

RULS-AD-1972-70

9/6/1972

• DEPOSITION OF PETER LARSON

PGS - 34

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

5 Plaintiff,

6 vs.

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

10 Defendants.

RULS - AD - 1972 - 70

DEPOSITION UPON
ORAL EXAMINATION
OF

PETER W. LARSON

11 TRANSCRIPT of the deposition of Peter W. Larson, a
12 witness, called for Oral Examination by the plaintiff in the
13 above-entitled action, said deposition being taken pursuant
14 to Rules governing Civil Practice in the Courts of New Jersey
15 by and before IRVING SABOR, a Notary Public and Certified
16 Shorthand Reporter of the State of New Jersey, at the office
17 of William W. Lanigan, Esq., 59 South Finley Avenue, Basking
18 Ridge, New Jersey, on Wednesday, September 6, 1972, commencing
19 at 10:00 o'clock in the forenoon.

20 Appearances:

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

23 MC CARTER & ENGLISH, ESQS.,
24 By NICHOLAS CONOVER ENGLISH, ESQ.,
Attorneys for Defendants.

P E T E R W. L A R S O N, having been duly sworn according to law by the Officer, testified as follows:

DIRECT EXAMINATION BY MR. LANIGAN:

Q Mr. Larson, what is your full name and address?

A Peter W. Larson. My home address is Stanley Place in Chester Township.

Q What is your business address? A My business address is the Upper Raritan Water Shed Association, Box 44, Far Hills, New Jersey.

Q Do they have a place of business in Somerset County?

A The office is located in the Far Hills Municipal Building in Far Hills.

Q Is it a public agency? A We are a privately funded charitable and non-profit organization incorporated for purposes of conservation education.

Q The Borough of Far Hills lets you keep your office there? A We pay rent to Far Hills for an office.

Q What is your affiliation with that association?

A I am the executive director.

Q You are a paid full-time director. A Yes.

Q What is the function of the association?

A Conservation education.

Q How long has it been in existence?

A Fourteen years.

1 Q Who are some of the directors or trustees?

2 A Would you like a list of the officers?

3 Q Yes, if you have that. A From memory, Mr.

4 James Casey of Peapack is the president. We have several
5 vice presidents. Mr. Boynton is vice president, Mrs. Candice
6 Ashman is another vice president and first vice president is
7 Mr. Graff of Bedminster. The treasurer is Mr. Ely. He is
8 actually in Mendham, just over the line from Far Hills.

9 Let's see. There are a total of thirty trustees in addition
10 to those officers.

11 Q Could you after this deposition is over [REDACTED]

12 A I can furnish you with a list if you so desire [REDACTED]

13 Q That would be very fine. Do you know of your own
14 knowledge whether any of these people are township officials,
15 Bedminster Township officials? A To my knowledge,

16 let's see. Mrs. Ashman is a member of the Board of Adjustment
17 and another of my trustees, Mr. Starr, and to my knowledge
18 those are the only officials that we have of our board.

[REDACTED] Q You say Mr. Starr is a trustee. A Yes.

[REDACTED] Q Mrs. Starr is not. A That's correct.

21 Q What is the scope of your operations geographically?

22 A The Water Shed Association was designed to serve an ecologi-
23 cally bounded area of the watershed of the Upper Raritan River
24 which is all or portions of twenty municipalities. It involves
25 190 square miles or three per cent of the land area of New

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Jersey.

2 Q Do you have that delineated anywhere on a map?

3 A Yes. I can furnish you with that. It's on our letterhead,
4 the logo, the symbol.

5 We have many different sizes and scales of maps. I have
6 one that would be of greatest interest to you that I will see
7 that you have.

8 Q How do you derive support for your organization?

9 A Through membership contributions and donations essentially,
10 chargeable contributions.

11 Q Do the townships involved, for example, ~~Bedminster~~
12 Township, do they give you a contribution?

13 A No, sir.

14 Q Have you been authorized by the association to
15 appear today, for example? A To qualify my answer,
16 I have been authorized to assist Bedminster Township in this
17 case.

18 Q In what way was that authorization granted?

19 A Through a board of trustees meeting. A vote was taken
20 and I should be available to assist Bedminster Township.

21 Q In the defense of its case. A The wording
22 was not put in so many words, in defense of the case, but I
23 would assume that this was the intent.

24 Q At whose instigation was this resolution offered?

25 A It was not an instigation. The way my involvement came

1 about was through a telephone call, really, from Mr. English
2 requesting information and through discussions about the nature
3 of the environmental information which we have available, it
4 was deemed by Mr. English that my information would be valuable,
5 my personal testimony would be valuable, and therefore I sought
6 of my own volition approval by my trustees to participate in
7 assisting Mr. English in providing environmental information.

8 Q Was a formal resolution adopted authorizing you?

9 A According to my interpretation, yes.

10 Q Do you have a copy of that? A There was,
11 let's say, in the minutes of their meetings, not a separate
12 piece of paper saying I was authorized.

13 Q Could you provide me at some later date after this
14 deposition hearing with a copy of those minutes authorizing
15 you? A I certainly will, sure.

16 Q As a public body, are your minutes available and
17 on file with the office of the association?

18 MR. ENGLISH: I object to the characterization,
19 public body, since the witness has said it is a
20 non-profit corporation and it may not be public in
21 every sense.

22 MR. LANIGAN: Let me rephrase my question.

23 Q You are qualified for Internal Revenue Service
24 purposes. A Yes.

25 Q As a private or public foundation?

1 A Public.

2 Q As such your records are available to the public.

3 A Yes.

4 Q Thank you. With respect to the actual litigation,
5 the Allan-Deane Corporation against the Township of Bedminster,
6 et al, have you made a specific study of the township?

7 A Will you qualify that?

8 MR. ENGLISH: Do you mean for the purpose of --

9 Q For the purpose of litigation, have you made a
10 specific study of Bedminster Township? A Again, let me
11 answer this way in general terms. I would say yes, but I would
12 also qualify it by saying that because of Mr. English's request
13 I have reviewed information which we have already available
14 in more depth than perhaps I would have otherwise.

15 Q In addition to reviewing the material that you
16 already have available, have you made other independent
17 investigations in connection with this litigation?

18 A We have -- the association has authorized me, that is,
19 the association board of trustees has authorized me to conduct
20 further investigations of water quality in the entire Upper
21 Raritan Water Shed in order to do several things.

22 First, to provide us with more informatinn on environmental
23 planning in the entire watershed.

24 Secondly, to show Bedminster's strategic or critical
25 relationship to that watershed.

1 And thirdly, to assist in whatever way we can what we
2 consider a very critical case in the interpretation of open
3 space planning.

4 Q Have you made that investigation?

5 A We have entered into contracts with the Philadelphia
6 Academy of Sciences to conduct these investigations. They are
7 in the process.

8 Q They have not been conducted. A They are not
9 completed. The feed work has been conducted. The full
10 analysis has not as of this date been completed.

11 Q Do you have any estimate as to when it [REDACTED]
12 completed? A Dr. Patrick has estimated the date of
13 completion will be September 15th.

14 Q That investigation will then be turned over to you.

15 A Yes.

16 Q What will you do with it then? A This will
17 provide me with additional information to compile further
18 estimates of the watershed, its land, estimates of its carrying
[REDACTED] the ability of the watershed to supply water and to
[REDACTED] care of sewage from so many thousands of people.

21 I said additional information because we have two prior
22 studies, one in '67 and one in '69, also done by the same
23 people.

24 Q Do you have those studies available?

25 A Yes.

1 Q Do you have extra copies of them? A Yes.

2 Q Could you after this deposition send me a copy of
3 each of those studies? A Certainly.

4 Q How long will it take you after September 15th to
5 take the data which you are going to receive expectantly on
6 that date and make your report to your trustees?

7 A Well, I have estimated probably about two weeks time would
8 be required to do an in depth analysis.

9 Q Do you think you would be done before September 29th?
10 That is two weeks from the 15th. A If possible, yes.

11 MR. LANIGAN: Mr. English, I would like to take
12 Mr. Larson's deposition sometime on or before the
13 29th. That is the limit of our discovery date.

14 We must have our discovery completed by then
15 and it is quite apparent that he is not completely
16 prepared to testify as to the result of his
17 conclusions, at least, until that date and I am
18 respectfully suggesting perhaps that you and I can
19 agree on some sort of date prior to then or on that
20 date which would permit me to find out the sum and
21 substance of his conclusions which are of great
22 interest of course to the plaintiff. That would only
23 be one facet of it.

24 Q Mr. Larson, I have other questions of your previous
25 investigations and examinations, but I think that is a very

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9

1 and
2 important part of/ will become a very important part of that
3 testimony. Is that correct? A Yes.

4 MR. ENGLISH: Well, Mr. Lanigan, I think past
5 history shows you and I have tried to cooperate with
6 due regard to mutual convenience of counsel and
7 witnesses.

8 MR. LANIGAN: Completely.

9 MR. ENGLISH: I will do whatever I can. I
10 would point out that to complete discovery by the
11 29th may be a little close.

12 If there is some delay in Dr. Patrick's coming
13 our work and if Mr. Larson needs time, I would hope
14 there might be some flexibility on that if the
15 situation requires it.

16 MR. LANIGAN: Off the record.

17 (Discussion off the record.)

18 Q Mr. Larson, have you made any particular studies
19 of the impact of the Allan-Deane proposal on Bedminster

20 A No, I don't think I can zero in on the
21 Allan-Deane Corporation proposal particularly.

22 Q Or any other proposals which have been made in the
23 township over the past year. A Well, let me say it
24 this way. I think that I have followed with great interest
25 all of the proposals that have been made in Bedminster within
the last several years.

1 I have only been there a year myself. I'm trying to catch
2 up on records, what has been proposed, et cetera. In this
3 process of self education, I have tried to come up with
4 information about Bedminster Township, about its environment
5 and specifically about the sites which people are asking
6 questions about, so I would have to say I have studied the
7 sites and in their environmental parameters rather than the
8 proposals per se.

9 Q So that would include the Western Electric proposal.

10 A Right.

11 Q The current American Telephone & Telegraph proposal
12 long lines. A Yes.

13 Q And the current Allan-Deane proposal.

14 A Yes.

15 Q But you have not delved into any of the specifics
16 of each proposal. A Would you define "specifics"?

17 Q Do you have any familiarity, for example, with the
18 Allan-Deane application to the planning board or the request
19 for rezoning which has been made in this case?

20 A Yes, I have general familiarity from attendance at the
21 planning board hearings. I heard a great part of the proposal
22 as it was presented.

23 MR. ENGLISH: Do you mean planning board or
24 board of adjustment?

25 THE WITNESS: Excuse me, the board of

1 adjustment in the Allan-Deane case.

2 Q For example, you have done the same thing with respect
3 to Western Electric and the I.T. & T.?

4 A If I follow their proposals, in this fashion, what has
5 been in the newspapers, what has been a matter of public record.

6 Q Have you physically inspected plans in connection with
7 each of these? A Yes.

8 Q Have you formed conclusions as to the environmental
9 impact as to these? A In part.

10 Q In what respect? A In respect to the general
11 over view of what types of facilities have been planned for
12 specific areas of tracts and the probable impact on that
13 particular siting on the entire tract and on the environmental
14 system or eco system as a whole.

15 Q Let's take the Allan-Deane tract. What is your
16 conclusion with respect to that? A Well, I would have
17 to talk around the question by answering it in parts. Which
18 would you like me to cover first, the siting of the buildings?

19 Q What is the impact as far as you are concerned?

20 A Okay. The impact of siting of a motel-office
21 complex as one part would be, let's say, one section and then
22 the housing on a mountain and a golf course, et cetera, would
23 be another section.

24 Q Let's take the first thing. A The motel-
25 office complex to me provides one of the greatest impacts

1 of the proposal, namely, because of the vast numbers of people
2 or, let's say, the greater numbers of people involved.

3 Q How many people? A I'm not familiar with the
4 exact numbers that have been proposed. It doesn't really
5 matter.

6 Q Except that you know several thousand people.

7 A More than that are there right now.

8 Q You formed your conclusion without knowing how many
9 people. A No. I have this information in my office.

10 I don't have it before me. The general conclusions are
11 based on, let's say, the impact of several thousand people
12 more than that are there now.

13 Q What is your conclusion? A My conclusion
14 would be, first, in terms of water quality as part of the
15 environmental aspect.

16 Q What water quality? A Water quality, I would
17 define it in two parts, surface water and ground water.

18 The surface water would mean the storm water as it runs
19 over the tract and the ground water would be defined as that
20 water which seeps into the ground following each rain storm
21 and seeks the water table.

22 Now, in the former case, the surface runoff would be
23 increased by some percentage.

24 Q What percentage? A The engineer has stated
25 some percentage.

1 Q What is that percentage? A Well, again I don't
2 have the figures before me. It would approach probably between
3 three and five per cent.

4 Q Mr. Larson, I think this, that perhaps we should
5 adjourn these depositions and you should go get your notes and
6 see what you are really testifying about because you don't
7 know how many people, you don't know what the percentages are
8 and it is apparent that you have gotten this from a board of
9 adjustment hearing which is not part of this litigation.

10 Is that possible, for you to go back to your office and
11 get your notes from which you have drawn your conclusions?

12 MR. ENGLISH: Just a minute, Mr. Lanigan. I
13 have not heard until this moment any suggestion that
14 Mr. Larson bring anything with him.

15 You have asked him for his conclusions. He has
16 stated that he was at the board of adjustment hearing.
17 His conclusions are based on what he heard there and
18 that was information that was put in by you on behalf
19 of the Allan-Deane Corporation.


20 It seems to me that if you give him a chance
21 he may tell you what his conclusions are and on what
22 I have heard so far, they are based on what he heard
23 you produce at the board of adjustment hearing, so
24 I think there is adequate basis for his conclusions.

25 Q What did you hear? A My recollection of the

1 board of adjustment hearing at which your engineer presented
2 some runoff figures, his estimate I believe was around three
3 to five per cent, in that range, would be the increased runoff.

4 That is only a small portion of significance in terms of
5 the effects on ground water.

6 The increased runoff on the surface water is an increase
7 over what runs off now. That is obvious. The effect on the
8 immediate neighborhood and down stream in the Chambers Brook
9 Water Shed, which this is a portion of, would be increased in
10 the height of the water and number of gallons of water, which
11 again I have not computed.

12 It really doesn't matter because whatever is  is
13 a problem for somebody else. It's an outside problem.

14 Q Are you telling me that no matter what the increase
15 is, it is bad? A Yes. It is just a question of
16 magnitude.

17 Q You don't know how much of an increase.

18 A Well, again these can be computed very easily. I assume
19 your engineer computed them. That is when he came up with
20 percentage figures.

21 Q Do you disagree with that? A No.

22 Q You stated that the amount of the increase really
23 doesn't matter to you because it's an increase.

24 A Right.

25 Q But you don't know how much of an increase it is.

1 A Not right off the top of my head I don't.

2 Q Did you consider it? A Surely.

3 Q What was it? A I don't have the information
4 with me. Do you want the number of gallons?

5 Q Is it a dramatic increase or little increase or do
6 you recall at all? A Let me put it this way. An
7 increase of so many millions of gallons of water, and it would
8 be in the millions of gallons --

9 Q Where did you get that figure from?

10 A Based on the runoff from this number of acres that would
11 be involved in roof tops, parking lots, et cetera, that is
12 a one-hundred per cent runoff or close to it and this would
13 be at least 30,000 gallons per acre inch.

14 If you have one acre of parking lot and one acre of roof
15 tops, this means an additional 30,000 gallons of water. How
16 many of those multiples do we have to add up before we have
17 millions of gallons of water?

18 Q You heard that testimony. A Yes.

19 Q Do you disagree with the number of feet involved in
20 terms of -- A I have no reason to disagree.

21 Q Do you disagree with the engineer's conclusions as
22 to what water would be produced? A No.

23 Q Well, your point then is that if there is any
24 produced, it is too much.

25 MR. ENGLISH: That is not what the witness

1 said.

2 Q What do you say? What is your conclusion based on,
3 figures that you don't disagree with? What is your conclusion?

4 A My conclusion is that I'm leading up to a problem of flood
5 control in terms of surface runoff. That is one problem.

6 Q Is there any problem? A Any incremental
7 increase in runoff is going to complicate flood control problems
8 downstream..

9 Q Based on what you have heard and the figures you have
10 available to you, is there a flood control problem?

11 A Yes.

12 Q How much? A The entire Raritan River
13 flood problem.

14 Q I'm talking specifically with the Allan-Deane
15 proposal and the Allan-Deane tract. Is there a flood problem
16 based on what you have heard?

17 MR. ENGLISH: He is talking about the flood
18 problem resulting from the river system from this.

19 You are asking him or you are trying to limit his
20 answer to something different from what he is talking
21 about.

22 MR. LANIGAN: He has been talking about the
23 Allan-Deane proposal and the figures that he heard.

24 MR. ENGLISH: That's right.

25 MR. LANIGAN: I am not at this point questionin

1 him about the flood control problems of the watershed.

2 MR. ENGLISH: This is what he is talking about.

3 MR. LANIGAN: I know that. I am questioning
4 him as to what is the flood control problem, if any,
5 resulting from the figures which he heard, does he
6 have an opinion on that.

7 MR. ENGLISH: Water goes downstream, Mr. Lanigan.

8 MR. LANIGAN: The witness can tell me that.

9 MR. ENGLISH: Of course he has been telling you.

10 Q What is, if anything, a flood control problem resulting
11 from the figures which you heard? A The flood control
12 problem is that Chambers Brook, as the immediate watershed
13 draining this tract, has a flood problem and it has an
14 increasing flood problem.

15 The increased flood problem relates to the amount of
16 development of more houses, businesses, et cetera, within that
17 watershed. Any increase over what we now have for development
18 is going to cause more flooding.

19 Q Does all of the drainage in this tract go to the
20 Chambers Brook? A No.

21 Q Is there a problem anywhere else then?

22 A There is a small portion of this which drains directly to
23 the Raritan River and it's a small sub-watershed. It is not
24 delineated, part of the main stem, part of the main north
25

1 branch.

2 Q Is there any flood problem with respect to that
3 drainage? A By the same token, this relates to the
4 drainage basin and any increase in runoff in terms of time and
5 volume is going to complicate the problems elsewhere within
6 that watershed downstream, whether it's analogous to Chambers
7 Brook and the immediate neighborhood or the larger regional
8 neighborhood.

9 Q Is there or is there not any problem with the drainage
10 other than Chambers Brook on the Allan-Deane tract?

11 A Yes. The problem is runoff, accelerated runoff
12 flooding elsewhere.

13 Q Can that be alleviated in any way by use of a retention
14 basin or anything? A Yes.

15 Q Do you recall at the board of adjustment hearing
16 that Allan-Deane offered to provide a retention basin on the
17 tract? A Yes, I recall that.

18 Q Would that take care of the flooding problem?
19 It may reduce it. I don't know whether it would take
20 care of it because the engineer's testimony, that again I
21 recall, indicated that there would still be an increase in
22 runoff, including that which was held in the retention basin.
23 That was my interpretation of what he said.

24 Q Do you have an opinion with respect to the quality
25 of the water? A Yes.

1 Q Which would be produced by this tract.

2 A The general water quality would necessarily decline because
3 of involvement with man's activity, regardless, just having
4 more people on the site, more cars on the site and so forth.

5 There will be waste materials produced and these will of
6 course get involved with the water and be washed not only off
7 the surface but into the ground and carry the pollutants and
8 contaminants with them.

9 Q That is a general problem. A That is a general
10 problem with anything anywhere.

11 Q We have that problem with respect to the [REDACTED],
12 don't we? A Correct.

13 Q We have the same problem in the sense there is an
14 increased runoff. A Yes.

15 Q Have you formed an opinion as to the suitability then
16 of the application with respect to the environmental impact?

17 A Generally. The application, as you term it, would be its
18 nature, would cause the environmental quality of the area to

19 decline.
20 Q To such an extent that it should not be permitted
21 or what?

22 MR. ENGLISH: I object to that question. It
23 calls for a conclusion. This is essentially a legal
24 conclusion.

25 Q Do you have an opinion as to that? If of course you

1 do not, then you do not. A Could you restate that
2 question again. I want to make sure I have got it right.

3 You are relating to the quality of the environment and the
4 application, whether it should be permitted or not.

5 First, the decision is not mine to make. That's of the
6 community. However, my own personal opinion would be that this
7 development, as any other development, has a fractional per-
8 centage of land area in the total watershed.

9 This being a potable watershed, I have to bring in water
10 quality here.

11 We have talked about water quality as it relates to the
12 environment. The water quality, speaking from the water
13 quality aspects of it, the magnitude of this development as
14 the magnitude of the A.T. & T. proposal and the apartment
15 houses proposed in Chester Township, the apartments proposed
16 in Mendham Borough, all these have by their nature large
17 concentrations of people.

18 Because of those concentrations of people and activity,
19 they will seriously affect the ability of the watershed to
20 supply them with adequate quantities of drinking water from
21 the watershed, and by the same token to recycle their waste
22 materials through water carriage and sewage and maintain a
23 potable water quality.

24 These will be difficult problems of interpretation of
25 how much is too much and it is that information which I don't

quite have. How much is too much?

2 Q Have you taken positions, has the association taken
3 positions with respect to each of these instances that you
4 cite? A Taken positions?

5 Q Yes, for or against or offered testimony similar to
6 what you are offering here. A The situations that
7 I just mentioned are all relative recent cases and we have
8 offered information to their respective communities. I'm also
9 engaged in similar analyses of each of those cases.

10 Q Is it the position of the Watershed Association that
11 any increase or any impact is bad? A I don't believe
12 it's that case at this time. It may be in the future, once
13 we determine this so-called carrying capacity of what we can
14 stand, what is reasonable. I don't know this yet.

15 Q That is my next question. Do you have a standard in
16 the association as to what is a reasonable amount of developmen
17 and what is an unreasonable amount? A The standard,
18 as I would define it as a representative of the association,
19 not having a policy to go on here, the standard to my own
20 personal opinion again would be the concept of balanced
21 growth.

22 Now, let me define balanced growth. To me balanced growth
23 is that situation where resources of water supply and ability
24 of the streams to take sewage or to dispose of waste material
25 is in balance with those activities of man which generate those

1 needs for water and the needs dispose of sewage so we don't
2 over balance the system.

3 That is my definition. As long as we don't exceed those
4 limits, then that growth might be termed reasonable.

5 Q Where are those limits written down, if at all?

6 A They are not.

7 Q How do you arrive at them? A That is what we
8 are trying to do.

9 In each particular instance. A Yes. I don't
10 think we can make a generalization for the entire eco system,
11 watershed or what have you.

12 Q With respect to the watershed itself, it is in
13 association position that it is an accumulative thing, that
14 one development might not have an impact, but ten would?

15 A Not quite the way you phrased it, but generally it is not
16 that one development would not have an impact. Every develop-
17 ment has an impact, but the cumulative part I agree, yes.
18 Cumulatively, they do add up.

19 They have a geometrical relationship. The impact of
20 are like that of four.

21 Q It goes beyond municipalities' boundaries, does
22 it not? A Very definitely.

23 Q Have any other agencies other than the state
24 assisted you? A The counties of Morris and
25 Somerset and Hunterdon have cooperated through their planning

boards and their engineers.

2 Q Do you think it is possible to design a system that
3 doesn't have any impact? I am talking about a drainage
4 water now. A Yes, anything is possible, I

5 suppose, but I would have to qualify that answer by saying it
6 depends on whether you are proposing to build a Manhattan in
7 the middle of the watershed or a single family house. How
8 much water are we talking about and what is reasonable? Do
9 we build a Grand Coulee Dam or a little retention basin?

10 Q Is the criteria putting less water into the streams?

11 A Again, I can go back to my balance growth, sort of keeping
12 it the way it was, the natural system is in balance.

13 If we upset the natural system, then we have to try to
14 compensate for that upset by keeping the water on the tract
15 or going downstream a little bit perhaps and building a
16 retention basin here.

17 Q Supposing the water could be retained completely on
18 the tract, there is no impact on the streams, is there?

19 A On the streams, I would not say it that way, Mr. Lanigan,
20 because there is necessarily to have some runoff from the
21 tract, some, natural percentage of runoff in order to
22 maintain the streams.

23 So staying within the realm of what is there now in
24 maintaining that would be most reasonable.

25 Q You mean we could be doing a disservice in not having

1 some runoff. A Yes.

2 Q Let me try to zero in. No runoff is bad and too much
3 runoff is bad. A Yes.

4 Q Somewhere in between in an acceptable amount.

5 A Right.

6 Q That is going to be the result of your study.

7 A Yes, generally. That would be one of the conclusions.

8 Q With respect to the disposal of effluent, what is
9 your recollection with respect to this particular proposal?

10 A Well, I have several that may be relevant right here, the
11 two areas that I am concerned about with the disposal of our
12 sewage.

13 The engineer testified that septic tanks or on-site
14 disposal all would be, I believe in his words, impossible.
15 This is one element.

16 The other element, that the offer was made to the
17 community that the developer would take care of the disposal
18 of sewage in any fashion that they were instructed to do so.
19 I believe that is generally a correct conclusion.

20 My interpretation of those statements would be of interest.

21 First, the septic tank problem, the soils maps which are one
22 way of interpreting the septic tank problem indicate that
23 large areas of that tract, not one-hundred per cent, have
24 very severe limitations. They are very difficult areas to
25 build septic tanks and make them work.

1 Q The mountain area in particular.

2 A Again from memory, the whole mountain area, a good portion
3 down towards the Pluckemin Village and only one area in the
4 middle, uphill I believe, from where the motel was proposed
5 would have no particular limitation according to the informa-
6 tion I have, which is again based upon the natural resources
7 inventory that we had done by the -- which the association
8 had done by the Philadelphia Academy of Sciences back in 1969.

9 Q It would have no limitation. A No particular
10 limitation for building septic tanks.

11 Q So that septic tanks could be built.

12 A On portions. This criteria would be for single family
13 houses according to the ability of that soil to absorb certain
14 quantities of effluents, that is, not an unlimited amount of
15 water as sewage that could be disposed of.

16 It is definitely conditioned upon the limits of single
17 family houses according to this one study I am quoting from.

18 There are areas in which septic tanks might be built upon
19 to dispose of limited quantities of effluent. There are
20 surprisingly great problems on a major portion of the tract.

21 These would relate to two factors, that ability of the
22 soil itself to absorb water and the ability of the engineers
23 to get down deep enough for the septic tank and the shallow-
24 ness to bedrock, shallow soil and so forth.

25 Q Let's take the flat area immediately abutting the

1 so-called Pluckemin center.

2 You are familiar, are you not, with the septic and sewage
3 problems which those houses have? A Yes.

4 Q Do you contemplate that septic systems would be
5 suitable in the abutting area on that flat plain?

6 A There are areas in that immediate neighborhood which would
7 not have had the types of problems as in the Pluckemin Village
8 area.

9 Q Even though they are 150 or 200 feet away.

10 A Because the soil is different and that makes the difference.

11 Q Is it possible to build septic systems on the mountain
12 in the rock or up on top? A Technically, yes, but for
13 various other reasons it would be very difficult to do so and
14 to protect the interest of public health for one.

15 Q You heard the conclusion of the applicant, that for
16 all practical purposes it could not and would not propose
17 septic systems for the tract. A Yes.

18 Q Do you agree with that conclusion?

19 A For the type of proposal that was made, yes.

20 Q Let's take the residential proposal portion. Would
21 the septic systems be suitable for that portion?

22 A Again I would have to qualify these answers. In terms of
23 New Jersey public health law as it now exists in Chapter 199,
24 it would be most difficult to obtain a what is known as a
25 perc test or percolation test on those areas in the mountain.

1 It would similarly be difficult to conform to Chapter 199
2 by filling or bringing in other soils to build leaching fields.
3 Engineering-wise, it is technically possible to make these
4 things work, but politically and legally most difficult.

5 Q With respect to the second portion, the disposal of
6 the effluent, are you aware that there has been an offer to
7 the township to sewer the Pluckemin area to accommodate that
8 flow? A Yes.

9 Q What is your opinion with respect to that?

10 A From an ecological standpoint, you are asking me for the
11 impact of sewers as well as the impact on the immediate area.

12 In the first case, the impact of sewers is to collect
13 water from the tract or any houses in the area, put it into
14 a pipe and ship it some place else.

15 The ecological impact of taking water and putting it over
16 here is that you reduce the amount of water going down to the
17 water table to recharge that water table and thence flow out
18 laterally to feed the streams with low flow water in between
19 rain storms, and therefore the impact of sewers is to lower
20 the water table and to generally dry up the streams.

21 To some degree, if not totally, some fraction of their
22 flow would be reduced. So that is one major consideration of
23 sewers and their impact.

24 Q Sewering the Pluckemin area would further the interest
25 would it not, of the Watershed Association?

1 A It depends on the interest, how you define our interest.
2
3 If you consider reducing the pollution of the Chambers Brook
4 area, we could look at the definition of pollution and question
5 whether this has in effect been accomplished by the portion of
6 the Chambers Brook which is now already sewered and I think
7 this is a questionable practice or policy or what have you.

8 The building of sewers in the Chambers Brook Watershed has
9 only partially alleviated the pollution problem. It has not
10 eliminated it.

11 The pollution of Chambers Brook is there and it is a
12 result of people being in the watershed more than it is now
13 a result of direct discharge of sewage into the area.

14 Q With respect to the disposal of the effluent, if the
15 applicant sewers the tract and disposes of it, is there going
16 to be any impact beyond the tract? A Definitely.

17 Q How? A Sewage has come out of the other end
18 of the pipe, has to be treated and it then is discharged
19 usually into a water course and it depends on where it goes
20 and which water course, what that impact will be.

21 Q One of the proposes was to pipe it up over the hill
22 into a treatment facility which would encompass the entire
23 tract of some 1500 acres.

24 It is possible, is it not, to have a system which
25 completely treats the effluent and discharges it in pure form
into the water course? A It is possible but to date

1 it has not been accomplished in the State of New Jersey.

2 Q Are you taking the position that no treatment plants
3 are ecologically sound? A Well, I think yes, I would
4 have to take that position at this time.

5 Q So far as you know, one can't be designed that would,
6 A That would have no impact short of putting back distilled
7 water. We can design one this way. We can go to reverse
8 osmosis and so forth.

9 Q Is the Watershed Association taking the position that
10 no further treatment facilities are going to be permitted or
11 should be permitted in the watershed area? A No.

12 Q Then some could be permitted. A Yes.

13 Q Is it possible then to design one which could be
14 acceptable to the Watershed Association? A It is
15 possible.

16 Q Is there any reason to doubt that Allan-Deane would
17 not do that based on what you heard? A I have my
18 personal doubts as to the feasibility of designing a self
19 sufficient treatment facility on site or in the immediate
20 neighborhood which would maintain the environmental quality
21 as it now exists.

22 Q Is that with respect to this particular site or
23 any site in the watershed? A The general Pluckemin
24 area. This is based upon I think some premature conclusions,
25 but generally the elements of this conclusion are available.

1 The factors to make the conclusion are available. The amount
2 of water available for dilution is low.

3 Q Unless we use some of the drainage water that you
4 spoke about of course. A True to a point, but then
5 rainfall is not all that dependable and you will have great
6 fluctuations in the amount of reservoir reserve capacity for
7 dilution.

8 Q You could use a retention pond that we spoke of for
9 the drainage, couldn't you, for that purpose?

10 A Yes. This has been proposed for other tracts and generally
11 the position, as I know it from the State Department
12 Environmental Protection's position is that these types of
13 facilities which require dilution of the effluent as part of
14 their treatment are not dependably controllable by small ponds

15 It would require a large reservoir in order to maintain
16 its flow in one or two year drought conditions like we had
17 in '64, '65 and back in the thirties and twenties and so forth

18 There have been conditions, you know, of low flow which
19 ~~and rivers just plain dry up.~~

20 Q How about one of sixteen acre size?

21 A I just could not make an off the hat conclusion because
22 the number of gallons of sewage disposed from the site is
23 not yet known to me personally.

24 If sixteen acres, how deep, how much water is available?
25 If we can stay within a dilution ratio of something like one

1 part of sewage to over ten parts of water, then I believe the
2 state might approve a secondary type treatment facility with
3 that ratio of dilution.

4 This is the design criteria at the present time for most
5 sewage plants in New Jersey.

6 Q Mr. Larson, with respect to the rest of the township,
7 have you made any recommendations in the past with respect to
8 the ultimate development of the rest of the township to the
9 township committee or the township planning board?

10 A No, I have not.

11 Q So that this will be the first recommendation that
12 you make. A Yes, considering I have only been here
13 since June of '72. I really haven't had that much time to
14 make that many recommendations. There haven't been that many
15 major changes proposed.

16 Q You spoke of being in the association a year.

17 A Yes.

18 Q You mean June of 1971. A Yes.

19 Q So that you have been here fifteen or sixteen months.

20 A Correct.

21 Q Up to this point this will be the first recommendation

22 MR. ENGLISH: Just a minute. I object to the
23 term "recommendation," because the whole context here
24 is that Mr. Larson possibly may be testifying as a
25 witness in the trial.

1 We are not concerned with any applications before
2 the municipal bodies which is as far as this project
3 is concerned I believe a thing of the past.

4 MR. LANIGAN: I am simply trying to find out
5 whether this is his first.

6 THE WITNESS: No. In Bedminster Township this
7 may be the first time that I have assisted the
8 community at their request.

9 Q Have they requested your assistance with respect to
10 the A.T. & T.? A Not officially on behalf of any
11 official elected by the Township of Bedminster. ~~Unofficially,~~
12 yes, I have been.

13 Q By whom unofficially? A I don't think I can
14 list all the people that have called me on the telephone and
15 stopped in at the office to talk about it.

16 Q You mean -- A A lot of people. I would have
17 to say I have talked to probably fifty people in Bedminster
18 specifically about the A.T. & T., I think more than fifty.

19 Q For or against? A In all directions. I am
20 not saying that I have an opinion good, bad or indifferent.
21 I just want to make sure that the general environmental factors
22 are considered.

23 Q You have no opinion as to that one.

24 A I have the same general type of opinion about the A.T. & T.
25 It's more pressure on the environment and therefore less than

1 totally desirable.

2 Q One final thing. What is your educational background?

3 A I'm a native of Massachusetts, born and raised there. I
4 went to the University of Massachusetts and obtained my B.S.
5 degree from the University of Massachusetts in 1958.

6 That was in the general field of agriculture. I then,
7 after concluding a brief stint in the army reserves, I was
8 working for the University of Massachusetts from 1960 through
9 1971 in a field office, Norfolk County.

10 During that period of time I took graduate courses towards
11 my master of science degree in agricultural economics and I
12 concluded that degree finally last June of 1971.

13 At that time I made my move to New Jersey. So I have
14 completed my master's degree in agricultural economics, which
15 was also from the University of Massachusetts.

16 During that ten year time span I was engaged in a number
17 of additional short course training in environmental sciences
18 and I worked with the university personnel in the Department
19 of Environmental Sciences.

20 MR. LANIGAN: Thank you. I have no other
21 questions.

22 MR. ENGLISH: I have no questions.

23 * * * * *

24

25

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

5 Plaintiff, : CERTIFICATE

6 vs. : OF OFFICER

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

10 Defendants. :

11 I, IRVING SABOR, a Notary Public and Certified
12 Shorthand Reporter of the State of New Jersey, do hereby
13 certify that prior to the commencement of the examination
14 the witness, PETER W. LARSON, was sworn by me to testify the
15 truth, the whole truth and nothing but the truth.

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

20 I DO FURTHER CERTIFY that I am neither a relative
21 nor employee nor attorney nor counsel of either of the
22 parties to this action, and that I am neither a relative nor
23 employee of such attorney or counsel, and that I am not
24 financially interested in the action.

25 My Commission Expires
August 1974.

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