

RULS - AD - 1972 - 80

9/19/1972

• DEPOSITION OF ISADORE CANDEUR

Pgs - 59

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

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

Plaintiff,

vs.

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

Defendants.

RULS - AD - 1972 - 80

DEPOSITION UPON
ORAL EXAMINATION
OF
ISADORE CANDEUB

12 TRANSCRIPT of the deposition of Isadore Candeb,
13 called for Oral Examination by the defendants pursuant to
14 the Rules of Civil Practice and Procedure Governing the
15 New Jersey Courts and Notice of Depositions, said deposi-
16 tion being taken by and before ROBERT G. MEEKS, a Notary
17 Public and Certified Shorthand Reporter of the State of
18 New Jersey, at the office of McCarter & English, Esqs.,
19 550 Broad Street, Newark, New Jersey, on Tuesday, September
20 19, 1972, commencing 10:00 o'clock in the forenoon.

21 A p p e a r a n c e s :

22 DANIEL F. O'CONNELL, ESQ.,
23 Attorney for Plaintiff.

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

I N D E X

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WITNESS

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ISADORE CANDEUB

By Mr. English 2

By Mr. O'Connell 55

1 A In Somerset we carried out a renewal study or
2 redevelopment study for Franklin Township some years ago,
3 I don't remember the date. I believe it was the Urban
4 Redevelopment Agency.

5 Q Could you give me the approximate time or
6 decade when that work was done? A I
7 would believe it was about 1964 or thereabouts.

8 Q Good enough. A We have done
9 other work in Somerset County, but I don't remember specific
10 clients or dates.

11 In Morris County, we are presently employed by Morris
12 Township in the making of a master plan, Morristown in
13 consulting services to the Planning Board and to the
14 Redevelopment Agency, and Chester as consultants to the
15 Planning Board.

16 Q Excuse me. Is that Chester Township or Chester
17 Borough? A I must confess my ignorance. I
18 assume it's the borough, but it might be the township.
19 That's all that comes to mind immediately.

20 Q I take it your answers included work done by
21 your firm, not necessarily by you personally?

22 A Thank you for reminding me that I'm talking of -- all
23 the work I talk about is in terms of my firm, because I don't
24 do any work outside of the firm.

25 Q Were you personally involved in each of the

projects you have just referred to?

2. A. I was personally involved in the Franklin Township work.

3. I was personally involved and have been involved in Morris-
4. town, in the Town of Morristown. I have been and am involved
5. in Morris Township.

6. To date I have not been involved in our Chester work.
7. That has been a matter of direct consulting services to
8. the Board carried out by one of our staff members.

9. Q. Can you give me any more information about
10. work you may have done in Somerset County, or was it for
11. developers or private land owners as distinguished from
12. municipalities? A. It was for developers and

13. private land owners.

14. Q. And generally in what part of Somerset County,
15. if you recall? A. Bridgewater. That's one
16. specific recollection that I have. I think we have done
17. other studies. Actually both studies I am thinking of
18. are Bridgewater.

19. Q. Have you published any articles or books on the
20. general subject of town or community planning?

21. A. I have had a lot of articles published over the
22. years.

23. Q. Would you have available a list of your
24. publications? A. I could make that available

25. to you.

MR. ENGLISH: Would you supply that to us?

MR. O'CONNELL: As soon as possible, yes.

2.
3 Q Mr. Candeub, have you or your firm been engaged
4 by the Allan-Deane Corporation, a plaintiff in this
5 action, to make some kind of a study in connection with the
6 pending litigation? A Yes, sir.

7 Q And what have you been hired to do?

8 A I was requested to give testimony in connection
9 with this case, which we reviewed with Mr. Catlin and said
10 that we'd be willing to do it in terms of the appropriate-
11 ness of the proposed uses for Bedminster from the land use
12 point of view and the inappropriateness of the current
13 zoning for that 466-acre tract in contention.

14 We said that in connection with this and prior to the
15 giving of such testimony, we would prepare a report
16 which would be turned over to the attorneys.

17 Q Has such a report been prepared?

18 A No, we have not prepared it as yet. We prefer to
19 prepare it as late as we could relative to the testimony
20 so that it would be fully up to date. This has always been
21 a policy of ours.

22 Q Well, at the present time do you know what posi-
23 tion you expect to take in your report and in your testimony
24 at the trial? A Yes, I do.

25 Q And would you tell me, please, what that

position is?

A The position that I'd expect

1 to take is that the current zoning is inappropriate for the
2 land and that the type of uses proposed are appropriate for
3 the site and would be in the best interests of Bedminster
4 Township.
5

6 Q Will you tell me, please, why you regard the
7 current zoning of the Allan-Deane tract as inappropriate?

8 A Well, the current zoning is, to begin with, approx-
9 imately 85 per cent a five-acre zone residential, 15 per
10 cent two-acre -- I can't recall whether it's two acres or
11 one acre. One acre, I believe.

12 MR. ENGLISH: We can agree, Mr. O'Connell,

13 that it's one-acre?

14 MR. O'CONNELL: It's one-acre.

15 A Now, the location is a location which is in the
16 southwestern corner, so to speak, or the western portion of
17 a turn made by 287 as intersected by 78. From the point
18 of view of location, the construction of 287 and 78
19 materially changes the location factors for the site in
20 terms of its relationship to the metropolitan area and in
21 terms of what should be primary considerations for the
22 community, for the region, for the State, with regard to
23 the planning of the site.

24 Land which at one time could be identified as a
25 largely rural agricultural estate area has now effectively

1 been brought into the metropolitan area and can no longer
2 be treated as if it were in the same time zone, so to speak,
3 as it was, oh, 10 or 15 years ago. Therefore, in my opinion
4 the treatment of the site or let's say the continued treatment
5 of the site as a primarily rural agricultural site in
6 terms of the five-acre zoning is inappropriate.

7 I don't know whether I have answered the question
8 adequately for your purpose.

9 Q Well, I'm trying to explore your views and I don't
10 want to put limits on what you say, but I would like to get
11 as complete an idea of your thinking as I can. Have you
12 anything to add to your answer as to why this current
13 zoning is inappropriate, in your judgment?

14 A There is a great deal that can be added. The only
15 thing, I tried to put it into focus.

16 My primary reason, first and foremost, for making the
17 statement that the zoning is inappropriate is that it
18 disregards a very major change that has taken place in
19 terms of the locational aspects of the site. All of the
20 rest becomes kind of subsidiary planning judgments relating
21 to the proper utilization of land and so forth.

22 The primary factor is that you now have a site that
23 is no longer somewhere out on the fringes of the metropolitan
24 region, to be treated as a kind of continuing holding action
25 for rural, agricultural development. You have a site that

is now very materially within the metropolitan region.

2. Q And how do you define the metropolitan region
3 or what is your concept in using that term?

4 A Well, the metropolitan region actually extends far
5 beyond this site. What I am saying in effect is that you
6 are now within the area within which the metropolitan region
7 has excellent transportation facilities within easy time
8 zone of, say, Newark, Somerville, Morristown. You are within
9 range at this point of a very easy commute to a vast amount
10 of employment. You are within an area which has been en-
11 compassed by physical facilities serving the metropolitan
12 area costing millions of dollars.

13 You are in an area which can be readily serviced within
14 easy range of major shopping, a host of other facilities
15 that serve this region, by virtue of the transportation,
16 so that you are very much a part of the metropolitan
17 region.

18 This does not define it. You are very much part of
19 that service, employment, accessibility core or operations
20 of the metropolitan region. This is no longer a peripheral
21 part of the region; this is very much part of the land area
22 that has to be considered as a service -- performing a
23 service function to the metropolitan region.

24 Q Well, is it your position that the entire
25 metropolitan region as you have been using the term

should be built up as solidly as possibly?

2. A Not at all, sir.

3 Q Well, do you regard the preservation of some
4 open space or relatively open space within the metropolitan
5 region as desirable planning? A As
6 desirable and critical.

7 Q Why would it be inappropriate to preserve
8 an area, including a wooded, steep hillside, as open
9 space? A Because five-acre zoning won't
10 do it for you, in my opinion. In other words, if we wanted
11 to talk seriously about preservation, and quite a few studies
12 have been made -- and incidentally, I wrote an article that
13 appeared I think last March in the New York Times on this
14 very point, which I can give you a copy of. I stand free
15 to be cross-examined on it.

16 Q I would be glad to have you include a copy of that
17 in the list you are going to send me, Mr. Candeub.

18 A The preservation of open space is a very serious matter,
19 because we have been losing so much of it, and tragically
20 so, to radically affect the quality of living in the
21 metropolitan region.

22 However, one of the major reasons for this loss,
23 in my opinion, is the delusion that we have that large acre-
24 age zoning preserves open space.

25 The fact of the matter is, historically it hasn't.

Land is either developed or is not developed. Now, if it
2 is in the path of development by virtue of changes that
3 take place and the attempt to preserve the open space is
4 done through that type of zoning, it never has worked, to
5 my knowledge.

6 What does work is buying land or buying the rights
7 to the land in terms of utilization, and they are doing this
8 more and more in California for continued agricultural
9 purposes, and buying development rights; buying roadsides,
10 roadside frontage control; you have parts of Route 22 that
11 are still in green, thank goodness, as a break.

12 What works is a permanent control in terms of covenants
13 and contracts as part of a planned unit development which
14 we are trying to see more of in this State. What works is
15 a balance of urban development which can be at a higher dens-
16 ity but placed in such locations that it does not destroy the
17 landscape and maintain landscaping around it so that you
18 do have the open space and continuity of open space, which
19 is very important, and the visual open space relating to our
20 major corridors.

21 Now, all of these positive type of activities can be
22 encompassed in a sound plan of development for an area.
23 None of them are encompassed in a program which is merely
24 a blanket, large-scale zoning endeavor, and we have seen
25 time and time again that that type of urban sprawl is

self-defeating in the long run.

1 Now, I have preached very strongly over the years
2 in many statements that I have made to the effect that we
3 must go to a program of land preservation to maintain green
4 space in our metropolitan region. But I do not consider
5 that that is done through five-acre zoning or four-acre
6 zoning, sir.
7

8 Q Now, have you summarized fairly completely
9 your views on why the current zoning in Bedminster is
10 inappropriate, this tract? I don't want to cut you off, but
11 at the appropriate time I'd like to move on to something
12 else.

13 A Well, I cited that as the main
14 point. I think that there is a further aspect, in that
15 five-acre zoning implies septic tanks, and this State has
16 had all kinds of problems with septic tanks in terms of
17 pollution. Five-acre zoning implies a crisscrossing of
18 street pattern relative to individual land developments,
19 which as against large-scale comprehensive development as
20 proposed by the Allan-Deane Corporation, which can be
21 ecologically very damaging in the site of this beauty and
22 this type of terrain.

23 Five-acre zoning really implies a continuation of a
24 pattern that has been fairly stable in the past but which
25 very likely will not be stable now that the locational
 aspects have changed, and therefore would result in a degree

of urban sprawl.

2. When I saw urban sprawl, visually in terms of the
3 township. I mean roadside, development related to road-
4 sides, and radically changing the character. In other
5 words, I consider a five-acre, predominantly five-acre
6 pattern of this type, not to be effective in the face of
7 rapid urban development as against a development plan where
8 development is channelized in certain areas and deliberately
9 excluded through zoning and other devices from other areas.

10 Q Now, I understood you to say that the second
11 aspect of your position for the purposes of this case is
12 that the type of uses proposed by Allan-Deane Corporation
13 are appropriate and in the best interests of Bedminster
14 Township. A Yes.

15 Q Would you give me your reasons for that
16 aspect of your position? A Well, to
17 begin with, the Allan-Deane Corporation is proposing a
18 very comprehensive development of the tract, not merely in
19 Bedminster but also in the adjacent lands.

20 Q In Bernards Township?

21 A In Bernards Township. And consequently, from the point
22 of view of circulation, location of facilities, drainage
23 patterns, provision of an adequate level of utilities, the
24 type of development proposed is more advantageous, has to
25 be more advantageous in the long run, because it relates

to the large-scale needs of that site, the site in Bedminster and Bernards Township.

Now, in terms of Bedminster, the proposed development, 52 single-family units on one-acre plots of the 264 town houses would consist of a total of about 97 acres of developed land out of a total of 466 acres. The office development which is appropriately scaled for that regional location, the regional location being a very dominant corridor in terms of 78 and 287, that is 98 acres.

Now, that leaves, I believe, if my arithmetic is correct, about 56 per cent of the land in permanent open space, taking into account the ecology of the site, the beauty of the site, and retaining visually virtually a park aspect for Bedminster.

I think that any community that can secure that level, that type of development from a developer, should consider itself very fortunate, and I think that any site that can be so utilized, I think this is a very desirable way of utilizing a site of that nature, and it's just unfortunate that we don't have more of this type of land development in this State.

Q Now, in arriving at your position, have you given consideration to the Somerset County Master Plan?

A Yes, I have gone over it very carefully.

Q And do you find any inconsistency between the

proposed office facility and the motel and the proposals
2. of the Somerset County Master Plan?

3. A. No, I don't find any inconsistencies if you take the
4. plan as a total document, which I have done.

5. Q. What do you mean by that? Well, let me with-
6. draw that question.

7. The area, the land owned by Allan-Deane Corporation
8. in Bedminster, except perhaps for the part adjacent to
9. Pluckemin Village, is suggested in the Somerset County Master
10. Plan as rural settlement, is that not correct?

11. A. It is so shown on the map, correct.

12. Q. And as you read the county master plan, does the
13. portion of the county suggested for rural settlement
14. contemplate large employment centers?

15. A. No, it doesn't.

16. Q. All right, then, how do you reconcile the
17. county master plan with the proposal of Allan-Deane to put
18. up a large office building? Let me interrupt that.

19. What is the approximate size in terms of
20. employees and acreage and so on of this office facility?

21. Let's get that in the record. A. The approx-
22. imate size is 98 acres. About 600,000 square feet of floor
23. space, about 2,000 employees.

24. Q. Now, how do you reconcile that with what we
25. have just referred to as the rural settlement aspect of

the Somerset County Master Plan?

2. A Well, I take the master plan as a total document rather
3 than as a map, and as I said, I read it quite carefully,
4 including what the purpose of the map or function of the
5 map was, and including statements of objectives and other
6 statements in the report as to various types of problems
7 and needs within the county.

8 Now, the map itself -- pardon me. To begin with, this
9 is one of a series of reports and represents an interim
10 type of plan, if I might put it that way, in the sense that
11 there is a recognition of constant change, a recognition
12 that this is not prepared as a controlling document because
13 the county plan does not necessarily control any specific
14 type of development other than road development, within
15 the county.

16 So it represents a document which is provided for
17 the assistance of the communities within the county,
18 primarily -- and this is stated in the report, and I can
19 cite the location for you -- primarily as a coordinating
20 document. It attempts to coordinate the various planned
21 programs, zoning and types of needs in the county. And in
22 order to avoid getting into controversial aspects of land
23 planning, there is a deliberate attempt made in the document
24 to avoid it by to a large measure staying with local
25 thinking.

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However, in terms of statements of objectives, the document is very clearcut in terms of stressing the importance of retaining open space, particularly in the northernmost part of the county. The document stresses the importance of large-scale planning; the document expresses the fact that considerably more housing will be required in the county and the county is one of the most rapidly growing counties in the State of New Jersey; the document expresses very forcefully the importance of the road location and the fact that in the State of New Jersey, road location has been very significant in land use patterns within the State, and if you wish, I can cite this for you.

So that in reading the document as a whole and recognizing the nature of the map and the function of the map, I for one do not feel that there is a contradiction. I feel the type of planning we are proposing here or has been proposed here is appropriate in terms of the objectives stated in the report and certainly the densities are very modest and certainly the objective of retaining open space is retained and certainly the relationship to the major circulation features today of Somerset County are also maintained. I mean, there is a scale here of development appropriate to the highway network.

Q. Now, what do you regard as the purpose of the

map which is part of the Somerset County Master Plan?

2. A. The purpose of the map as I see it is to be a coordin-
3 ating document. And incidentally, I believe I can cite the
4 wording in the report, if you wish. May I?

5 Q. Yes, I wish you would.

6 A. For the record, I'm looking at the master plan of
7 land use, Somerset County, New Jersey, September 1971.
8 On page 7, under the heading "Introduction," the last
9 sentence of the three-paragraph portion in the middle of
10 the page, I quote:

11 "At the same time, this master plan represents an
12 effort to coordinate local and county planning requirements
13 so as to achieve a coherent overall plan for the physical
14 development of the county."

15 Q. Well, is it your position that the county
16 master plan contemplates that any kind of use can be put
17 anywhere without regard to what the map shows?

18 A. No, sir, that is not my position. And I might
19 just add, if I may, that is why the plan is a document of
20 58 pages and not merely a map, and the document contains
21 a considerable number of statements which I believe were
22 related to the Allan-Deane plan here.

23 Q. Will you please refer me to whatever language in
24 the Somerset County Master Plan you rely on to support what
25 I understand your view to be, that the county master plan

1 looks with favor upon the location of an employment facility
2 employing some 2,000 people on Allan-Deane property in Bed-
3 minster?

4 A I can't say that I can find
5 any such statement. However, land is a resource and
6 planners and planning intend to utilize that resource
7 properly, and land as a resource is very much related to
8 access and to public improvements that are carried out on
9 a major scale.

10 Now, let me cite -- I don't know how much leeway you
11 are giving me in that request.

12 Q I'd like as complete an answer as you can give
13 me.

14 A All right. On page 8, the second
15 paragraph, middle of the paragraph, "The interstate freeways
16 have been instrumental in drastic modifications of the zoning
17 policies. In regard to freeway development, the Somerset
18 County Planning Board has often been instrumental in
19 alignment determination so as to provide a network
20 servicing land use development. Three major interstate
21 freeways will traverse Somerset County, and this input or
22 constraint is essential to all land use plan formulation."

23 At the end of the first column on page 8, the final
24 portion of the sentence: "Population pressures focussing
25 upon Somerset County are of such intensity that any plan
for the future of the county must presuppose complete
development."

Page 38, the second column, middle paragraph:

2 "Somerset County was the fifth fastest growing county
3 in the State of New Jersey during the '60's and is forecast
4 to grow at a faster rate and in much greater absolute numbers
5 during the '70's. Certainly one of the factors involved
6 in this forecast is the completion of the interstate
7 highway system. Growth and employment has also been very
8 rapid and the county will double in total employment in
9 the next 20 years and will almost triple before the year
10 2000."

11 At the end of that page, 38: "The population
12 pressures over the next decade will double the population
13 of Somerset County from approximately 200,000 in 1970 to
14 about 400,000 by the year 2000."

15 Page 39, the first column, middle paragraph. And
16 this is with relation to housing and jobs. I quote:
17 "Specifically, the report indicated a need for 27,500
18 units during the '70's. About 2500 units per year during
19 the first five years and 3,000 units per year during the
20 last half of the decade."

21 The same page, in the second column, the second
22 paragraph down, I quote: "Community design should include
23 all densities of housing and allow for clustering of
24 residential and community facilities. Community facilities
25 and easy accessibility to available jobs are essential,

especially to lower income groups, black and white."

69
Agle

2. On that same page, the same column, there is a refer-
3. ence to a report made by Charles Agle, planning consultant,
4. a report for Bedminster Township, entitled "Family Sizes
5. and Building Types, Zoning." There is a reference here to
6. a chart, and I quote: "The chart illustrates a basic
7. postulate of the master plan of land use that the stages
8. of the life cycle require a variety of housing types, apart-
9. ments, garden apartments, town houses and single-family
10. houses. Another major postulate is that the arrangement
11. of dwellings should also exhibit a wide choice of types of
12. settlement from high density clusters of apartments to
13. isolated rural homesteads in low density settings."

14. Page 43, the first column, middle paragraph:
15. "Perhaps of more importance is the fact that we now realize
16. land resources of the State of New Jersey and of Somerset
17. County are finite and are rapidly being consumed."

18. The same paragraph: "The amount of open rural land-
19. scape remaining will be virtually nonexistent unless we
20. are able to build communities of higher density. With the
21. normal attrition of residentially zoned land to other uses,
22. especially industrial and institutional uses, Somerset
23. County will not be able to accommodate all of its population
24. growth on one-acre or larger lots."

25. Page 45, the second column, middle paragraph, and

this is with reference to new community development. Quote:

2 "As in all facets of this master plan, there are many local
3 and regional forces and private and public forces which will
4 determine the amount of commitment and modification to the
5 concept of clustered community development. The plan is
6 merely the first step, but the alternative is commercial
7 and residential sprawl which is omnipresent in most urban
8 areas."

9 Page 46, with reference to village neighborhood, the
10 first paragraph, first column, quote: "These areas are
11 characterized by compact residential development that
12 permit the formation of a cohesive social organism based
13 upon an intimate pedestrian attraction between people."

14 Further down that same column: "Density is also
15 dependent upon the amount of open space preserved, but the
16 compact areas of development may well approximate five
17 to fifteen families per acre and the size of the village
18 may vary ultimately from one to ten thousand persons."

19 Page 52, second column, second paragraph: "All the
20 municipalities with larger areas suggest that as rural
21 settlements are scheduled under this plan to grow at an
22 accelerating pace, this is true in examining the short term
23 growth prospects for 1970 to 1980 or when extended to the
24 year 2000. Many of these areas have not felt the develop-
25 ment impact of the metropolitan region because of their

1 remote location, but with the completion of the interstate
2 **freeways** and with the older urbanized areas at or near
3 **capacity**, these municipalites along with all municipalites
4 in the outer suburbs must take the brunt of inevitable
5 growth."

6 Now, with reference in that same column to Bernards-
7 ville, I quote: "Our forecast increased from 25,000 in
8 1970 -- " I'm sorry. Let me read the entire sentence.
9 I will begin again.

10 "The Somerset Hills communities of Bedminster,
11 Far Hills, Peapack and Gladstone, Bernards and Bernards-
12 ville are forecast to increase from 25,000 in 1970 to 35,000
13 in 1980 and to 54,000 in the year 2000."

14 At the bottom of page 52: The Somerset County Master
15 Plan of Land Use would distribute the growth and population
16 by providing a greater variety of housing, including
17 apartment development in community and neighborhood centers
18 and emphasizing low density characteristics of the rural
19 **settlement areas."**

20 Mr. Candeub, is it your position that the
21 excerpts from the Somerset County Master Plan which you have
22 read into the record support or are consistent with the
23 proposal of Allan-Deane Corporation to put an office
24 building employing 2,000 people on the edge of Pluckemin?

25 A Well, I would in my opinion say they are consistent,

taken in their context. This is a general planning document.

2 And particularly the continued emphasis here on locational
3 aspects of transportation. I can't say that there is a
4 direct consistency, because the master plan does not make
5 reference to any such development at that location.

6 But neither does it make reference to any major
7 specific development that I know of in terms of getting
8 into that level of detail. It's a very generalized type of
9 plan.

10 Q Well, the map which is part of the Somerset
11 County Master Plan does propose areas for economic
12 development, does it not? A Yes, sir.

13 Q And that would presumably include major employer
14 centers, 2,000 employees or more?

15 A Yes, sir.

16 Q And in the definition or description of the
17 rural settlement area as set forth in the master plan,
18 do you find any language which suggests that the rural settle-
19 ment area contemplates employment places of 2,000 people
20 or more? A No, sir. But may I make some

21 additional comment to that?

22 Q I wish you would. A We
23 have prepared many county plans, and in developing a county
24 plan, we consider it a very broad brush type of plan,
25 really relating to major circulation and specific needs,

1 such as county parks and such.

2 Now, one indication of this type of generality, and
3 it's one that let's say we would plead guilty to in much
4 of our county work, is that when you blanket, as this
5 does, much of the northern part of the county in one color,
6 this can't be assumed to be a detailed plan program for
7 all of this land area.

8 In other words, this is very generalized and this is
9 very much related to existing patterns which are projected
10 into the future.

11 But this paragraph that I cited here recognizes the
12 fact that we're dealing here with overall generalities.
13 I cited page 45. This was specifically with reference to
14 new communities, where it says that "Private and public
15 forces which will determine the amount of commitment and
16 modification to the concept of clustered community
17 development. The plan is merely the first step."

18 In other words, by blanketing these areas in this
19 fashion, there is a deliberate intent not to confuse in
20 terms of identifying, say, 98 acres for this purpose or that
21 purpose. This is no more than it purports to be, which
22 is a very generalized plan showing the relationships of
23 land uses which are largely presently there.

24 MR. O'CONNELL: For the record, you might
25 indicate what you have been pointing to and what

area.

2 A Pointing to the Somerset County Master Plan of Land
3 Use Map, which is part of the master plan of land use
4 report, and I have been pointing to the northern portion of
5 Somerset County and I have been pointing predominantly to
6 the area identified in pink, which is that of rural
7 settlement.

8 May I make a further addition?

9 Q Please do. A As you will note,
10 this encompasses --

11 Q "This" being the map?

12 A This map; from the intersection of 287 with 78
13 extending north. There are four intersections -- no, I
14 could be wrong.

15 I am wrong. I guess these are crossings. I thought
16 they might be intersections, but they are not. I wanted to
17 show the linkage to 287, but as far as I can tell, these
18 are merely crossings. I thought they were links.

19 There is linkage, though, at 78, there is a linkage
20 at the Martinsville Road and there is a linkage further
21 up, which I assume is Basking Ridge. I can't remember the
22 exact one.

23 MR. O'CONNELL: Mt. Airy Road or North
24 Maple Avenue.

25 Q I didn't see what you were pointing to when

1 you said Martinsville Road.

A. This is

2 Martinsville Road.

3 Q That's Route 78?

A. Yes. But

4 we do have, as I said, in this area, a major linkage now by
5 way of 78 which goes east and west, 287 extending as a very
6 major primary circumferential around the heart of the
7 metropolitan region, and 202 and 206 going down to Prince-
8 ton and Trenton.

9 Now, from the point of view of central accessibility
10 to areas that have been developed in this State, this is an
11 extraordinarily fine location for the type of office
12 complex that has been proposed. And incidentally, that has
13 to be recognized as a resource. That land area has to be
14 recognized as a land resource, precious and important.
15 We can't waste our resources this way, a resource of
16 Somerset County, Bedminster and the State, a resource
17 supported by millions of dollars of public money.

18 Q Well, now, if you start at the interchange
19 of 287 and 78 near Pluckemin, how does one get from that
20 interchange to the Allan-Deane property?

21 A They would have to go out on 202 and 206 and make
22 a U-turn to get back, at present.

23 Q Is it not correct, Mr. Candeub, that there is
24 no direct access from either 78 or 287 at this interchange,
25 to local highways or streets?

A. Well, that

1 depends on how you define 202-206. You mean within the prop-
2 erty itself?

3 Q Q Let me withdraw the question. There is a ramp
4 system at the intersection or interchange of 287 and 78,
5 is there not? A Yes, sir.

6 Q And do any of those ramps connect either of
7 those interstate highways with a surface or local street
8 or any other highway? A Well, they connect
9 ultimately to 202 and 206.

10 Q But how do they connect with 202-206?
11 A They go up quite a ways.

12 Q Right. So that there is no direct convenient
13 access to the Allan-Deane property from the intersection
14 of 78 and 287? A There is not at present.

15 Q Are you assuming that changes will be made in
16 the interstate highway with respect to access ramps in
17 the foreseeable future? A Not neces-
18 sarily to the interstate highway. However, we have been
19 involved on a number of occasions with changes to the
20 ramps or to the supporting street system with relation to
21 ramps.

22 Q Well, are you asserting as a probability that
23 there will be some direct access from Interstate 78 to
24 the Allan-Deane property in the foreseeable future?

25 A No, sir, I am not.

1 Q Do you know of any other interchange of inter-
2 state highways like the one near Pluckemin, where there
3 was no direct access to local streets or other roads?

4 A I can't at the moment recall. I think we could make
5 a study of that.

6 Q Would it be fair to say that this particular
7 interchange of Interstate Highways 287 and 78 in Pluckemin
8 is unusual, in that it is what I have heard described as
9 a sterile interchange, without direct access to local
10 streets?

11 A In terms of number of inter-
12 changes, it could be said to be unusual. However, in the
13 general design of the interstates, I don't think that
14 that is that rare. I don't believe it's that rare an
15 occurrence. I just can't swear to it, though. It seems
16 to me I have been through situations which were quite
17 similar.

18 Q Well, does the fact that this particular
19 interchange of 78 and 287 is one that provides no direct
20 access to local streets have any bearing in your judgment
21 on the suitability of land in the immediate vicinity for
22 the location of an office research establishment employing
23 2,000 or so people?

24 A It would if we were
25 dealing with a small site, but not with a site of that scale.
They have ample room to maneuver in terms of providing a
proper circulation pattern relating to, incidentally, to

1 two interchanges.

2 Q What two interchanges?

3 A Well, we have one at 78.

4 Q Where?

A At Martinsville

5 Road.

6 Q Well, how would you get from the proposed office
7 research center in the western part of the Allan-Deane
8 property adjacent to Pluckemin over to the Martinsville
9 Road interchange with Route 78?

10 A Frankly, I don't recall what the details of the
11 circulation plan were. However, what I'm saying, and this
12 is from my personal review of the area, the area is large,
13 it can be designed in many different ways, and the fact
14 that there are two interchanges that relate to the area, the
15 general area. I'm not talking about the specific office
16 site, I'm talking about the larger quadrant within which
17 it is located.

18 If you want me to refer to a map, I will.

19 Q Well, how would you contemphate traffic from
20 Interstate 78 getting to the office research facility which
21 Allan-Deane is proposing to build?

22 A Well, currently they have to get off at 202-206, go up
23 about a mile and a half or so, then there is a U-turn
24 provision in Pluckemin, I believe. I don't recall just where
25 it is. I don't recall where that U is, but there is a

U-turn provision.

2 Q Have you made any studies of the capacity of
3 the roads between that exit from 287 and the Allan-Deane
4 property to determine whether the existing roads can handle
5 the kind of traffic that an employment center of 2,000
6 people would generate? A I don't
7 believe -- well, I haven't made any study of it, but
8 certainly Washington Valley Road can't handle very much.
9 I think that we're talking about going from the state of
10 agricultural and rural development to a developed state
11 in that immediate vicinity.

12 Q Well, to what extent did you consider the
13 automobile traffic patterns and the existing road system in
14 arriving at your conclusion that Allan-Deane's proposal
15 or the aspect of Allan-Deane's proposal which contemplates
16 putting an office building and a motel in the western part
17 of his property in Bedminster is an appropriate use?

18 A To this date, we haven't completed our study on that
19 matter.

20 Q But your present opinion is arrived at without
21 benefit of a traffic study? A Yes, sir.

22 Q Now, in arriving at your basic position in this
23 case, have you considered the second regional plan proposed
24 by the Regional Plan Association?

25 Well, I have all the Regional Plan Association documents.

1 I have personally made use of them. I didn't know that
2 we had a second regional plan, quite honestly. Not in the
3 sense of the plan as the word is usually used.

4 Q Are you familiar with a document put out by
5 the Regional Plan Association in, I believe, 1968,
6 entitled the Second Regional Plan?

7 A Very much so. I use it all the time.

8 Q Did you make any effort to evaluate the Allan-
9 Deane proposals in the light of the second regional
10 plan? A Well, I consider that my -- my

11 answer is yes. I consider my valuation is in part pred-
12 icated upon what that report says. In other words, the
13 various comments I have given are in many instances probably
14 stated in very similar fashion in that report, which is
15 concerned with urban sprawl.

16 Q In arriving at your position for the purpose
17 of this case, have you considered the reports of the
18 Tristate Regional Planning Commission?

19 A Yes, sir. We get all of that.

20 Q Did you make any effort to reconcile your
21 position with the studies and recommendations of the
22 Tristate Regional Planning Commission?

23 A I haven't found any specific recommendations that would
24 be specific to the point, except that one of the major
25 concerns I know of the Tristate Commission is to increase

1 the use of mass transit facilities. Not increase the use,
2 but increase -- not merely increase the use; increase the
3 provisions for mass transportation facilities, and mass
4 transportation facilities greatly depend upon the manner
5 in which we locate both economic development and residential
6 development, and one of the chief problems faced by this
7 region is the continued urban sprawl without relation
8 to a major circulation pattern.

9 Q Well, what is the connection, if any, between
10 mass transportation facilities and the proposed office
11 research center and motel that Allan-Deane is proposing?

12 A Mass transportation facilities for our region will
13 largely be some type of rubber tired vehicle, because of the
14 extent of the region, supplemented, of course, by train
15 service of one type or another. The provision for buses,
16 long-term provisions for buses, must relate to the
17 location of industrial and office activity at concentrated
18 points and must relate to collector areas in terms of
19 locations of higher density residential, and must relate
20 of course to the major circulation patterns in terms of
21 roads.

22 So that you've got three elements. You've got the
23 element of a fair number of jobs in a concentrated location;
24 we have the provision of a designed community at very
25 modest densities, but nonetheless a comprehensive plan that

1 would permit central points of accessibility to buses, and
2 we have a location that relates to the major arterial
3 system within this region.

4 This is the manner in which I conceive that this does
5 relate to mass transportation.

6 Q What sort of mass transportation do you
7 foresee that would directly serve the proposed motel and
8 office building that Allan-Deane wants to put up?

9 A Well, the office building, as I indicated, would be
10 bus transportation. The motel, I'm not sure that we could
11 foresee in the immediate future anything other than
12 automobile traffic being oriented to the motel.

13 Q Do you think the Allan-Deane facility would
14 justify the establishment of a bus line?

15 A By itself?

16 Q Yes. A I doubt it.

17 Q Where would you contemplate the bus line
18 would go to and from, the bus line that would serve the
19 Allan-Deane office? A I would assume

20 that when we talk about bus lines, we are talking about a
21 bus line system, and that might be something that might very
22 well run between Morristown and Somerville and connect up
23 to a number of other points. But it would have to be part
24 of the system, total bus line system for this area.

25 Q Do you know what the existing bus line system

in Somerset County is?

A. No.

2. Q Do you know if there is any?

3. A I couldn't swear to that, no.

4. Q Now, why in your judgment should an office
5 facility employing some 2,000 people be placed in a
6 residential zone which the county master plan suggests
7 should remain either rural settlement or village
8 development, when there are other areas within a five-
9 or six-mile radius which are zoned for this use and which
10 are suggested for such use on the Somerset County master
11 plan map?

A Well, I can't speak to the
12 whys of why it is in one place and why it is not in an
13 other place. I can say that in terms of why it should be
14 in this instance is that more and more the location of
15 facilities that are considered to be of substantial value
16 are related or there is an attempt to relate it to the
17 larger setting in which it is located.

18 Now, if I were investing in a 600,000-square foot
19 office building, I would like to see it set in a park-like
20 setting with protected provisions for high quality
21 residential around it and other facilities.

22 Q Well, would not those same conditions be met
23 in the area on each side of Route 78 immediately west of
24 the Martinsville Road intersection?

25 A Possibly, but I can't speak to the amount of land

2. that might be available for specific development in each instance or who owns it.

3. Q. Are you familiar with the locations I just indicated? A. I'm sorry, would you --

5. Q. I am referring to the areas on the north and south sides of Intersection 78 which lie just to the west of the Martinsville Road interchange.

8. A. Yes, I am, somewhat familiar. I'm familiar with the general area. I have traversed it many, many times.

10. Q. Well, those areas are shown on the Somerset County Master Plan of Land Use Map as being appropriate for economic development, is that not correct?

13. A. Yes, sir.

14. Q. And are you familiar with the zoning of those areas? A. Having passed by and seen a

15. sign, Bird Company, indicating there were 58 acres available on the northern side which is zoned industrial, I assume that the location is presently zoned industrial. I'm just generally familiar with the zoning, but I just happen to have seen that specifically.

19. Q. You say you are familiar with the zoning or you are not? A. I have reviewed the zoning.

22. Q. Well, is it not a fact that substantially the entire area shown for economic development on the county master plan map is presently zoned for use which would

include the kind of office facilities that Allan-Deane
is proposing? A I believe so.

Q Now, to your knowledge, is there any such
facility of that size within these areas of Bernards
Township on each side of Route 78? A Not
to my knowledge.

Q Do your studies indicate a crying need,
under the law of supply and demand, for a 2,000-employee
office facility in Bedminster Township near Pluckemin
Village? A We have not made any such study.

Q Mr. Candeub, as a professional planner, do you
have a concept for the future development of New Jersey?

A I would have to -- not trying to beg the question,
but I'd have to confess I don't know quite how to answer
that, because I'm not sure I know what the question means.

Q Well, have you ever thought about what the
State of New Jersey ought to be like in terms of land use
a generation hence? A Yes, I have, often.

Q All right. What is your concept in that
regard? A Well, my chief concern for the
State, and this is the point I expressed before, is the
concern with the rapidly disappearing open space in the
State, the fact that it's being dissolved in a continuous
urban sprawl throughout the State and there is presently
not nearly enough adequate protection being given to the

retention of green space.

2 I would like to see development clustered with
3 relation to major patterns of circulation, with relation
4 to community facilities; I'd like to see the land used as a
5 resource and not wasted the way we are wasting it today
6 as a kind of endless, bottomless pit, that we can always
7 go out and find some more land.

8 I would consider that this State is desperately
9 in need of developmental plans by regions -- I don't mean
10 county plans with regular boundaries of this nature --
11 and I have said so publicly, both when I was President of
12 the American Institute of Planners and in appearances
13 before the Federation of Official Planning Boards.

14 I think that we need to recognize that the State is
15 rapidly becoming virtually completely developed and that
16 we have to take measures to see to it that the development
17 is channelized so that we retain green spaces but retain
18 them in a pattern where they cannot be infringed upon, and
19 retain them with relation to access roads, we retain them
20 with relation to our major corridors, we retain them in
21 a form where they can be utilized and where they will play
22 a role, and that we have urban areas that relate to each
23 other and not merely provide for a continuous sprawl,
24 urban areas that can permit intelligent mass transporta-
25 tion facilities to be built.

2 These are some of my concepts. They are not
3 particularly radical or new or innovative, I confess, but
4 they are very standard planning type concepts.

5 Q Well, do you foresee a significant increase
6 in the population of New Jersey, let's say before the end
7 of the Twentieth Century? A I certainly
8 do.

9 Q Again, do you have any idea of what that
10 might amount to quantitatively? A At
11 the moment, I don't, because I simply would have to refresh
12 myself.

13 Q Are there any limits, in your judgment, to the
14 number of people who can live in viable, decent fashion
15 in the State? A I would assume that there
16 are limits. What those limits would be, I don't know.

17 Q Would you have any idea of what the controlling
18 factors would be which would determine those limits?

19 A Well, let me express it differently. I don't know
20 whether there are any absolute limits. There are limits
21 with regard to the patterns of land use that we presently
22 have and the circulation facilities and provision for water
23 and utilities and such. But these are limits that are
24 not absolutes. They are with relation to any given period
25 of time in a state of development.

I don't know whether anyone can possibly establish

any conceivable basis and absolute limit that would make any sense, technically make any sense.

2
3 Q Well, now, I understood you to say you do fore-
4 see a significant increase in population?

5 A Yes, sir.

6 Q Now, where would you put these people?

7 A I think that we need a pattern of planned community
8 development which moves people into open land, which involves
9 the restructuring of some of the older developed land, which
10 provides for the possibility of better utilizing existing
11 lands that have been developed at low density. I think
12 there are a variety of patterns that can be followed.

13 In other words, I don't believe that we should be
14 thinking today merely in terms of either open space or
15 the older cities or anything of that nature. I think we
16 should be talking about the total land resources of the
17 State, talking about new communities, older communities,
18 larger cities. There are various types of resources
19 that can be utilized.

20 Q Well, do you regard any particular parts of
21 the State as more suitable or less suitable for an

22 increase in population?

23 A I would
24 say that currently I regard the western part of the State
25 as very suitable, considerably suitable, primarily because
of the new accessibility of I-78 and I-80.

Q. So you would look with favor on the relatively
2 intensive development of the area along Interstate 78 between
3 Newark and Phillipsburg?

A. I think if that
4 development took place as it has been in the past, I would
5 look with intense disfavor on such development.

Q. What kind of development would you like to see
6 there?

A. I'd like to see development that is
7 a designed type of development that takes place with
8 relation to the retention of open space and takes place not
9 at the traditional type of low densities but in clustered
10 form of areas of moderate and higher density, so that we
11 don't simply use up all that land area and waste it.

Q. The total number of people that you would put
12 within, let's say, arbitrarily, ten miles of each side
13 of 78, is that a matter of concern, provided that the
14 concept of cluster development within a small portion
15 of that total area is observed?

A. That is a matter of concern, too, because we have to
16 relate to the circulation pattern, we've got to relate to
17 jobs, availability of jobs, we've got to relate to the
18 amount of park space that is available or will be made
19 available.

20 With relation to the development of land, there are
21 a number of factors to be taken into account; water supply,
22 utilities and so forth.

1 Q Well, what do you see as the relationship of
2 water supply to what we have been talking about, bringing
3 more people into the area like within ten miles of either
4 side of Interstate 78?

5 A I'm not
6 sure I understand the nature of the question.

7 Q You said that the water supply was one of the
8 factors that would bear upon land use planning.

9 A Yes, sir.

10 Q Did I understand you correctly?

11 A Yes, sir.

12 Q All right. Now, will you tell me specifically
13 what problems, if any, what limitations, if any, the
14 water supply problem would have with relation to the
15 proposed development of the land on each side of Inter-
16 state 78? I'm assuming now a ten-mile extent, west to
17 Phillipsburg.

18 A I can't. I haven't made any
19 study of this.

20 Q Do you believe in varying density of land use
21 or population in different parts of the State?

22 A I believe in varying density for different lands,
23 which might be in different parts of the State. I do not
24 believe in any arbitrary designation of one part of the
25 State for one density and another part of the State for
another density.

Q Can we agree, Mr. Candeub, that there are

important transportation lines running generally from
2 New York City to Philadelphia across New Jersey? And
3 I'm thinking specifically of the Pennsylvania Railroad,
4 the Reading Railroad, the New Jersey Turnpike, Route 1,
5 and the proposed Interstate 95, and perhaps U. S. Highway
6 130 also? A Yes, sir.

7 Q Now, do the existence of those transportation
8 facilities have any bearing in your mind upon what sort
9 of development should take place along and in proximity
10 to that transportation corridor?

11 A Yes, sir.

12 Q What? A I think they
13 represent important facilities and they have an effect
14 upon land resources in terms of industrial and commercial
15 locations.

16 Q Would you regard that transportation corridor
17 as more or less suitable for relatively dense populations
18 than the corridor running along Interstate 78 between
19 Newark and Phillipsburg? A I would
20 say that that would depend on the location of the general
21 run and range of facilities and type of jobs and number of
22 jobs in given situations.

23 In other words, I would not say that North Brunswick,
24 which runs immediately on that corridor, or Woodbridge,
25 should have a density pattern substantially different

1 from Phillipsburg. In other words, we talk about land
2 development, we talk about density relative to an individ-
3 ual site.

4 Now, the size of Phillipsburg, very likely and
5 not only presently but in the immediate future, would
6 be relatively smaller than, say, the ultimate size of
7 Woodbridge in terms of population.

8 On the other hand, we do see Allentown, Bethlehem,
9 Easton and so forth on the other side of that corridor,
10 being very substantial areas of population and density,
11 so that my judgment as to density would not relate to the
12 specifics of the transportation corridor, it would relate
13 to the type of land development taking place in a given
14 community and the total range of supporting facilities for
15 that land development.

16 Q Is it of any significance in your professional
17 judgment that what the density of population or land use
18 is in an area that might be of a size 20 miles by 20 miles?
19 Or do you look at it simply as a particular tract of land,
20 such as, for example, the Allan-Deane tract?

21 A Well, we look at both. In other words, may I --

22 Q Yes. I'm trying to elicit your views, not
23 tell you what to say.

24 A When we plan,
25 the first thing that we do is identify the regional frame
of the area, whatever the area may be that we are

1 planning. It may be one acre -- well, not one acre, that's
2 an individual site, but let's assume it's a hundred acres
3 to 40 square miles. We identify the frame in terms of time
4 and distance factors to major focal points, a focal point
5 not necessarily being merely that of jobs. It may be
6 institutional, it may be a university, it may be a park.

7 We identify the total capacity of the transportation
8 infrastructure, both in terms of the highway and the
9 supporting network to the highways.

10 So we establish, then, the regional frame in terms
11 of facilities, in terms of circulation, in terms of
12 time-distance and in terms of trends, both existing and
13 predicted for the future, because we are relating not to
14 something that we dictate, because we are not dictating
15 plans when working for a community, we are relating to
16 changes that are being made in that region and we are at-
17 tempting to guide.

18 In other words, a planning Board does not by itself
19 establish a market, a Planning Board does not establish
20 need. It tries to determine those needs and then tries to
21 relate to them.

22 That means looking at what is taking place within
23 that larger framework. Within the area itself, we identify
24 as a second order of business all of the parameters that
25 we have to work with; topography, soil, the existing state

of development, whatever it may be, various types of
2 facilities again, the pressures for change, the various
3 types of needs internally in that area, and we establish
4 certain guide points for ourselves in terms of perhaps
5 five-year intervals as to what may be the needs in that
6 particular community.

7 Now, for planning purposes, we want to relate to
8 needs, we want to relate to the characteristics of a given
9 site, and by a site I mean the five acres to 40 square
10 miles, so that we are not doing violence to the ecology,
11 that we are relating to topographic features that are
12 important, so that we are retaining over the long term the
13 values that are inherent in the characteristics of that
14 land, and so that we are also providing for the needs of
15 existing populations and populations that we can foresee
16 will have to be housed in those resources by virtue of the
17 larger regional frame, because we are relating in all cases
18 to metropolitan needs.

19 Today, to talk about planning for an individual
20 community without a metropolitan framework is absolutely
21 nonsense, because the forces at work are metropolitan forces
22 and while we can build fences in terms of zoning, those
23 fences have not been able to hold, traditionally, and the
24 result has been devastating in terms of chopping up and
25 destroying our land.

2. Therefore, within that type of planning framework,
3 the decisions as to density may vary enormously. We may
4 have a site which is centrally located but where for var-
5 ious reasons -- centrally located in the metropolitan region
6 -- but for various reasons, the topography, the framework
7 of major roads and such, are such that you don't want high
8 densities because they would create extremely dangerous
9 situations as far as moving people around and they would be
10 very destructive of certain views and certain ecological
11 features.

11 In other words, you may have a completely vacant
12 tract where by virtue of other factors high densities
13 would be extremely desirable and in place.

14 So we don't have any predetermined point of view
15 with regard to high densities. I hope that answers your
16 question. That's as complete as I can make it.

17 Q But these considerations would be equally
18 applicable to land in, let's say, northern Hunterdon County
19 or Warren County or Sussex County as they would to land in
20 Middlesex County, for example? A. The
21 basic planning determinations, the basic process?

22 Q Yes. A. Absolutely.

23 Q And would it be your feeling that the same
24 kind of densities that would be appropriate in Middlesex
25 County would also be appropriate in northern Hunterdon

County?

A. Well, again, densities for an

2 individual site or densities for an entire community
3 or densities with relation to what?

4 Q The entire community or region.

5 A Very doubtful. In other words, for the region,
6 very doubtful. For an individual community, I guess it
7 would relate to the size of the community. But of course
8 there will be differences because of the supporting
9 superstructure of jobs and facilities.

10 Q Well, do you see any limiting factor in the
11 problem of sewage disposal, human waste disposal, as
12 bearing upon the density in any given area or community?

13 A Well, I think that in a place where we have rocky
14 ledge, one of the things that we are most concerned about
15 is to get rid of septic tanks and provide for a density
16 that will permit a proper sewer system to be built.

17 Q Well, do you see any problem, assuming a sewer
18 system is built, any problem of public concern resulting
19 from whether the sewer system is providing for a population
20 of 40,000 people within a given area as opposed to a
21 population of two or three thousand within the same area?

22 A Public concern?

23 Q Yes. A You mean should we be
24 concerned in terms of public need or public good?

25 Q Yes. A Well, our experience has

1 been that we can do a much better job within a given region
2 in terms of a larger population dealing with the sewerage
3 than with a smaller population.

4 Q Explain that, please.

5 A Well, frequently the sewerage system -- first of all,
6 theseptic tanks have created all kinds of problems in this
7 State, and frequently in this State the local sewage plant
8 may be overburdened or being handled improperly, whereas
9 a large regional facility is both built and operated to
10 a higher level of efficiency.

11 Q Is it a matter of any concern to you as to the
12 rate of flow of the stream into which a sewage plant
13 discharges?

14 A That would be part of the
15 design in a given situation.

16 Q The design of what? A Of
17 the individual sewage treatment plant.

18 Q What do you mean by that? If the stream flows
19 too small, they don't put up a big plant?

20 A Yes. But I think that anywhere in this State
21 today, as far as I know, that any sewage system -- any plant
22 that would be built would come under State review with regard
23 to that, and the State is pretty specific as to its require-
24 ments. I say that. I believe that, because that's been
25 my experience to date. There may be exceptions, but this
I don't know.

1 Q Have you made any inquiry or investigation
2 ~~asto the~~ capacity of the streams into which the Allan-Deane
3 ~~tract drains~~ to accommodate given quantities of treated
4 sewage? A No, I have not.

5 Q Have you given any consideration to the
6 effect which the Allan-Deane plans would have upon surface
7 water runoff? A Not specifically.

8 Q Have you given any consideration to the effect
9 which the Allan-Deane plans would have upon the problem of
10 ground water recharge? A No.

11 Q Have you given any consideration to ~~the effect~~
12 ~~which the Allan-Deane plans would have upon the water~~
13 ~~quality of the streams that flow through Bedminster?~~

14 A No, sir.

15 Q Have you given any consideration, in arriving
16 at your position with respect to the Allan-Deane plans,
17 with regard to where the water supply would come from to
18 supply the people and occupations that would be located
19 on it? A I saw some reference to that in

20 ~~the Catlin report and I believe it's the Elizabeth Water~~
21 ~~Town system. Is that the name of it?~~

22 Q Now, it has been stated that there are historic
23 sites on the Allan-Deane tract in Bedminster. Have you
24 given consideration to the effect of Allan-Deane's plans
25 upon those? A I believe that there is

reference to that in the Catlin report, an indication
2. that at least one structure was to be retained that's on
3. the tract and that the architectural treatment would be
4. such as not to -- rather, such as to be consistent with
5. adjoining properties that may be of historical nature.

6. Now, that is the only reference that I can recall
7. within the report.

8. Q. Is it fair to say, Mr. Candeub, that on that
9. matter of the historic sites and so forth, you accepted
10. the Catlin report without any independent investigation
11. on your own part? A. That is fair to
12. say, yes, sir.

13. Q. Have you considered the effect which the
14. Allan-Deane development, and particularly the aspects of
15. it which contemplate an office building and motel, would
16. have on the character of the Village of Pluckemin?

17. A. I can't say that I particularly considered it, but
18. I believe -- well, let's just say I can't say I particularly
19. considered it.

20. Q. Do you have any position as to the total number
21. of people whom it would be desirable to permit to live or
22. to work in Bedminster Township? A. No,
23. sir, I haven't made any such study.

24. Q. Now, if the proposed office building and
25. motel that Allan-Deane contemplates were to be built in

1 Bedminster Township, do you foresee any increasing pressures
2 resulting from those structures for more housing at low
3 or moderate price levels within Bedminster Township?

4 A. Conceivably, the answer might be that it might happen.
5 I think that there will be pressures with or without this
6 development.

7 Q All right. Assuming for the sake of argument
8 that there are pressures for more housing at lower or
9 moderate levels anyway, in your judgment would the
10 construction and operation of an office facility
11 employing 2,000 people plus a motel have any intensifying
12 effect upon the existing pressures?

13 A. Possibly.

14 Q Do you have any doubt about that?

15 A. Well, I would have a doubt about it in this sense,
16 and I say this knowing something about the type of, let's
17 say, court proceedings taking place, that the present
18 zoning pattern in Bedminster is such that it creates an
19 open invitation to this type of attack, and whether or not
20 the Allan-Deane development will have any appreciable
21 increase on the attack is, as I say, questionable, because
22 I think the present pattern could very well be attacked
23 as being deliberate exclusionary -- I'm not saying that
24 it is -- and I think the retention of the present pattern
25 as is invites that attack.

2. Q. Would you consider the present zoning pattern
3 in Bedminster at least in the rest of the township to be
4 any more vulnerable if the office building proposed by
5 Allan-Deane were to be built? A. No, sir,
6 I consider it to be less vulnerable.

7 Q. Why? A. Because the pattern
8 now, as I said, could very easily be described by some as
9 deliberately exclusionary, whereas the modification of
10 that pattern to permit at least one significantly different
11 type of housing, namely, the town houses --

12 Q. I'm talking about the office building, I'm
13 not talking about the residences that Allan-Deane proposes.
14 I am simply talking about the effect of the office
15 building and the motel. A. That the ef-
16 fect would increase the pressure?

17 Q. Right. A. As I said before,
18 conceivably it might. I'm not sure how much of a material
19 difference it would make.

20 Q. Have you ever made any studies of the payroll
21 levels that a particular office building or research
22 organization of the type that would be reasonably expected
23 to occupy what Allan-Deane plans to put up would be?

24 A. We have made some review in certain cases.

25 Q. Do you have any idea of about what proportion
of the 2,000 people working there would be in different

salary or wage brackets?

A. In terms of

2. studies that we have made?

3. Q. Yes.

A. Not offhand. We

4. did some studies for Tenafly.

5. Q. If Allan-Deane were to put up its proposed
6. office building, where do you think the workers, the people
7. who actually work there in whatever capacity, would live?

8. A. I think you have accessibility from the Somerville-
9. Plainfield area, easy accessibility, and you have access-
10. ibility from the Morristown area. I think you'd be within
11. easy range of actually part of Middlesex County, in the sense
12. that I drove up -- I was trying to recall my driving time,
13. but it couldn't have been more than 20 minutes from where
14. I live in Metuchen, because you are drawing from a
15. combination of Union, Morris, and Middlesex Counties, a
16. very, very substantial number of people that you can draw
17. from.

18. Q. Would it be your view that the people who would
19. work in the proposed Allan-Deane office building would
20. all continue to live in their existing communities?

21. A. No, not necessarily.

22. Q. Do you think that the employees would in their
23. own way put discernible pressure on Bedminster to provide
24. more housing within the general range of their income?

25. A. I would doubt that.

1 Q Why do you say that?

A Well,

2 first of all, employees generally don't get themselves
3 organized for that type of activity, from our own experience,
4 and if people are 15 to 20 minutes away from where they work,
5 they generally will not bother to relocate.

6 Again, this is simply in terms of experience and
7 over the years, interviews we have held and so forth.

8 When you get into a travel time of more than half
9 an hour, they will start to shift around and try to find
10 a closer location. It just seems to me that within that
11 half-mile range --

12 Q Half-mile?

A I'm sorry. Half-

13 hour travel range, that there is a large population that
14 might be working at the Allan-Deane tract. I doubt that
15 there would be any direct pressures from employees.

16 Q As a matter of sound planning, do you think it
17 desirable for a municipality which invites a major employer
18 such as Allan-Deane is proposing to at the same time make
19 provision for a significant proportion of the people who
20 might reasonably be expected to work there?

21 A Well, the answer would be yes if you are located
22 out somewhere beyond the immediate commuting distance.
23 On the other hand, where you are this much into the
24 metropolitan region, that type of quid pro quo I don't think
25 is particularly needed.

1 On the other hand, I do think that there should be a
2 recognition by the township that modifications should be
3 made to the present zoning to bring that zoning more in
4 line with the locational changes resulting from the
5 highways.

6 Incidentally, I believe that suggestion was made by
7 Mr. Agle, their consultant at one time.

8 Q Now, in making that suggestion, Mr. Candeub,
9 have you considered the effect that your suggestion would
10 have on the water quality of the streams that flow through
11 Bedminster Township?

12 A The suggestion
13 that I have made is a suggestion with regard to locational
14 features being changed. It is not a studied suggestion
15 in terms of water quality or schools or other facilities.

16 Q Well, is it fair to say that your suggestion,
17 therefore, is not related to any consideration or does not
18 involve any consideration of the effect it would have on
19 water quality?

20 A It is fair to say that.

21 MR. ENGLISH: I have no further questions.

22 CROSS-EXAMINATION BY MR. O'CONNELL:

23 Q Just a couple questions, Mr. Candeub.

24 Would it be fair to say that at this point in your
25 review of the Allan-Deane proposal and your particular
views on this and your testimony and any report, that you

1 have more to do as far as study and research?

2 A We certainly do. We haven't even given a report.

3 Q If a traffic study was available, would that
4 be utilized by you? A Certainly.

5 Q When you consider your opinion here and your
6 testimony as to the particular plan of Allan-Deane, have
7 you broken it down and isolated the office research and the
8 motel from the residential use, both in Bedminster and in
9 Bernards Township, or have you considered it as a
10 whole, the plan as a whole, the land use as a whole?

11 A We consider the land use as a whole. We have also
12 separated out the area in Bedminster because that was what
13 I related the testimony here today to be on.

14 Q But you have not isolated the office research
15 from the residential use as far as forming your opinions?

16 A I am taking it as a totality.

17 MR. O'CONNELL: No further questions.

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

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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, ROBERT G. MEEKS, 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 witness Isadore Candeub, was 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 accurate 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

1 relative nor employee nor attorney nor counsel of either
2 of the parties to this action, and that I am neither a
3 relative nor employee of such attorney or counsel, and
4 that I am not financially interested in the action.

5
6 Robert E. Maciver
A Notary Public of New Jersey

7
8 My Commission expires

9 March 19, 1974
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