

RULS - AD - 1976 - 160

9/9/1976

- PROOF OF SERVICE (LORENC V. TOWNSHIP OF BERNARDS)

PGS - 70

S-11203

9/9/76

FILED

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SOMERSET COUNTY
L. R. O. SO. CLERK

RULS - AD - 1976 - 160

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Recorded Bk. _____ Page _____

LAW OFFICES OF
LANIGAN AND O'CONNELL
A PROFESSIONAL CORPORATION
59 SOUTH FINLEY AVENUE
BASKING RIDGE, NEW JERSEY 07920
(201) 766-5270
ATTORNEY FOR Plaintiffs

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION
SOMERSET COUNTY
Docket No. L-6237-74 P.W.

THEODORE Z. LORENC, et al, :

Plaintiffs, :

vs. :

THE TOWNSHIP OF BERNARDS, :

et al, :

Defendants. :

Civil Action

PROOF OF SERVICE

State of New Jersey :

ss.

County of Somerset :

MARILYN H. HOCK, of full age, being duly sworn

according to law, upon his oath deposes and says:

1. I am employed in the Law Offices of Lanigan and O'Connell

P.A.

2. I did on September 9, 1976, hand deliver a copy of

Notice of Motion to Richard J. McManus, Esq., at his address,
Bernards Township Municipal Building, Collyer Lane, Basking
Ridge, N. J.

Marilyn H. Hock
Marilyn H. Hock

Sworn and subscribed to
before me this 9th day
of September, 1976.

Sharon P. Patten
SHARON PATTEN
A Notary Public for the State of New Jersey
My Commission Expires Nov. 24, 1977

LAW OFFICES OF
LANIGAN AND O'CONNELL
A PROFESSIONAL CORPORATION

WILLIAM W. LANIGAN
DANIEL F. O'CONNELL

59 SOUTH FINLEY AVENUE
BASKING RIDGE, N.J. 07920

(201) 766-5270

CABLE ADDRESS
LANLAW

September 9, 1976

Lawrence R. Olsen, Clerk
Somerset County
110 Administration Building
Somerville, N. J. 08876

Re: Lorenc v. Townshp of Bernards

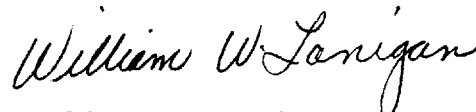
Dear Mr. Olsen:

Enclosed herewith please find two copies each of Notice of Motion and Proof of Service in the above-captioned matter. The return date for the Motion is September 16, 1976, or September 17, 1976.

The original Notice of Motion is being simultaneously filed with the Clerk of the Superior Court, State House Annex, Trenton, New Jersey.

Kindly mark the additional copies "Filed" and return to this office in the envelope provided for your convenience.

Yours truly,



William W. Lanigan

WWL:bbm
Encs.

S-11203

FILED

SEP 9 3 36 PM 1976

SOMERSET COUNTY
L. R. OLSON, CLERK

CHFD X I. O. D. 11

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LAW OFFICES OF
LANIGAN AND O'CONNELL
A PROFESSIONAL CORPORATION
59 SOUTH FINLEY AVENUE
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(201) 766-5270
ATTORNEY FOR Plaintiffs

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION
SOMERSET COUNTY
Docket No. L-6237-74 P.W.

THEODORE Z. LORENC, et al, :

Civil Action

Plaintiffs, :

vs. :

NOTICE OF MOTION TO COMPEL
ANSWER TO INTERROGATORIES

THE TOWNSHIP OF BERNARDS, :
et al,

Defendants. :

TO: Richard J. McManus, Esq.
Bernards Township Municipal Building
Collyer Lane
Basking Ridge, New Jersey 07920
Attorney for Defendants

TAKE NOTICE that on September 16, 1976, at 2:00 o'clock
in the afternoon, ~~or on September 17, 1976,~~ at 9:00 o'clock in
the forenoon, or as soon thereafter as counsel can be heard,
the undersigned, attorney for the plaintiffs, Theodore Z. Lorenc,

et al, will apply to the Superior Court, Law Division, Somerset County, at the Court House, Somerville, New Jersey, for an order compelling the defendants, the Township of Bernards in the County of Somerset, and the Planning Board of the Township of Bernards, to answer

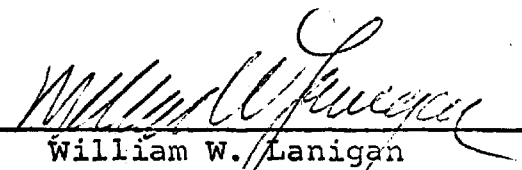
(a) the following interrogatories which defendants have refused to answer: Nos. 4(b), 5, 6(a), 6(b), 22, 24 through 35 inclusive, 37(a), 42 through 54 inclusive, 56 through 58 inclusive, 60 through 71 inclusive, 76, 77, 80(a), 80(a)(iv), 80(a)(vii), 80(b), 80(c), 81 through 83 inclusive; and

(b) the following interrogatories, the answers to which were incomplete: Nos. 11, 13, 16, 17 and 18, the aforesaid interrogatories having been submitted to defendants by plaintiffs, pursuant to R.4:17 of the Rules Governing the Courts of the State of New Jersey, and served on defendants on August 5, 1976. Annexed to this Notice of Motion are copies of the interrogatories to which defendants have objected, as well as a short statement of the nature of the action.

Dated: September 9, 1976.

The original of this Notice of Motion is filed with the Clerk of the Superior Court.

LAW OFFICES OF
LANIGAN AND O'CONNELL, P.A.

By 
William W. Lanigan
Attorney for Plaintiffs

NATURE OF THE ACTION

This action is in lieu of prerogative writ challenging the validity of the Bernards Township Zoning Ordinances, including Ordinance Nos. 347 and 385, requesting a higher density, demanding that the Township be ordered to rezone, requesting permission to construct a sanitary sewerage treatment plant, demanding just compensation for a taking without due process, including the appointment of commissioners.

4. (a) Identify all litigation in which a Complaint was filed on or after the adoption of the present BERNARDS TOWNSHIP Zoning Ordinance which challenges substantive or procedural aspects of the Comprehensive Zoning Ordinance. Without limitation of the foregoing, specify:

(i) the Court, Docket Number, and parties to such litigation;

(ii) the nature of the claims or allegations of the Complaint; and

(iii) the outcome or present status of the litigation.

(b) State the names and address of, and otherwise identify, all persons having knowledge of the facts set forth in your answer to Interrogatory No. 4(a) above, together with the general substance of their knowledge.

(c) In accordance with Rule 4:17-4(a), identify and attach a copy of all documents relevant to the facts set forth in your answer to Interrogatories No. 4(a) and 4(b) above, which is not more than ten pages in length.

4. There follows to the best of our knowledge a list of all litigation against the Township related to zoning:

<u>Township Atty.</u>	<u>Plaintiff, Docket No., Date</u>
Kearns & Bruder	Vera Dettweiler Easling - L-25293-66 P.W., May 5, 1969.
Kearns & Bruder Mahlon Ortman	Selmer Loft - L-25947-69 P.W. (S-7606 P.W.) 1972 Alice J. Hansen (Intervenor)
Farrell, Curtis, Carlin, Davidson & Mahr	John H. & Mary L. Geiger - L-16669-71 P.W., 1972
Kearns & Bruder	Betty M. Olson, et als. - L-35260-66 P.W. 1969 (S-5554)
Kearns & Bruder Wharton, Stewart & Davis	Knights Development Corp. - L-24450-66 (Dismissed 1-10-69)
Kearns & Bruder Wharton, Stewart & Davis	Gunther Krogoll - L-311732-70 (S-8432) Dismissed 11-8-72
McCarter & English	Allan-Deane Corp. - L25645 P.W. March 11, 1976

Wharton, Stewart & Davis

Alice J. Hansen, et als. -
L-12870-72 P.W. (S9628)
May 20, 1974

Richard J. McManus
McCarter & English

Theodore Lorenc, et als -
L-6237-74 P.W., October 18, 1974

- 4(b) Objected to; unduly burdensome and irrelevant.
- 4(c) Having identified the suits and their docket numbers, plaintiff can find information relating to above on file in the office of the Clerk of the Superior Court of New Jersey or in Township files (except privileged matters).

5. (a) Describe all meetings or conversations of Defendants in 1969, 1970 or 1971 with Officials from the American Telephone & Telegraph Co. or the 195 Broadway Corporation regarding A.T.&T.'s request for a rezoning of 24.5 acres from Residential to Office Research (OL-1) in order to allow A.T.&T. to construct its world headquarters in BERNARDS TOWNSHIP. Without limitation of the foregoing, specify:

(i) the time, place and persons present;
(ii) the general substance of what each person said; and
(iii) the conclusions or instructions which resulted.

(b) State the names and addresses of, and otherwise identify, all persons having knowledge of the facts set forth in your answer to Interrogatory No. 5(a) above, together with the general substance of their knowledge.

5. Objected to. The information called for is burdensome. It calls for information on meetings 5 to 7 years ago as to which there may or may not be a record. It also calls for irrelevant information, in that meetings 5 to 7 years ago preceding zoning changes are irrelevant; the fact of the zoning change may or may not be relevant. Plaintiff may inspect all Township files relating to zoning changes (except privileged material, if any).

6. Set forth all facts which support, rebut or pertain in any way to the validity of the rezoning of Residential lands in 1971 to Office-Research use in order to permit the construction of the A.T.&T. world headquarters. Without limitation of the foregoing, specify:

(a) the zoning purpose or purposes as permitted in N.J.S.A. 40:55, which said rezoning was intended to promote;

(b) the manner in which the rezoning followed the objectives of the TOWNSHIP's Master Plan; and

(c) all expert or technical reports, studies, findings or data of any kind which supported the rezoning of 24.5 acres of formerly Residential land to Office-Research.

(d) In accordance with Rule 4:17-4(a), identify and attach a copy of all documents relevant to the facts set forth in the answers to Interrogatory Nos. 6(a), 6(b) and 6(c) above.

6(a). Objected to. Zoning change in 1971 is not at issue. Also burdensome.

(b) Objected to. See 6 (a).

(c) A search of the files did not produce any reports. Plaintiff can inspect files.

(d) Same as 6 (c).

22. (a) Set forth all facts which support, rebut or pertain in any way to the validity of the requirement in the Zoning Ordinance of BERNARDS TOWNSHIP (Ordinance No. 347) that the smallest permitted unit is a one-bedroom unit with a minimum of 660 square feet of habitable floor area (600 square feet plus 10% additional for storage) in the multi-family residential zones. Without limitation of the foregoing, specify:

(i) the zoning purpose or purposes as permitted in N.J.S.A. 40:55, which such limitation is intended to promote;

(ii) the manner in which the limitation follows the objectives of the TOWNSHIP'S Master Plan;

(iii) all facts which support the prohibition of efficiency units in the PRN zones and the remaining zones;

(iv) all facts which support the selection of the figure of 660 square feet as the total minimum habitable floor area required in a dwelling unit;

(v) and identify the source of all expert or technical reports, studies, findings or data of any kind which supports such limitation or the selection of the figure of 660 square feet as the extent of the limitation;

(vi) and identify the source of all economic, fiscal, health or other data which supports the contention that efficiency units should be prohibited in all multi-family zones.

22. Objected to as burdensome since this was the subject of Mr. Agle's testimony as plaintiffs' witness on July 1 and July 6, 1976.

24. (a) Set forth all facts which support, rebut or pertain in any way to the validity of the limitation in the Zoning Ordinance of BERNARDS TOWNSHIP (Ordinance No. 347) which provides that in the PRN zone "no unit or portion thereof may be placed above another unit or portion thereof." Without limitation of the foregoing, specify:

(i) the zoning purpose or purposes as permitted in N.J.S.A. 40:55, which such limitation is intended to promote;

(ii) the manner in which the limitation follows the objectives of the TOWNSHIP'S Master Plan;

(iii) and identify the source of all expert or technical reports, studies, findings or data of any kind which supports the prohibition of apartments in the PRN zone;

(iv) and identify the source of all economic, fiscal or other data which supports the contention that property owners may practically develop their properties for multi-family use with such limitation;

(v) and identify the source of all economic, fiscal or other data which supports the contention that the prohibition against the placement of any unit or portion thereof above another unit in the PRN zone does not necessarily increase housing costs; and

(vi) and identify any other municipality in New Jersey known to Defendants which prohibits placement of any unit or portion thereof above another unit in a multi-family zone.

24. Objected to as burdensome since this was the subject of Mr. Agle's testimony as plaintiffs' witness on July 1 and July 6, 1976.

25. (a) State the names and address of, and otherwise identify, all persons having knowledge of the facts set forth in the answer to Interrogatory No. 24 (a) above, together with the general substance of their knowledge. Without limitation of the foregoing, identify each person or persons who:

(i) first proposed such prohibition against apartments;

(ii) drafted the sections of the Zoning Ordinance including such prohibition; and

(iii) communicated with Defendants in support of or in opposition to such prohibition.

(b) In accordance with Rule 4:17-4(a), attach a copy of all documents relevant to the facts set forth in the answer to Interrogatory No. 24(a) or 25(a) above which is not more than ten pages in length.

25. See answer to No. 24.

26. (a) Set forth all facts which support, rebut or pertain in any way to the prohibition in the PRN zones of all two-bedroom units with a minimum habitable floor area of less than 990 square feet and the prohibition of all three-bedroom units with a minimum habitable floor area of less than 1,320 square feet. Without limitation of the foregoing, specify:

(i) the zoning purpose or purposes as permitted in N.J.S.A. 40:55, which such prohibition is intended to promote;

(ii) the manner in which the prohibition is consistent with the objectives of the TOWNSHIP Master Plan;

(iii) all facts which support the distinction between the treatment of units in the PRN zones and other zones with regard to the requirement that a percentage increase in areas of indoor storage be added to the minimum habitable area;

(iv) and identify the source of all expert or technical reports, studies, findings or data of any kind which supports such prohibitions or the selection of the figures of 990 square feet and 1,320 square feet as the minimum habitable floor area for two and three-bedroom apartments, respectively; and

(v) and identify the source of all economic, fiscal or other data which supports the contention that property owners in the PRN zones may practically develop their property with such limitations.

26. Objected to as burdensome since this was the subject of Mr. Agle's testimony as plaintiffs' witness on July 1 and July 6, 1976.

27. (a) State the names and address of, and otherwise identify, all persons having knowledge of the facts set forth in the answer to Interrogatory No. 26(a) above, together with the general substance of their knowledge. Without limitation of the foregoing, identify each person or persons who:

(i) first proposed such limitations;
(ii) drafted the sections of the Zoning Ordinance including such limitations; and
(iii) communicated with Defendants in support of or in opposition to such limitations.

(b) In accordance with Rule 4:17-4(a), attach a copy of all documents relevant to the facts set forth in the answer to Interrogatory No. 26(a) or 27(a) above which is not more than ten pages in length.

27. See answer to No. 26.

28. (a) Set forth all facts which support, rebut or pertain in any way to the limitation on maximum gross density permitted in the PRN zones. Without limitation of the foregoing, specify:

(i) the zoning purpose or purposes as permitted in N.J.S.A. 40:55, which such limitation is intended to promote;

(ii) the manner in which the limitation is consistent with the objectives of the TOWNSHIP Master Plan;

(iii) the manner in which the limitation is consistent with the objectives of the Natural Resource Inventory of BERNARDS TOWNSHIP;

(iv) and identify the source of all expert or technical reports, studies, findings or data of any kind which might rebut Plaintiff's contentions that the maximum gross density permitted in the PRN zones is so low as to preclude a possibility of subsidized units;

(v) and identify the source of all expert or technical reports, studies, findings or data of any kind which supports such limitation.

28. Objected to as burdensome since this was the subject of Mr. Agle's testimony as plaintiffs' witness on July 1 and July 6, 1976.

29. (a) State the names and address of, and otherwise identify, all persons having knowledge of the facts set forth in the answer to Interrogatory No. 28(a) above, together with the general substance of their knowledge. Without limitation of the foregoing, identify each person or persons who:

(i) first proposed such limitation;
(ii) drafted the sections of the Zoning Ordinance including such limitation; and
(iii) communicated with Defendants in support of or in opposition to such limitation.

(b) In accordance with Rule 4:17-4(a), attach a copy of all documents relevant to the facts set forth in the answer to Interrogatory No. 28(a) or 29(a) above which is not more than ten pages in length.

29. See answer to No. 28.

30. (a) Set forth all facts which support, rebut or pertain in any way to the validity of the requirement in the BERNARDS TOWNSHIP Zoning Ordinance (Ordinance Nos. 364 and 347) that applicants for approval of a planned residential neighborhood shall pay to the TOWNSHIP OF BERNARDS a filing fee of \$50.00 per acre, plus \$0.02 per square feet of gross floor area, and that applicants for site plan review shall submit an environmental impact report and pay to the TOWNSHIP a fee of \$50.00 per acre of part thereof, plus \$0.02 per square foot of gross floor area of all proposed buildings. Without limitation of the foregoing, specify:

(i) the zoning purpose or purposes as permitted in N.J.S.A. 40:55, which such fee is intended to promote;

(ii) all facts which would tend to support Defendants' contention that this fee is reasonable within the meaning of N.J.S.A. 40:55-59, and bears some rational relationship to the expenses which might be incurred by a municipality in reviewing either an environmental impact statement or an application for approval for a planned residential neighborhood;

(iii) and identify the source of all expert or technical reports, studies, findings or data of any kind which would tend to support Defendants' contentions that this fee schedule is broadly correlative with the expenses which might reasonably be incurred by BERNARDS TOWNSHIP in connection with the review of a development proposal of the size of Plaintiff's proposal;

(iv) whether or not any of the Defendants stated either publicly or privately that the real purpose of this fee schedule was to provide revenues for BERNARDS TOWNSHIP to be used in defending the zoning scheme during litigation; and

(v) and identify the source of all expert or technical reports, studies, findings, economic, fiscal, or data of any kind which bears on the effect of such a fee schedule on housing costs in BERNARDS TOWNSHIP.

30. Objected to as burdensome since this was the subject of Mr. Agle's testimony as plaintiffs' witness on July 1 and July 6, 1976.

31. (a) State the names and address of, and otherwise identify, all persons having knowledge of the facts set forth in the answer to Interrogatory No. 30(a) above, together with the general substance of their knowledge. Without limitation of the foregoing, identify each person or persons who:

(i) first proposed such fee schedule;

(ii) drafted the sections of the Zoning Ordinance including such fee schedule; and

(iii) communicated with Defendants in support of or in opposition to such fee schedule.

(b) In accordance with Rule 4:17-4(a), attach a copy of all documents relevant to the facts set forth in the answer to Interrogatory No. 30(a) or 31(a) above which is not more than ten pages in length.

31. See answer to No. 30.

32. (a) Set forth all facts which support, rebut or pertain in any way to the designation and selection of the PRN zones. Without limitation of the foregoing, specify:

(i) all expert or technical reports, studies, findings or data of any kind which support the selection of the specific sites for multi-family use;

(ii) all expert or technical reports, studies, findings or data of any kind relating to the environmental appropriateness of the area designated in the PRN zones for multi-family development;

(iii) all expert or technical reports, studies, findings or data of any kind relating to the ownership of the land in the PRN zones, the amount of land in institutional use, and the amount of land not reasonably available for development due to environmental restraints;

(iv) all expert or technical reports, studies, findings or data of any kind relating to the actual housing unit yield which might be expected from the lands designated in the PRN zones for multi-family housing;

(v) and identify the source of all communications between Defendants and the United States Army Corps of Engineers regarding the construction of a flood control reservoir in the PRN zones;

(vi) whether the PLANNING BOARD provided a report or other evaluation of the Ordinance No. 347 creating PRN zone 6 and PRN zone 8. If written, attach a copy of such report; if oral, state the full substance, by and to whom communicated, and the date or dates of the communication;

(vii) whether the Planning Consultant provided a report or other evaluation of the Ordinance No. 347 for the designation of the particular areas chosen in the PRN zones. If written, attach a copy of such report; if oral, state the full substance, by and to whom communicated, and the date or dates of the communication; and

(viii) state the date or dates of any and all public hearings by the PLANNING BOARD or the TOWNSHIP COMMITTEE relating to Ordinance No. 347.

32. Objected to as burdensome since this has already been the subject of testimony of L. Stanley Stires and Charles K. Agle as plaintiffs' witnesses on July 1 and July 6, 1976.

33. (a) State the names and address of, and otherwise identify, all persons having knowledge of the facts set forth in the answer to Interrogatory No. 32(a) above, together with the general substance of their knowledge. Without limitation of the foregoing, identify each person or persons who:

(i) first proposed the designation of the particular areas chosen for PRN use;
(ii) drafted the sections of the Zoning Ordinance designating such PRN zones; and
(iii) communicated with Defendants in support of or in opposition to the designation of such areas for PRN use.

(b) In accordance with Rule 4:17-4(a), attach a copy of all documents relevant to the facts set forth in the answer to Interrogatory Nos. 32(a) and 33(a) above which is not more than ten pages in length.

33. See answer to No. 32.

34. (a) Set forth all facts which support, rebut or pertain in any way to the prohibition of mobile homes in the entire TOWNSHIP. Without limitation of the foregoing, specify:

(i) the zoning purpose or purposes of as permitted in N.J.S.A. 40:55, which such prohibition is intended to promote;

(ii) the manner in which the prohibition is consistent with the objectives of the TOWNSHIP'S Master Plan;

(iii) all facts which support the prohibition of mobile homes in the entire TOWNSHIP;

(iv) all expert or technical reports, studies, findings or data of any kind which support such prohibition; and

(v) all economic, fiscal or other data of any kind which supports the contention that Plaintiff may practicably develop its properties with such prohibition.

34. Objected to as burdensome since this was the subject of Mr. Agle's testimony as plaintiffs' witness on July 1 and July 6, 1976.

See also Vickers v. Gloucester Township, 37 N. J. 232 (1962),

and Hohl v. Reading Township, 37 N. J. 271 (1962).

35. (a) State the names and addresses of, and otherwise identify, all persons having knowledge of the facts set forth in the answer to Interrogatory No. 34 (a) above together with the general substance of their knowledge. Without limitation of the foregoing, identify each person or persons who:

(i) first proposed such prohibition;
and
(ii) communicated with Defendants in support of or in opposition to such prohibition.

(b) In accordance with Rule 4:17-4(a), attach a copy of all documents relevant to the facts set forth in the answer to Interrogatory Nos. 34(a) and 35(a) above which is not more than ten pages in length.

35. See answer to No. 34.

37. (a) State the names and addresses of, and otherwise identify, all persons having knowledge of the facts set forth in the answer to Interrogatory No. 36 (a) above together with the general substance of their knowledge. Without limitation of the foregoing, identify each person or persons who:

(i) first proposed the zoning for such areas; and

(ii) communicated with Defendants in support of or in opposition to the proposed zoning for such areas.

(b) In accordance with Rule 4:17-4(a), attach a copy of all documents relevant to the facts set forth in the answer to Interrogatory Nos. 36(a) and 37(a) above which is not more than ten pages in length.

37. See answer to No. 32. Communications, if any, to defendants may be found in the Township's public records which are open to plaintiffs' inspection.

42. (a) State whether there are in existence any documents in any way discussing or pertaining to any matters referred to in the within action, other than those identified in the answers to any Interrogatories hereinabove set forth or not disclosed herein for any reason whatsoever, and, if so, state the description, nature, custody, contents, location and otherwise identify the same, including, but without limitation of the foregoing, the date of each and the name of each addressee or recipient thereof, where applicable.

(b) In accordance with the Rules, attach a copy of all documents identified in the answer to Interrogatory No. 42.(a) above.

42. Objected to as too broad, vague, burdensome and harassing; insofar as it pertains to client-attorney communication, privilege is invoked.

44. Attach a copy of a letter dated January 3, 1969, from Bernards Township attorney, Anthony P. Kearns to Judge Arthur S. Meredith, seeking postponement of the legal action brought by Dr. Eisling, and advising Judge Meredith that a proposal had been made for the Eisling tract which had "attractive elements and which is very favorably considered" by the Township Committee and Planning Board.

44. Objected to as burdensome and harassing and not relevant to the subject matter of the pending action.

45. (a) Describe all meetings or conversations held by members of the Township Committee of the Township of Bernards and the Planning Board of the Township of Bernards prior to January 3, 1969, regarding the proposal referred to in Anthony P. Kearns's letter of January 3, 1969, to Judge Meredith. Without limitation of the foregoing, specify:

(i) the names and present addresses of all members of the Bernards Township Committee and Bernards Township Planning Board on January 3, 1969;

(ii) the time, place and persons present at each such meeting;

(iii) the general substance of what each person said at each such meeting;

(iv) the conclusions or instructions which resulted; and

(v) if a vote was held to authorize Anthony P. Kearns to request a postponement and to represent that the Township Committee and Planning Board considered the proposal or development of the tract was attractive, state the names of all persons who voted in favor of such proposal, and the names of all persons who opposed it.

(b) State the names and addresses of, and otherwise identify, all persons having knowledge of the facts set forth in the answer to Interrogatory No.45(a) above, together with the general substance of their knowledge.

45. Objected to as burdensome and harassing and not relevant to the subject matter of the pending action.

46. (a) Describe all meetings or conversations of Defendants or of former members of the Township Committee and Planning Board of Bernards Township with officials from Mallor and McCabe Co., requesting the rezoning of a 138-acre site bounded by North Maple Avenue, Route #287, the Passaic River, Osborne Pond and Madisonville Road, from 3-acre residential zoning to office-laboratory zoning. Without limitation of the foregoing, specify:.

(i) the time, place and persons present;
(ii) the general substance of what each person said; and
(iii) the conclusions or instructions which resulted.

(b) State the names and address of, and otherwise identify, all persons having knowledge of the facts set forth in the answer to Interrogatory No. 46(a) above, together with the general substance of their knowledge.

46. Objected to as burdensome and harassing and not relevant to the subject matter of the pending action.

47. (a) Set forth all facts with support, rebut or pertain in any way to the validity of the rezoning of the 138-acre site bounded by North Maple Avenue, Route #287, the Passaic River, Osborne Pond and Madisonville Road, in Bernards Township, in May, 1970, to office-laboratory use. Without limitation of the foregoing, specify:

(i) the zoning purpose or purposes as permitted in N.J.S.A. 40:55, which said rezoning was intended to promote;

(ii) the manner in which the rezoning followed the objectives of the Township's Master Plan;

(iii) all expert or technical reports, studies, findings or data of any kind which supported the rezoning of this land from 3-acre residential zoning to office-laboratory use; and

(iv) all facts which support the distinction between the treatment and rezoning of this property in February, 1967, from 1-acre to 3-acre residential zoning and the rezoning of this same property in May, 1970 from 3-acre residential to office-laboratory use.

47. Objected to as burdensome and harassing and not relevant to the subject matter of the pending action.

48. (a) State the names and addresses of, and otherwise identify, all persons having knowledge of the facts set forth in the answer to Interrogatory No. 47(a) above, together with the general substance of their knowledge. Without limitation of the foregoing, identify each person or persons who:

(i) first proposed the rezoning of this property from 1-acre residential to 3-acre residential;

(ii) first proposed the subsequent rezoning of the same property from 3-acre residential to office-laboratory use; and

(iii) communicated with Defendants in support of or in opposition to either rezoning.

(b) In accordance with Rule 4:17-4(a), identify and attach a copy of all documents relevant to the facts set forth in the answer to Interrogatory Nos. 47(a) and 48(a) above.

48. Objected to as burdensome and harassing and not relevant to the subject matter of the pending action.

49. (a) Describe all recommendations made to Defendant, Planning Board, by the planning firm of Brown and Anthony and reports filed with the Board in 1964 and 1965. Without limitation of the foregoing, specify:

(i) the date on which the firm of Brown and Anthony was appointed as consultants for Defendant, Planning Board, and the date upon which their services were terminated; and

(ii) whether the firm of Brown and Anthony wrote any memoranda to Defendants or supplied Defendants with any reports or other documents regarding the proper zoning of Plaintiff's lands, the lands presently occupied by A.T.&T. in Bernards Township or the proper zoning of the lands presently designated as PRN 6 and PRN 8 zones in Bernards Township. If the answer to this Interrogatory is in the affirmative, attach, in accordance with Rule 4:17-4(a), a copy of all documents addressed to Defendants or prepared by the firm of Brown and Anthony while working for Defendants relating or pertaining in any way to the proper zoning of these areas.

49. Objected to as burdensome and harassing and not relevant to the subject matter of the pending action.

50. (a), State the names and addresses of, and otherwise identify, all persons having knowledge of the facts set forth in the answer to Interrogatory No.49(a) above, together with the general substance of their knowledge.

50. Objected to as burdensome and harassing and not relevant to the subject matter of the pending action.

51. (a) Identify all documents in the files of Defendants relating to the complaints filed by Suburban Action Institute with the Federal Communications Commission (FCC) and the Federal Equal Employment Opportunity Commission (EEOC) in 1971 to bar A.T.&T. from moving from New York City to Bernards Township. Without limitation of the foregoing, identify and describe:

(i) a letter dated June 7, 1971 from Bernards Township Mayor Robert E. O'Neil to the Suburban Action Institute, in which Mayor O'Neil said,

If you and your organization would take the time and trouble to examine the facts, you would find that this community is thoughtfully weighing the problem of multiple housing seriously. The speed that this is being done may not be in accordance with your wishes; however, we feel that the approach we are taking is a reasonable one. ...

I am committed to the proposition that Bernards Township is in need of a controlled number of multi-dwellings. I have said this on other occasions and it is the matter of public record. The method of achieving this goal must be left in our hands.

(b) In accordance with Rule 4:17-4(a), attach a copy of all documents relevant to the facts set forth in the answer to Interrogatory No. 51(a) above, including the letter from Mayor Robert E. O'Neil to Suburban Action Institute dated June 7, 1971.

51. Objected to as burdensome and harassing and not relevant to the subject matter of the pending action.

52. (a) Identify all documents in the files of Defendants which support, rebut or pertain in any way to the statement made by Mayor Robert E. O'Neil on June 7, 1971 to the effect that Bernards Township recognized, prior to June 7, 1971, that there was a need for multi-family housing and was, prior to June 7, 1971, "thoughtfully weighing the problem of multiple housing seriously."

(b) In accordance with Rule 4:17-4(a), identify and attach a copy of all documents relevant to the facts set forth in the answer to Interrogatory No.52(a) above.

52. Objected to as burdensome and harassing and not relevant to the subject matter of the pending action.

53. (a) Identify all documents in Defendants' files which support, rebut or pertain in any way to the validity of Mayor Robert E. O'Neil's statement made on June 7, 1971, to the effect that one of Bernards Township's first concerns, upon learning of A.T.&T.'s plan to relocate in Bernards Township, was in the area of housing and that Bernards Township officials had found that a majority of the employees involved already lived in or near the Township or within commuting distance of the proposed installation.

(b) In accordance with Rule 4:17-4(a), attach a copy of all documents referred to in the answer to Interrogatory No.53(a) above.

53. Objected to as burdensome and harassing and not relevant to the subject matter of the pending action.

54. (a) Identify all litigation in which a complaint was filed on or after the adoption of four zoning ordinances between May and December, 1971, rezoning the lands presently occupied by A.T.&T. from residential to office-laboratory, and changing density provisions affecting the use of said lands, which challenge the substantive or procedural aspects of these zoning changes. Without limitation of the foregoing, specify:

(i) the Court, docket no. and parties to such litigation;

(ii) the nature of the claims or allegations of the complaint;

(iii) the outcome or present status of the litigation; and

(iv) if it was alleged in any such litigation that A.T.&T. employees or their spouses serving on the Bernards Township Committee or the Bernards Township Master Plan voted for such rezoning, name the persons alleged in this litigation who have a conflict of interest.

(b) In accordance with Rule 4:17-4(a), identify and attach a copy of all documents relevant to the facts set forth in the answer to Interrogatory No. 54 (a) above.

54. Objected to as burdensome and harassing and not relevant to the subject matter of the pending action.

56. (a) Identify all documents in the files of Defendants relating to any review conducted by the Somerset County Planning Board of the rezoning of the property presently occupied by A.T.&T. in 1970, from 3-acre residential to office-research, and any review conducted by the County Planning Board of the A.T.&T. site plan.

(b) In accordance with Rule 4:17-4(a), identify and attach a copy of all documents relevant to the facts set forth in the answer to Interrogatory No. 56.(a) above.

56. Objected to as burdensome and harassing and not relevant to the subject matter of the pending action.

57. (a) Set forth all facts which support, rebut or pertain in any way to the validity of Ordinance No. 293, adopted in September, 1972, which Ordinance revised the fee schedule for building permits in Bernards Township. Without limitation of the foregoing, specify whether the purpose of Ordinance No. 293 was to permit A.T.&T. to purchase a building permit to construct the Basking Ridge facility at a savings of more than \$150,000.

57. Objected to as burdensome and harassing and not relevant to the subject matter of the pending action.

57. (b) Specify all facts which support the policy decision (as contained in the adoption of Ordinance No. 293) to lower building permit fees for large commercial tax ratables, while imposing substantial fees (as contained in Ordinances No. 364 and No. 347) on residential developers seeking to build housing in Bernards Township. Without limitation of the foregoing, specify:

(i) all facts which would tend to support Defendants' contention that housing developers should pay large fees and new non-residential tax ratables should pay lower fees;

(ii) and identify the source of all expert or technical reports, studies, findings or data of any kind which would tend to support Defendants' distinction in the treatment of housing developers and commercial tax ratables.

57 Objected to as burdensome and harassing and not relevant to the subject matter of the pending action.

57. (c) State the names and addresses of, and otherwise identify, all persons having knowledge of the facts set forth in the answers to Interrogatory Nos. 57(a) and (b) above, together with the general substance of their knowledge.

(d) In accordance with Rule 4:17-4(a), identify and attach a copy of all documents relevant to the facts set forth in the answers to Interrogatory Nos. 57(a), (b) and (c) above.

57. Objected to as burdensome and harassing and not relevant to the subject matter of the pending action.

58. (a) Identify all documents in Defendants' files regarding any proposal or plan to provide mass transportation for A.T.&T. employees in Bernards Township. Without limitation of the foregoing, specify and identify all documents regarding Lakeland Bus Company's proposal to establish bus transportation between the A.T.&T. Bernards facility and New York City, or its original proposal to provide hourly service from Pepack-Gladstone, Bedminster, Far Hills, Bernardsville and Basking Ridge to the Port Authority terminal in Manhattan.

(b) In accordance with Rule 4:17-4(a), identify and attach a copy of all documents identified in the answer to Interrogatory No.58;(a) above.

58. Objected to as burdensome and harassing and not relevant to the subject matter of the pending action.

60. State the total acreage of Bernards Township and identify the source for your answer to this Interrogatory.

60. Objected to as burdensome and harassing and not relevant to the subject matter of the pending action.

61. State Defendants' contentions with regard to the total acreage of Bernards Township in present use, specifying and breaking down by acreage the type of use (i.e., Commercial, Office-Research, one acre or less Residential, five acres or less Residential, more than five acres Residential) and identify the source of all data.

61. Objected to as burdensome and harassing and not relevant to the subject matter of the pending action.

62. State Defendants' contentions with regard to the total acreage of all farm land in present use in Bernards Township and identify the source of all documents which support, rebut or pertain in any way to Defendants' contentions.

62. Objected to as burdensome and harassing and not relevant to the subject matter of the pending action.

(63) State the number of acres in Bernards Township which Defendants contend constitute short-term flood plains, and identify the source of Defendants' contentions with regard to the answer to this Interrogatory.

63. Objected to as burdensome and harassing and not relevant to the subject matter of the pending action.

(64) State the total number of acres in Bernards Township which Defendants contend constitutes aquifer out crops and swamps essential to water resources, and identify the source of all data which supports, rebuts or pertains in any way to Defendants' contentions in the answer to this Interrogatory.

64. Objected to as burdensome and harassing and not relevant to the subject matter of the pending action.

(65) State the total number of acres in Bernards Township which Defendants contend have grades or slopes of 20% or steeper, and identify the source of all documents or data which supports, rebuts or pertains in any way to Defendants' contentions in the answer to this Interrogatory.

65. Objected to as burdensome and harassing and not relevant to the subject matter of the pending action.

66. State the total number of acres in Bernards Township which Defendants contend constitutes proposed park lands, and identify the source of all documents, data and materials, which supports, rebuts, or pertains in any way to Defendants' answer to this Interrogatory.

66. Objected to as burdensome and harassing and not relevant to the subject matter of the pending action.

67. State the total acreage of all lands in Bernards Township which Defendants contend constitutes short-term flood plains, aquifer out crops and swamps essential to water resources, grades of 20% or steeper, and proposed park lands.

67. Objected to as burdensome and harassing and not relevant to the subject matter of the pending action.

68. (a) State the total number of acres in Bernards Township which Defendants contend constitutes "environmentally critical lands" and, if that number is greater than the total number of acres contained in Defendants' answer to the preceding Interrogatory, identify all categories of land not included in Defendants' calculations in the answer to the preceding Interrogatory which Defendants contend constitute environmentally critical lands not suitable for housing, giving the location of all such land, the nature and environmental characteristics of all such land, and identifying the source of all documents which supports, rebuts or pertains in any way to Defendants' classification of such lands as environmentally critical and unsuitable for housing.

(b) In accordance with Rule 4:17-4(a), identify and attach a copy of all documents relevant to the facts set forth in the answer to this Interrogatory.

68. Objected to as burdensome and harassing and not relevant to the subject matter of the pending action.

69. State the total number of acres in Bernards Township reasonably zoned for industry and commerce, and identify the source of all documents which support, rebut or pertain in any way to Defendants' answer to this Interrogatory.

69. Objected to as burdensome and harassing and not relevant to the subject matter of the pending action.

70. State the total number of acres in Bernards Township which Defendants contend constitutes the net vacant acreage in Bernards Township suitable for housing. If this number is lower than the number which would be derived by subtracting from the total vacant acreage of Bernards Township the acreage classified as short-term flood plains, aquifer out crops and swamps essential to water resources, grades of 20% or steeper, proposed park land, vacant lands reasonably zoned for industry and commerce, and all farm land in present use, explain fully and in detail how this number was derived, giving all calculations, Defendants' reasoning with respect to the exclusion from the total vacant acreage in Bernards Township of any additional categories of lands and identifying the source of all data or documents which support the exclusion of said additional categories of lands from the total vacant acreage of Bernards Township in order to calculate the net vacant acreage suitable for housing.

70. Objected to as burdensome and harassing and not relevant to the subject matter of the pending action.

71. If Defendants contend that the acreage of proposed park land in Bernards Township is greater than the total acreage of lands presently zoned for park purposes in Bernards Township, state the proposed location of all future parks, identify the location of all parcels considered by the Planning Board for park use, and identify the source of all documents which support, rebut or pertain in any way to Defendants' contentions that there is or may be a need for additional park lands in Bernards Township.

71. Objected to as burdensome and harassing and not relevant to the subject matter of the pending action.

76. (a) State Defendants' contentions with regard to the maximum grade on which housing development can responsibly take place within Bernard's Township. If the grade percentage is less than 20%, identify the source of all documents and set forth the facts which support, rebut or pertain in any way to Defendants' contentions in this regard.

(b) In accordance with Rule 4:17-4(a), identify and attach a copy of all documents relevant to the facts set forth in the answer to this Interrogatory.

76. Objected to as burdensome and harassing and not relevant to the subject matter of the pending action.

77. (a) Describe all meetings or conversations held by members of Defendant, Township Committee, or Defendant, Planning Board, regarding Ordinance No. 385. Without limitation of the foregoing, specify:

(i) the time, place and persons present at each meeting;

(ii) the general substance of what each person said at each such meeting;

(iii) whether any such meeting or any portion of such meeting was closed to the public and, if so, the reason or reasons given in the Resolution closing such meeting to the public for the exclusion of the public at each such meeting;

(iv) the general substance of what each person said during any portion of the meeting which was closed to the public;

(v) the conclusions or instructions which resulted from each such meeting; and

(vi) if a vote was held, formal or informal, during any portion of a meeting during which the public was excluded; the proposal which was voted upon; and the names of all persons who voted in favor of such proposal and the names of all persons who opposed it.

(b) In accordance with Rule 4:17-4(a), identify and attach a copy of all documents, including the full Minutes of each such meeting, the Resolutions excluding the public from a portion of any such meeting, and all notes, handwritten or otherwise, taken by participants at each such meeting, which may be relevant to the facts set forth in the answer to Interrogatory No. 77(a) above.

77. Objected to as burdensome and harassing and irrelevant. Plaintiffs may inspect Township files.

80.. (a) Describe all investigations, conferences or meetings conducted by Defendants, individual members of Defendant public bodies, or Defendants' consultants, agents or attorneys to ascertain whether or not the housing, which would be permitted as a special exception under Ordinance No. 385 (which was introduced on first reading by the Township Committee of the Township of Bernards on 5/4/76), might be eligible for subsidies under any program of the Department of Housing and Urban Development, the Farmers Home Administration, the New Jersey Housing Finance Agency, the New Jersey Mortgage Finance Agency, or the Housing Demonstration Grant Program of the State of New Jersey. Without limitation of the foregoing, specify:

80 (a) Objected to as burdensome and harassing and not relevant to the subject matter of the pending action and, in part, because such investigations, conferences, or meetings constitute privileged attorney-client communications and attorney work product. With respect to public meetings of defendants, plaintiffs may inspect Township files and the minutes of such meetings.

80. (a) (iii) and state whether or not Defendants allege that housing built in conformance with Ordinance No. 385 would be eligible, under Federal or State guidelines and regulations, for any subsidy from the Department of Housing and Urban Development, the Farmers Home Administration, the New Jersey Housing Finance Agency, the New Jersey Mortgage Finance Agency, or the New Jersey Housing Demonstration Grant Program and, if the answer to this question is in the affirmative; state which programs Defendants allege might, under current regulations and guidelines, subsidize housing built in conformance with Ordinance No. 385;

(iv) if Defendants contend that there are subsidy programs available for the construction of low and moderate income housing in Bernards Township not enumerated above, [specify] all such programs and state whether or not, as to each such program, Defendants contend that it would be available under its current rules, guidelines and regulations for subsidizing housing built in conformance with Ordinance No. 385.

80 (a) (iii) Defendants have made no such allegations although defendants believe that housing built in conformance with Ordinance 385 would qualify for various State and Federal housing subsidies, including, without limitation, Department of Health and Urban Development Section 8, 42 U.S.C. §1437f, Section 202 and Section 235 subsidies, Farmers Home Administration subsidies pursuant to Section 515 and subsidies and guarantees of the New Jersey Housing Finance Agency and other agencies of the State of New Jersey.

80 (a) (iv) Defendants have made no such contention and further object to this interrogatory as burdensome, harassing and not relevant to the subject matter of the pending action and on the ground that this interrogatory is improper.

80. (a) (v) whether or not Bernards Township has adopted an approved housing assistance plan (HAP) to render Bernards Township eligible for subsidies under §8 of the Lower-Income Housing Assistance Program;

(vi) and describe fully and in detail all steps taken or contemplated by Defendants, pursuant to 42 U.S.C. §§1439 (a)-(c) (1970 ed., Supp. IV), to encourage the Secretary of HUD to make subsidies available for Bernards Township;

(vii) if Bernards Township does not presently have a housing assistance plan, describe fully and in detail when and if Defendants propose to adopt such a plan.

80 (a) (v) No.

80 (a) (vi) Defendants have from time to time reviewed the statute cited and other relevant statutes and regulations, but, as yet, no final action has been taken with respect to the information requested by this interrogatory.

80 (a) (vii) Objected to as burdensome and harassing and not relevant to the subject matter of the pending action.

80. (b) State the names and addresses of, and otherwise identify, all persons having knowledge of the facts set forth in the answer to Interrogatory No. 80 (a) above, together with the general substance of their knowledge.

(c) In accordance with Rule 4:17-4(a), identify and attach a copy of all documents relevant to the facts set forth in the answer to Interrogatory No. 80(a) and No. 80(b) above.

80 (b) Objected to as burdensome and harassing and not relevant to the subject matter of the pending action.

80 (c) Objected to as burdensome and harassing and not relevant to the subject matter of the pending action and, in part, because such documents constitute privileged attorney-client communications and constitute attorney work product.

81. (a) Were Defendants legally advised that the New Jersey Superior Court, Appellate Division, held on June 30, 1975, in the case of Shepard v. Woodland Township Committee, 135 N.J. Super 97, that a zoning ordinance allowing senior citizen housing as a special exception was invalid on the grounds that a municipality may not use a special exception mechanism to promote "socio-economic goals" and that "all that a municipality may validly be concerned with in the exercise of its zoning power is the physical use of lands and structures thereon."

(b) If the answer to the preceding Interrogatory is in the affirmative, state when Defendants were first so advised and describe all meetings or conversations held by members of the Township Committee or of the Planning Board at which Defendants decided to ignore the laws of the State of New Jersey, as interpreted by the Superior Court, Appellate Division, and to proceed with the drafting and introduction of an Ordinance clearly violative of such laws. Without limitation of the foregoing, specify:

81. Objected to on the ground of attorney-client privilege.

81. (b) (i) the names and present addresses of all members of the Bernards Township Committee and Bernards Township Planning Board present at each such meeting, and, if applicable, their agent or service of process;

(ii) the general substance of what each person said at each such meeting;

(iii) the conclusions or instructions which resulted; and

(iv) the attorney or attorneys who gave such legal advice and the attorney or attorneys who reduced such legal advice to writing.

(c) In accordance with Rule 4:17-4(a), identify and attach a copy of all documents relevant to the facts set forth in the answer to Interrogatory No. 81(a) and No. 81(b) above.

81. Objected to on the ground of attorney-client privilege.

82. (a) If Defendants were not advised that Ordinance No. 385 was invalid on its face under existing case law, state whether or not Ordinance No. 385 was ever reviewed by any attorney or attorneys prior to its introduction by the Governing Body on May 4, 1976, and, if so, state the name and address of the attorney or attorneys who reviewed such Ordinance for Defendants.

(b) In accordance with Rule 4:17-4(a), identify and attach a copy of all documents relevant to the facts set forth in the answer to Interrogatory No. 82(a) above.

82. Objected to on the ground of attorney-client privilege.

83. (a) State whether or not Defendants received any written legal advice, other than the letter dated 8/13/75 from Wharton, Stewart & Davis to the Township Committee (which letter does not mention the case of Shepard v. Woodland Twp. Committee and generally alleges that it is appropriate under existing New Jersey law to use the special exception mechanism for socio-economic purposes), with regard to the legal appropriateness of the use of the special exception as a vehicle to provide for low and moderate income housing, and state the date and otherwise identify all communications where such advice was rendered.

(b) In accordance with Rule 4:17-4(a), identify and attach a copy of all documents relevant to the facts set forth in the answer to Interrogatory No. 83(a) above.

83. Objected to on the ground of attorney-client privilege.

11. (a) Set forth all facts which support, rebut or pertain in any way to the designation of Plaintiff's property on the Master Plan of the TOWNSHIP OF BERNARDS as an area designated for Sparce Residential Development. Without limitation of the foregoing, specify:

(i) all facts which support the distinction in treatment between Plaintiff's lands and the proposed Pingry School;

(ii) all expert or technical reports, studies, findings or data of any kind which supports such proposed limited Residential use; and

(iii) identify the source of all expert or technical reports, studies, findings or data upon which Defendants will rely to support such designation of Plaintiff's lands.

11 (a) Plaintiffs' lands are designated for planned neighborhoods and floodplain on the Township Master Plan.

11. (b) State the names and addresses of, and otherwise identify, all persons having knowledge of the facts set forth in the answer to Interrogatory No. 11(a) above, together with the general substance of their knowledge. Without limitation of the foregoing, identify each person or persons who:

(i) first proposed such designation of Plaintiff's property;

(ii) drafted the sections of the Zoning Ordinance designating Plaintiff's property as 3-acre Residential; and

(iii) communicated with Defendants in support of or in opposition to this designation in the Master Plan, and the substance of the communication.

(c) In accordance with Rule 4:17-4(a), attach a copy of all documents relevant to the facts set forth in your answer to Interrogatory Nos. 11(a) and 11(b) above.

11 (b) See answer to No. 11 (a)

13. Set forth in detail each fact or facts upon which the Defendants will rely in order to show that the land uses permitted in the TOWNSHIP OF BERNARDS preserve the quality of any stream and that said stream or streams are an important source of the public water supply. Without limitation of the foregoing, specify:

(a) and identify the source of all expert or technical reports, studies, findings or data which support or pertain in any way to Defendants' conclusion that the existing zoning of Plaintiff's property tends to preserve the quality of any river, stream or tributary;

13. Bernards Township is situated in the headwaters of the Passaic River. Studies by the New Jersey Department of Environmental Protection (Section 303 (e) Water Quality Management Basin Plan, Fresh Water Passaic River Basin, August 1975) and the Natural Resource Inventory of Bernards Township show that the Dead River and the Upper Passaic River are already heavily impacted by pollution from existing development. In order to permit achievement of the water quality standards for the Passaic River mandated by the State of New Jersey and by the United States Government, it will be necessary to impose restrictions on the amount of pollution to be received by the Passaic River and the Dead River from Bernards Township, and this in turn will impose limitations on both the amount of treated sewage effluent and nonpoint pollution. Such limitations necessitate limitations on the land area to be sewered and on the density of land usage within such sewered area. The Master Plan and the Zoning Ordinance of Bernards Township seek to balance the use of land which should not be sewered with that which is and is expected to be sewered so as to remain within the aforesaid restrictions.

Commonwealth Water Company has contracts with the State of New Jersey to withdraw 80 million gallons of water per day from the Passaic River at Canoe Brook from October 1 to May 30 of each year. This is a significant part of the source of water distributed by the Commonwealth system to some 26 municipalities including Bernards Township. Passaic Valley Water Commission is entitled to divert 75 million gallons of raw water per day from the Passaic River at Little Falls, which constitutes a significant part of its supply of water which is distributed to a population of 470,000 people in more than 17 municipalities.

- 13 (a) Studies by William Whipple, Jr. establish the pollution from nonpoint sources as the result of land development.

13. (b) and identify all witnesses upon whose testimony the Defendants will rely to establish the facts mentioned in the preceding Interrogatory and, if any of said witnesses are experts, specify:

(i) the date when each person was retained;

(ii) the professional qualifications of each such person, including his education, prior employment and publications; and

(iii) the particular studies, services or other functions which each person provided.

(c) In accordance with rule 4:17-4(a), identify and attach a copy of all documents relevant to the facts set forth in the answer to Interrogatory No. 13(a) which is not more than ten pages in length.

13 (b) Peter Larson, Charles K. Agle, Harry Ike, William Whipple, Jr.

16. (a) Describe all communications between Defendants and Charles V. Agle which related to the zoning of Plaintiff's properties or Plaintiff's plans for the development of its properties in BERNARDS TOWNSHIP. Without limitation of the foregoing, specify:

(i) the date, place, manner and source of each such communication;

(ii) the persons present during the communications;

(iii) the general substance of what each person said or wrote; and

(iv) identify the source of all memoranda, reports or studies prepared by Mr. Agle to justify the existing zoning of Plaintiff's properties, Defendants' existing housing policies, criticizing or commenting on the methodologies of any expert witnesses in computing BERNARD TOWNSHIP'S "fair share" of housing, housing density and land costs, or any other subject relative to the issues in this litigation.

(b) State the names and addresses of, and otherwise identify, all persons having knowledge of the facts set forth in the answer to Interrogatory No. 16 (a) above, together with the general substance of their knowledge.

(c) In accordance with Rule 4:17-4(a), identify and attach a copy of all documents relevant to the facts set forth in the answer to Interrogatory Nos. 16(a) and 16(b) above.

16. Plaintiff has already called Charles K. Agle as its witness at the trial in this case.

Family Sizes and Building Types, Zoning, Revised August 1972.

Memo to Bernards Planning Board from C. K. Agle, 13 Feb. 1975.

Residential Zoning Consistent with Mt. Laurel Decision (15 July 1975).

Housing Density and Land Cost (January 19, 1976).

17. (a) Describe all communications between Defendants and Peter W. Larson, Executive Director, Upper Raritan Water Shed Association, or with other members of the Upper Raritan Water Shed Association, which related to the zoning of Plaintiff's properties in BERNARDS TOWNSHIP or Plaintiff's proposal to develop its properties. Without limitation of the foregoing, specify:

(i) the date, place, manner and source of each such communication;

(ii) the persons present during the communications; and

(iii) the general substance of what each person said or wrote.

(b) State the names and addresses of, and otherwise identify, all persons having knowledge of the facts set forth in the answer to Interrogatory No. 17(a) above, together with the general substance of their knowledge.

(c) In accordance with Rule 4:17-4(a), identify and attach a copy of all documents relevant to the facts set forth in the answer to Interrogatory Nos. 17(a) and 17(b) above.

17. Bernards Township Natural Resource Inventory.

18. (a) Describe all communications between Defendants and William E. Roach, Jr., Director of the Somerset County Planning Board or with any other member of the Somerset County Planning Board, which related to the zoning of Plaintiff's properties in BERNARDS TOWNSHIP or to Plaintiff's proposal for the development of its properties. Without limitation of the foregoing, specify:

(i) the date, place, manner and source of each such communication;

(ii) the persons present during the communications;

(iii) the general substance of what each person said or wrote; and

(iv) and identify any correspondence known to Defendants between Mr. Roach and the New Jersey Department of Community Affairs, Mr. Roach and the New Jersey Department of Environmental Protection, or between members of the Somerset County Planning Board or its staff and any employee of the State of New Jersey, relating to the zoning of Plaintiff's properties, Plaintiff's development plans, or that portion of the Somerset County Master Plan which designates the County Planning Board's recommendations as to the proper use of Plaintiff's lands.

(b) State the names and addresses of, and otherwise identify, all persons having knowledge of the facts set forth in the answer to Interrogatory No. 18(a) above, together with the general substance of their knowledge.

(c) In accordance with Rule 4:17-4(a), identify and attach a copy of all documents relevant to the facts set forth in the answer to Interrogatory Nos. 18(a) and 18(b) above.

18. Defendants' files are open for inspection by plaintiff. Request for oral communications objected to as burdensome. Defendants have no specific knowledge other than what is in the Township files.