We most recently completed a comprehensive

1 sewerage study of the county; and prior to that, we
2 completed and adopted our master plan in land use of the
3 county trying to develop a regional land use plan that
4 municipalities would then reflect their planning and zoning
5 against to give some comprehensiveness to the county's land
6 use development.

7 Q What about housing?

8 A We conducted a housing study in cooperation with
9 the Office of Economic Development--this is two years ago
10 now--where we inventoried the housing stock in the county,
11 we questioned industry in the county, we questioned
12 institutions in the county as to what they saw as their
13 housing needs. That resulted in a report entitled "Housing
14 and Jobs."

15 Q Now, specifically with regard to the
16 Township of Bedminster, do you have a familiarity with the
17 township?

18 A Yes, I have a familiarity with the township.

19 Q Do you have a familiarity with their
20 zoning ordinance as it exists today?

21 A I have a general familiarity with their zoning
22 ordinance as it exists today.

23 Q You have a familiarity with the tract of land
24 which is the subject of this litigation in one respect, that
25 portion of the property which abuts the Pluckemin Shopping

1 Center and Route 202 and Washington Valley Road?

2 A Yes, I know that area.

3 Q What is the county planning board's
4 involvement in master planning for the county?

5 A We are the agency charged with preparing a master
6 plan for the county.

7 Q What is the purpose of that?

8 A The purpose of the master plan is to develop a
9 framework to guide the county's growth.

10 Q And to that extent, have you made
11 recommendations in the master plan toward that growth?

12 A Yes, we have in the plan that was prepared and
13 adopted on November 24, 1970.

14 Q Now, the plan was prepared and adopted by
15 whom? A The plan was adopted--or prepared

16 and adopted by the planning board and the staff of the
17 planning board. It was then officially adopted by the
18 planning board.

19 BY MR. ENGLISH:

20 Q You mean the county planning board.

21 A Yes.

22 BY MR. LANIGAN:

23 Q And the plan was thereafter published?

24 A The plan was published thereafter, after the preparation
25 of the report, the mapping required to do the color separations

1 on the map, et cetera.

2 Q And distributed.

3 A And distributed, widely distributed.

4 Q And when was that distributed?

5 A If I can refer to my file.

6 There is no identification date there, I don't
7 believe.

8 Q I note, Mr. Roach, on the copy of the Master
9 Plan of Land Use, Somerset County, New Jersey, which I am
10 looking at, there is an inscription "September 1971" on the
11 bottom of the first page.

12 A Yes.

13 Q Is that about when it was distributed?

14 MR. BOWLBY: I suggest we let him look
15 at his--

16 A It might have been later than that. We had a printing
17 problem.

18 The master plan was distributed with a cover memorandum
19 to all of the municipalities in the county on October 7, 1971.

20 Q Mr. Roach, insofar as the master plan
21 discusses local zoning, do you in that master plan take
22 any positions with respect to change in zoning?

23 A Well, I would say yes, we take positions in changing
24 zoning in that we call for municipalities through their
25 zoning and planning to develop the hierarchy of land uses

1 that we have shown on our plan and inherently we recommend
2 changes in that our land use plan has areas shown for land
3 uses different than those shown in local zoning ordinances.

4 Q As part of the master plan, you have two
5 maps, one of the composite of the existing zoning?

6 A There is a composite zoning map in the master plan.

7 Q One so-called master plan of land use.

8 A That is correct.

9 Q Are they by and large identical?

10 A No, they are not.

11 Q In what respect do they differ from one
12 another? A Well, in one respect

13 they differ in the detail of delineation. We have generalized
14 That is a general difference. In another respect we differ
15 sharply in land use assignments in many instances in the
16 county. We cut back on industrial zoning in some
17 communities. We indicate that we do not favor strip
18 commercial zoning and we show different land uses along
19 some of the highways in that regard.

20 Q This is with respect to land which the
21 municipality has already zoned for that purpose.

22 A That is correct.

23 Q And are there any instances in which you
24 have suggested zoning changes inconsistent with what is
25 already in existence?

1 A The things that I cited are those cases.

2 Q I'm sorry. You've given me instances
3 where a municipality, for example, has zoned for industrial
4 purposes. A Right.

5 Q You've taken the position, apparently, that
6 that should not be zoned that way.

7 A Industrial zoning, right.

8 Q Have you in any instance made recommendations
9 where the land is zoned perhaps residential and you have
10 suggested another use? A I would have
11 to study the map. I do know this, that for instance in
12 the Somerset Hills area we show our category of "Village
13 Neighborhood" extending beyond the existing small-lot zoning
14 in the Village of Pluckemin and Bedminster. Now this is
15 an inferred change in residential zoning to permit some
16 added development around those existing villages.

17 Q Do you know of any other instance in the
18 county where you have engaged in a similar recommendation?

19 A Yes, I--there are certainly cases of that in other
20 villages. I look at the Village of Kingston and Franklin
21 Township where we have extended that around that village.
22 We have expanded the Village of Blawenburgh. Where we have
23 these nucleus situations, we have recommended that a variety
24 of development be built around them.

25 Q They have been in each instance, however,

1 limited to the extension of villages.

2 A Not always to the extension of villages. We propose,
3 for instance, new community development centers around areas
4 that presently have no identification as such an area.

5 There is such an area around the interchange of
6 I-78 and King George Road in Warren Township.

7 Q Do you know of any other recommendations
8 other than these nucleus centers or the extension of
9 existing villages?

10 A There are other changes where we propose open space
11 areas where municipalities have not in their master plan
12 shown open space or zoned toward that end specifically.

13 Q And what is the position of the planning
14 board with respect to this open space? How shall that be
15 obtained?

16 A Through every means
17 available: state land acquisition, county land acquisition,
18 cluster zoning, and in many instances a state acquisition of
19 sites for reservoirs.

20 Q Have you in any instance just taken a
21 position that it should be open space, period?

22 A This is a position that the county has regarding
23 flood-prone areas. That is pretty much our commitment, that
24 we should not permit any development in flood-prone areas.

25 Q Now, with respect to the Township of
Bedminster, is there anything in your file which would

1 specifically relate to the Township of Bedminster zoning
2 ordinance recommendations by your planning board commencing,
3 let's say, in the last 12 years, from 1960 on?

4 A I don't have the Bedminster file with me, but about
5 the only thing that we have in our file are the reports
6 that were prepared by the Bedminster consultant, and in one
7 instance the county planning board thought so highly of one
8 of those reports that we secured the permission of the
9 Bedminster officials and the consultant to reproduce that
10 report and distribute it widely, and that was a report
11 entitled "Housing and Family Size Relationships."

12 Q Prepared as part of the 1964 master plan?

13 A I think this was an information report that was
14 submitted to the board for their consideration in their
15 general planning process. I could not tie it to a specific
16 master planning effort.

17 BY MR. ENGLISH:

18 Q By the word "board," you mean the Bedminster
19 Planning Board?

20 A Yes.

21 BY MR. LANIGAN:

22 Q You know of no specific recommendation then
23 by the county planning board with respect to the Bedminster
24 zoning ordinance.

25 A Not a direct involvement, no.

1 Q Now, with respect to the housing in
2 Bedminster, is there any specific position which the county
3 planning board has taken with respect to housing in the
4 Township of Bedminster?

5 A Only that position as reflected in the master planning
6 of land use and the accompanying report where we call for an
7 introduction of a mix of housing uses in the village
8 neighborhood setting or at least a modification of zoning
9 to permit additional development focused on those
10 neighborhoods.

11 Q But nothing specific.

12 A Nothing specific or any more direct than that.

13 Q Has there been any specific recommendation
14 for housing in the Bedminster area?

15 And by "Bedminster area" I define that as the
16 township plus those contiguous municipalities in the so-called
17 Somerset Hills area.

18 A The only other element of our plan is for the
19 continued low-density zoning that is in existence in the
20 area and which has given the Somerset Hills area its
21 character, the strong inference that that low-density zoning
22 should be continued to generally maintain that open
23 character.

24 Q Has the board taken any position with respect
25 to multi-family use in the Somerset Hills area?

1 A I would include Bernards Township in that general
2 definition.

3 Q Yes.

4 A We did endorse their effort for the several
5 locations for multi-family, and it's inferred in the
6 several community development and village neighborhood
7 designations on our land use plan.

8 Q Have you endorsed anything specific with
9 reference to Bedminster?

10 A Nothing specific, no.

11 Q With respect to transportation, have you
12 made any specific endorsements with respect to Bedminster?

13 A I would say the only specific transportation element
14 that we have in Bedminster is our transportation plan calling
15 for the right-of-way widths for county roads in the
16 township. In our transportation plan we also urged
17 the county to adopt a policy of standby position behind
18 three of our general aviation airports, that we should not
19 permit these airports to go out of business without
20 thoroughly evaluating their continuance. The Somerset
21 Airport would be one of those three airports.

22 Q But nothing other than that.

23 A Nothing other than that. I don't have the transportatic
24 plan with me. I do not recall whether we show any realignments
25 or by-pass roads in Bedminster Township.

1 Q With respect to sewers in the county
2 master plan for sewers, has that report been released?

3 A That report has been very recently released, yes.

4 Q As of when?

5 A As of, I guess, three or four weeks ago.

6 Q Are there any specific recommendations with
7 respect to Bedminster in that plan?

8 A In that plan, yes, there are. In that report we
9 show areas where based on our land use plan we feel there
10 is no need for the installation of public sewerage
11 facilities.

12 Q With respect to Bedminster and particularly
13 the tract which you have stated you have some familiarity
14 with, which is the subject at least partially of this
15 litigation, is there any specific recommendation with
16 respect to sewers in that area?

17 A Well, there is a recommendation for sewerage in the--
18 what we might call the Pluckemin-Bedminster Village corridor.
19 We don't intend that to be a major trunk line that would
20 reach out into the hinterlands on either side.

21 Q But nothing other than that.

22 A Nothing other than that. The county, as you know,
23 did participate in this so-called tricounty master sewerage
24 plan. That was done by Kellam Associates.

25 Q Are copies of that available?

1 A Yes, copies of this are available and they were
2 transmitted to all municipalities in the affected area.

3 Q But at what cost are they available?

4 For example, could I have a copy?

5 A Yes. If I take this number, I can give it to you.
6 It's No. 491131.

7 Q Thank you.

8 Mr. Roach, with respect to the property which is
9 the subject of some portion of this litigation, are you
10 familiar with any zoning recommendations which have been made
11 in the past with respect to such specific pieces of property?

12 A I am generally familiar with some of the earlier
13 recommendations of Mr. Egge1 who has been the Bedminster
14 planning consultant for many years now.

15 Q What were those recommendations?

16 A Specifically, I do not recall the precise
17 recommendations. I know at one time he had recommended
18 the Green Acres program acquire all the frontage of
19 Route 206 for Green Acres starting up at the county road
20 at the traffic light.

21 Q This was prior to the advent of the shopping
22 center?

A You're now speaking of
23 the little shopping center in Pluckimien?

24 Q Yes.

25 A Yes, that would have been prior to that.

1 MR. ENGLISH: Could you identify which
2 county road you're referring to?

3 MR. LANIGAN: The one I believe termed--
4 what's the route number?

5 MR. ENGLISH: Washington Valley Road?

6 THE WITNESS: I was talking--excuse me.

7 I was talking about the area from Lamington Road down
8 to the north branch of the Raritan. He was
9 proposing to acquire frontage on both sides as
10 open space. This did not involve Pluckimen
11 Village.

12 Q With respect to the Pluckimen Village
13 area, are you familiar with his specific recommendations
14 in the supplements and the bibliography to the master plan
15 with respect to this particular property?

16 A I seem to recall some by-pass--Pluckimen by-pass
17 planning that went behind what is now the shopping center,
18 some zoning changes relating to that.

19 Q Do you recall a recommendation for cluster-
20 type development in that area?

21 A Not specifically, I don't. I don't recall the details
22 of what the related zoning might have been. I would have to
23 refresh my memory with the files.

24 Q Then would you recall the recommendation for
25 office, research use in that particular area?

1 A Again, I would have to refresh my memory from the
2 files. I don't recall the specifics of either residential
3 or non-residential zoning. There have been a whole--you
4 know, a series of proposals up there and I just can't keep
5 all of these in mind.

6 Q Do you have any opinion with respect to
7 those recommendations, assuming that they were made?

8 A Well, certainly we would endorse the cluster-zoning
9 concept of providing housing and preserving open space.
10 I have always had a differing view of the future of the
11 Pluckimen area because of the so-called sterile interchange
12 between I-78 and 287 southwest of the village.

13 Q Why do you call it "sterile"?

14 A Because there is no local access. It is just move-
15 ments between the two freeways. You can't get off and
16 go to Pluckemin Village from the freeways.

17 Q You can, however, from "287"?

18 A North of the village you can get off at "206" and
19 then come back south.

20 Q There is access, is there not, from
21 "287" into the Village of Pluckemin?

22 A Indirect access, yes.

23 Q About how far away is that?

24 A It's a mile or--about a mile north of the
25 village.

1 Q Did you participate in any way in the
2 design of that access?

3 A We participated extensively in the planning for
4 both of these freeways and participated in many meetings
5 where points of access were discussed.

6 Q What was the position of the county
7 planning board with reference to access to Route 78 and
8 287 at the Pluckemin so-called area?

9 A In the Pluckemin area we felt that for local
10 convenience, there should have been provided access to
11 and from the east from "78." The township did not support
12 that view and that access was not incorporated in the
13 design.

14 Q As a county planning board, does the county
15 planning board have any position with respect to zoning
16 at or near interchanges?

17 A Well, I would say that we have a policy reflected in
18 the master plan where at select interchanges we have shown
19 community development-type land use. In other areas we
20 have recommended that the interchanges not be extensively
21 cluttered up with traffic-generating development.

22 Q Have you made any specific recommendations
23 with respect to the interchanges involving Route 78 and
24 287 as to the zoning?

25 A Well, as I have said, this is a sterile interchange,

1 so it has minimal impact on the land use. We have shown
2 the village neighborhood projecting down to the
3 alignment of Interstate 78 feeling that large-lot zoning
4 against that specific interchange was perhaps not the most
5 practical zoning.

6 Q Do you have an opinion with respect to
7 large-lot zoning in the rear of the Pluckemin Shopping
8 Center area?

9 A I would say that that too is reflected in our
10 land use plan where we show the village neighborhood
11 encompassing the Pluckemin Shopping Center area around
12 Pluckemin Village.

13 Q To what extent in terms of meets and
14 bounds?

15 A Oh, meets and bounds--I would say that--

16 Q Within a mile or--

17 A No, it's not a mile. In no instance is it a mile
18 from existing development. I would say it's closer to half
19 a mile to Route 206.

20 That's an approximation.

21 Q Is it a position according to the
22 master plan of landuse then that the area within about a
23 half a mile of the pluckemin Center should be something other
24 than five-acre zoning?

25 A That is correct.

1 There should be zoning changes to blend in some
2 added development around Pluckemin Village to about a half
3 a mile from the center of the village.

4 Q Do you know whether those recommendations
5 have ever been transmitted to the Township of Bedminster
6 other than in the master plan?

7 A No, only in the master plan.

8 Q Has the county made any specific
9 recommendations with respect to public transportation
10 with respect to the Township of Bedminster?

11 A No.

12 The only public position that the county has regarding
13 mass transportation and public transportation in
14 Bedminster would be the continuation of service on the
15 Erie-Lackawanna.

16 Q You made no recommendations for something
17 new.

18 A No recommendations for something new, no.

19 Q What is the status of that Erie-Lackawanna?

20 A Well, it's one of the few profitable commuter
21 lines in the state and it seems to have a sound future. The
22 state has shown its continuance in its recently published
23 transportation plan.

24 Q Are you familiar with the **tristate**
25 transportation study?

1 I am familiar with the Tristate Planning
2 Commission and the studies that they have generated over
3 the years.

4 Q Particularly, their regional development
5 guide?

6 A Yes, that square-mile grid plan they have for
7 the area. I am familiar with it.

8 Q What is their function with respect to
9 our county and particularly with respect to the Township
10 of Bedminster?

11 A Well, they are now charged with being the regional
12 planning agency for the New York-Connecticut-New Jersey
13 metropolitan area centered on New York, and it's a very
14 general sort of planning authority. They have no land use
15 control just as the county has no direct land use control.
16 They perhaps have less control because they have no line
17 functions. They don't build anything; they don't
18 buy parks. They just advise.

19 Q Have they made any specific recommendations
20 with reference to this area?

21 A Oh, they made specific recommendations in terms of
22 freeways, land use, open space, the ultimate population
23 capacity of the county, et cetera.

24 Q Do you know of anything specific with
25 reference to Bedminster?

1 A Well, they have given square-mile grids to
2 Bedminster; and again, I haven't committed those maps
3 to memory. We've had points of contention regarding some
4 of their land use assignments.

5 Q Particularly to reference to what?

6 A Well, keep in mind they plan on a square-mile grid
7 basis, and in some instances their square-mile grid cannot
8 take into account a land use proposal such as a linear
9 Millstone Valley Park, so they don't show a linear park
10 on their open space plan.

11 They have, we think, misallocated some of the intensive
12 development squares to areas that don't have the
13 infrastructure to support it, primarily on that level.

14 Q What impact do they have with respect
15 to local zoning, if at all?

16 A I would say that they have no impact in respect
17 to local zoning.

18 Q Thank you.

19 Mr. Roach, with reference to the subject litigation,
20 have you been asked to testify with respect to the particular
21 land use of this piece of property?

22 A No, I have not been asked to testify directly on the
23 land use of that property.

24 Q Have you been asked for any opinion as to the
25 existing zoning with respect to this piece of property?

1 A I would say that was inherent in our discussions
2 as we discussed the county land use plan.

3 Q But as far as this subject litigation is
4 concerned and being asked to appear as a witness or being
5 notified that you would perhaps be called upon, were you
6 asked for an opinion with respect to this particular tract
7 of property? A I don't recall whether that was a
8 question, but I think I volunteered that parts of the
9 proposed plans for this property did not fall in keeping with
10 our county land use plan.

11 Q In what respect?

12 A Well, I would say the intensive economic development
13 in the Pluckemin village area and areas to the east of
14 Pluckemin Village.

15 Q You're talking in the Township of Bedminster
16 now?

17 A Yes.

18 Q And to what extent? What do you mean by
19 "intensive"?

20 A Well, by "intensive" I mean other than residential land
21 uses being proposed in what we have defined as our rural
22 settlement area, be that research, office, motel or
23 commercial.

24 Q Did you have any opinion with respect to
25 the residential use being proposed?

1 A I think the nature of my opinion there was that
2 clustering in that rugged topographic area would have
3 considerable merit; that if the land was zoned residential
4 and was going to be used that way, a clustering technique
5 should be used.

6 Q Did you have any recommendation with respect
7 to the sewerage of that particular tract?

8 A The county recommendation in this regard is that
9 the Pluckemin and Bedminster Village areas should be handled
10 on a smaller scale element than was proposed in that
11 tricounty plan; in other words, we think they should tie in
12 with the Somerset Raritan system through the Bridgewater
13 Authority or develop a small suitable treatment facility
14 to accommodate the present villages and limited expansion
15 of those villages.

16 Q Has that been specifically proposed to the
17 township other than in this study?

18 A Well, this was inherent in the discussions we had,
19 and this study does not recommend that. This became a point
20 of contention.

21 Q By whom?

22 A Well, I would say between the consultant and the
23 affected municipalities in the county. The tricounty sewer
24 land did not take into account the land use planning of the
25 county and the municipalities, and that plan proposed a

major regional treatment facility at the confluence
of the North Branch and Lamington.

Q With respect to the sewerage of Pluckemin,
has the township objected to that or are they in conflict
with their consultant?

Do you know?

MR. ENGLISH: By "their consultant," you
mean whom?

Q The township's or the tricounty consultant.

A This is an interesting situation.

Q They are the same, aren't they?

A Yes.

Kellam Associates did this and--

BY MR. ENGLISH:

Q "This" referring to the tricounty sewerage
plan. Right?

A Yes.

BY MR. LANIGAN:

Q They function in two capacities, do they not?

A That is right.

Q And didn't they as the people who prepared
this master sewerage plan make a recommendation with respect
to the sewerage in Pluckemin?

A I'm sure that they did. They made a series of
recommendations.

2 Q And that is not contained in their
report?

3 A That is not contained in that report, I don't believe.

4 Q Why not?

5 A It's not on a scale called for in a regional plan.
6 The regional plan calls for ultimately a regional plan in
7 this location.

8 Q Perhaps because the township specifically
9 indicated that it does not want ^{that} to happen?

10 A No, that would not be the case because as you look at
11 that plan you would see trunk lines extending from this
12 regional plan to serve the entire township and we felt that
13 was not the way to implement a land use plan.

14 MR. BOWLBY: I think that the record should
15 show that Mr. Roach is pointing to a map. When he
16 says "this location," he means the confluence of the
17 Lamington and North Branch Rivers--North Branch and
18 Raritan Rivers.

19 THE WITNESS: Correct.

20 Q Mr. Roach, with respect to multi-family
21 housing in the county in general, is there an adequate source
22 of that type of housing?

23 A I would say there is a pending oversupply of multi-
24 family housing in the county because several municipalities
25 have zoned extensive areas for multi-family. In Hillsborough

1 Township they have applications in for 8,000 multi-family
2 units in their PUD zone.

3 Q Do you feel the same with respect to the
4 so-called Somerset Hills area, which includes the Township
5 of Bedminster?

6 A Well, with the transportation we have, you have to take
7 a broader look at things. Certainly we think that some
8 smaller scale multi-families should be located in the
9 hills area to take care of the needs of the elderly and the
10 young people in the community--the schoolteachers, et cetera.

11 Q Does that include the Township of ~~Bedminster~~?

12 A The Township of Bedminster should have some ~~land~~
13 multi-family housing, we think, in the village neighborhood
14 areas that we have delineated.

15 Q One further area, Mr. Roach. In testifying
16 on behalf of the township, what specific documents will you
17 rely upon in giving your testimony?

18 A I will rely on the composite zoning maps that we have
19 maintained over the years showing the zoning patterns
20 in effect, the master plan of land use that we have prepared,
21 our sewer report and the tricounty sewer report and perhaps
22 some of the related documents that you mentioned today: our
23 housing study, our transportation study.

24 MR. LANIGAN: Thank you. I have no other
25 questions.

CROSS-EXAMINATION BY MR. ENGLISH:

2 Q Mr. Roach, have I ever discussed in detail
3 with you what documents you should bring with you to the
4 trial in aid of your testimony?

5 A No, not in detail.

6 Q Is it possible that you might want to bring
7 some other documents in addition to the ones you just
8 mentioned in response to Mr. Lanigan's question?

9 A It might be that as I reflect on the questions that
10 have been asked today, I might think of other pertinent
11 documents that should be brought, that come to mind. The
12 "Housing and Family Size Report" might be pertinent.

13 BY MR. LANIGAN:

14 Q Would you tell me what those are when you
15 decide what they are?

16 A By all means.

17 Q Prior to giving your testimony.

18 A Yes. I think that's an order.

19 Q Well, if you can't tell me now, would you
20 tell me then.

21 A Right. If I think of anything else other than I have
22 mentioned today, I will.

23 MR. LANIGAN: Thank you.

24 BY MR. ENGLISH:

25 Q Mr. Roach, you referred in your early

1 testimony today to some of the examples where the county
2 master plan of land use differed from the composite zoning
3 map of Somerset County, and may I direct your attention
4 to some other areas in the county and ask you to tell us
5 whether or not the county master plan of land use differs
6 from the composite zoning map.

7 Will you look, for example, at the western boundary
8 of the county and Montgomery Township and the part which is
9 north of what appears to be the Reading Railroad right of
10 way.

11 A Yes.

12 Q Do you have any comments about that area?

13 A This is a part of the--another portion of the westerly
14 part of the county where the county planning board calls
15 for low-density development of a rural-settlement category.
16 The Sourland Mountains are there and we think that there
17 should be a low-density area running all the way from the
18 rear of the Duke Estate down through the south end of
19 Branchburg into the Sourland Mountains into this portion of
20 Montgomery Township that you just described.

21 Q Would that be different in any way from the
22 existing zoning patterns?

23 A Yes, it would be quite different from the zoning
24 pattern in Montgomery Township and Branchburg Township and it
25 would be an extension of that zoning and quite different from

the zoning in parts of Hillsborough Township.

2 Q In terms of acreage of lots, can you give
3 us any rough idea of the limits of rural settlement?

4 A I know of only one study that has been done in this
5 regard and that was done by the Urban Land Institute.
6 It is somewhat dated, but I don't think the concept is.
7 They did an extensive study in the Boston area. They found
8 that if you were going to rely on zoning to retain a sense
9 of rural openness, they would have to have a minimum lot
10 size of at least five acres.

11 Q Well, in your thinking in preparing the
12 master plan and land use for the county, it was somewhere
13 around five acres the concept you had in mind in delineating
14 certain areas for rural settlement.

15 A Yes, I would say it was certainly within the range
16 of three to five or more acres.

17 Q Now, again, will you look at the area in
18 the central part of Franklin Township, the east bank of the
19 Millstone River, and tell us if there are any significant
20 differences between the county master plan of land use and
21 the existing zoning pattern.

22 A Yes. This is another area that we felt was unique.
23 It's an area bounded on the north by the County Colonial Park
24 and the Hutchinson Memorial Forest running down to the state-
25 proposed six-mile run reservoir and the area immediately

1 south of that. We have proposed that the same rural settle-
2 ment type area land use be implemented in those areas to
3 retain a significant, contiguous block of low-density
4 development in Franklin Township along the Millstone River.

5 Q Were there any particular reasons for selecting
6 that area for low-density development?

7 A Yes, the character of the area, its relationship to
8 existing and proposed county and state open-space land.

9 Q Now, may I direct your attention to the
10 southern part of Bernards Township which lies to the south
11 of Interstate 78 and ask you if you have any comments with
12 respect to that area.

13 A Yes.

14 Here we in our land use planning called for residential
15 neighborhood-type development feeling that its immediate
16 adjacency to the intensive development occurring in Bridgewater
17 in Washington Valley, and Warren Township--that that figure
18 of low density, basically the minimum lot size of three
19 acres, did not lend itself to that particular situation.

20 Q And your suggestion is for a greater density
21 of residential?

22 A Higher density, cluster development, some other
23 technique.

24 MR. ENGLISH: I have no further

25 questions.

REDIRECT EXAMINATION BY MR. LANIGAN:

2 Q Bill, with respect to the Sourland Mountains
3 area, a great portion of that has or will be acquired by
4 the County Park Commission as part of their concept of
5 preserving open space. Isn't that correct?

6 A A portion of it. I wish it were a greater portion.
7 The portion they're acquiring is shown in green.

8 Q That's one way, is it not, to obtain open
9 space? A Yes. Approximately

10 1600 acres here. We have square miles. This is an
11 optimum way of securing open space: buying it.

12 Q Is it safe to say, Bill, as a planner
13 governing officials never are willing to acquire as much
14 open space as you as a planner would like to see them

15 acquire? A Because of the financial
16 constraints that they have, they do not acquire as much as
17 should be acquired.

18 Q That's a general thesis, is it not, among
19 planners? A Correct.

20 Q How did you arrive at the figure "5" in
21 terms of feeling that 5-acre zoning was proper?

22 A This was a study done by the Urban Land Institute.

23 Q Do you have a copy of that study?

24 A I have a copy of the statement from the study, and I
25 think I can get the study. I don't have it with me.

Q Perhaps you could send a copy to me.

2 A I'll do that.

3 Q That was how long ago?

4 A This is quite dated. It must have been in the early
5 50's.

6 Q You think that's changed at all since then?

7 A No. You're dealing with the use of land and the
8 concept still applies. To retain a feeling of openness or
9 ruralness you can't have development in a density greater
10 than one per five acres.

11 Q So the figure of "5" is their figure rather
12 than yours?

13 A It is their figure that I agree with, yes, from
14 observation.

15 Q How about "3"? Is that a good figure?

16 A It's a better figure than the one acre, which is
17 giving us suburban sprawl. I don't have much field evidence
18 of what three acres results in as contrasted with the
19 five-acre development that we do have in Bedminster.

20 All of this, Bill, relates to zoning requirements.
21 If you have three acres in a lot frontage of two hundred
22 feet, driving along a road you get the feeling of density
23 of acre lots.

24 Q You talk about a feeling. Is this an
25 esthetic feeling?

A That's part of

1 it--esthetic feeling. More than that, to me it's almost
2 ~~revulsion~~ just seeing the landscape cluttered with
3 development.

4 Q You mean it's offensive to you.

5 A It's offensive to me to see the land completely
6 developed and, in effect, desecrated.

7 Q You would rather see green and--

8 A I would like to see some agricultural preserved,
9 agricultural land use, some of the estate area. I think we
10 have a need for a mix of uses in this vast metropolitan
11 area.

12 Q Isn't that what the Green Acres program is
13 for? To satisfy that need?

14 A I would say not to--it was designed to satisfy the
15 recreational need but not to try to mold land use and to
16 delineate the extent of your business. It certainly hasn't
17 achieved that, if that was its goal.

18 MR. LANIGAN: I have no other questions.

19
20 **RECROSS - EXAMINATION BY MR. ENGLISH:**

21 Q Mr. Roach, you have just offered to make
22 available to Mr. Lanigan the report of the Urban Study
23 Institute?

24 A The Urban Land Institute.

25 Q Would you send me a copy of that too, please.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

A I will do that.

Q And since I don't have a copy of the master sewerage plan that you just gave a copy to Mr. Lanigan, could you make one available to me also?

A We have extra copies. I'll send a copy.

MR. ENGLISH: Thank you.

MR. LANIGAN: Thank you.

ERAS

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

THE ALLAN-DEANE CORPORATION, etc., :

Plaintiffs, :

v. :

CERTIFICATE

THE TOWNSHIP OF BEDMINSTER, et al., :

Defendants. :

I, HERMAN NEDZELA, a Notary Public and Certified Shorthand Reporter of the State of New Jersey, do hereby certify that the foregoing deposition of William E. Roach, Jr. was taken before me on Monday, May 22, 1972 and was reported stenographically by me; and the foregoing is a true and accurate transcription of my stenographic notes.

I further certify that the witness was duly sworn by me according to law prior to testifying.

I further certify that I am neither attorney for nor counsel to any of the parties; that I am not related to or employed by any of the parties or any of the attorneys in this action; and that I am not financially interested in the action.

Herman Nedzela
HERMAN NEDZELA, C.S.R.

DATED: May 27, 1972.