

AM - Howe's v. Far Hills

11/1/83

Stenographic Record of Trial

P 153

AM 000 ~~29~~ 4 S

AM000294S

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION - SOMERSET COUNTY  
DOCKET NO. L-73360-80

OCHS-HAUEIS,  
Plaintiff,

-v-

BOROUGH OF FAR HILLS,  
Defendant.  
-----

STENOGRAPHIC RECORD  
OF TRIAL

Taken on: November 1, 1983

At: Somerset County Courthouse  
Somerville, New Jersey

TRANSCRIPT ORDERED BY: J. ALBERT MASTRO, ESQ.

BEFORE: THE HONORABLE DAVID G. LUCAS, J.S.C.

APPEARANCES:

HERBERT VOGEL, ESQ.  
Attorney for the Plaintiff

J. ALBERT MASTRO, ESQ.  
Attorney for the Defendant

MEL WEINER, C.S.R.  
Official Court Reporter  
1 Maryland Street  
Cranford, New Jersey  
07016

**I N D E X**

**WITNESS**

**DIRECT**

**CROSS**

**ALLEN J. DRESDNER**

**BY: MR. MASTRO**

**4,44,144**

**MR. VOGEL**

**41,95,107**

**E X H I B I T S**

<b>NO.</b>	<b>DESCRIPTION</b>	<b>FOR ID.</b>	<b>IN EVIDENCE</b>
<b>D-17</b>	<b>U.S.G.S. map</b>	<b>38</b>	<b>43</b>
<b>D-18</b>	<b>A plan</b>	<b>71</b>	
<b>D-19</b>	<b>A map</b>		<b>72</b>
<b>D-20</b>	<b>A document</b>	<b>93</b>	<b>103</b>

1 THE COURT: Good morning. Be  
2 seated, please. All right, I think at  
3 this point your witness has testified,  
4 and where are we?

5 MR. VOGEL: Correct, Your Honor.  
6 Your Honor, at this point we really rest  
7 on this limited issue. I would like to  
8 reserve the right for a rebuttal witness  
9 if I think that's essential, but other  
10 than that, we rest on the issue of the  
11 State Development Guide Plan Map, how it  
12 applies to this area, and whether or not  
13 the lines on that map are arbitrary,  
14 capricious, or even unreasonable.

15 THE COURT: Mr. Mastro, is that  
16 your understanding, too?

17 MR. MASTRO: Yes, that's my  
18 understanding, Your Honor, and I am  
19 prepared to call Allen Dresdner.

20 THE COURT: All right, Mr.  
21 Dresdner.

22 SERGEANT AT ARMS: Please state  
23 your full name and spell your last name.

24 THE WITNESS: My name is Allen J.  
25 Dresdner (D-r-e-s-d-n-e-r).

1  
2 **A L L E N J. D R E S D N E R,**

3 after having been duly sworn,  
4 testified as follows:  
5

6 **DIRECT EXAMINATION BY MR. MASTRO:**  
7

8 **MR. MASTRO:** Your Honor, Mr.  
9 Dresdner has previously qualified as an  
10 expert planner, and I assume he is still  
11 qualified.

12 **THE COURT:** Yes. Do you have any  
13 questions about that?

14 **MR. VOGEL:** No.

15 **THE COURT:** All right.

16 **MR. MASTRO:** I have one or two  
17 questions of Mr. Dresdner as to his  
18 work.

19 **Q.** Are you undertaking any major projects  
20 at the present time that relate to environmental  
21 studies?

22 **A.** Yes, sir, I am, and my firm is as well.

23 **Q.** Could you describe those briefly?

24 **A.** Yes. We were recently selected by the New  
25 Jersey Department of Environmental Protection to

1 prepare a site-selection evaluation and ranking study  
2 of residual landfill sites in northeastern New Jersey  
3 for proposed resource recovery facilities.

4 These are to serve the counties of Bergen,  
5 Essex, Hudson, and Passaic. Additionally, we have  
6 recently completed the Draft Environmental Impact  
7 Statement for a major project along the Hudson River  
8 waterfront that incorporates nine thousand (9,000)  
9 housing units, four million (4,000,000) square feet  
10 of office space, and one million (1,000,000) square  
11 feet of regional shopping space. We're in the  
12 process now of completing the final E.I.S. for that.

13 Q. Mr. Dresdner, can we turn our attention  
14 for the moment to the State Development Guide Plan?  
15 Are you familiar with that particular document?

16 A. Yes, sir, I am.

17 Q. I show you P-3 and ask you if you  
18 recognize this document.

19 A. Yes, sir, I recognize the document.

20 Q. And is that the State Development Guide  
21 Plan which is the subject matter of this portion of  
22 the litigation?

23 A. Yes, sir.

24 Q. Would you indicate, Mr. Dresdner, what  
25 your opinion is of the objectives of that document?

1 A. Well, the objectives and the purpose of the  
2 State Development Guide Plan are explicit, and they  
3 are stated in the State Development Guide Plan.

4 The Development Guide Plan is not a land-use  
5 plan, and that's indicated in the document. It is a  
6 plan to prioritize and distribute state resources.

7 Specifically, they relate to a funding mechanism for  
8 financing improvements at the state level.

9 For example, the extension of sewer lines, the  
10 construction of new roads. There never has been, in  
11 the State of New Jersey, a rational means for  
12 distributing the relatively scarce State resources.  
13 In these particular case we are talking of cash. How  
14 do you distribute funds for competing resources?  
15 Through this State Development Guide Plan, the State  
16 hoped to create an instrument whereby logical and  
17 rational decisions could be made in prioritizing and  
18 distributing State funds.

19 Their intent was to encourage development in  
20 those areas that are generally shown as growth areas  
21 and discourage development by withholding funds in  
22 those areas which are shown as either limited growth,  
23 conservation, or agricultural.

24 Q. Can you tell me what the significance of  
25 the boundary lines of the various areas are, in

1 particular, the growth area on the State Development  
2 Guide Plan?

3 A. Particularly the growth area?

4 Q. Yes.

5 A. The State Development Guide Plan shows, again  
6 in broad, generalized, conceptual terms, where the  
7 thrust of development is likely to occur, and perhaps  
8 also - - -

9 THE COURT: Can I interrupt you?

10 Let me take care of business  
11 here.

12 ( Short recess.)

13 Q. Mr. Dresdner, I believe you were  
14 discussing the significance of the State Development  
15 Guideline designations on the map.

16 THE COURT: Why don't we have  
17 repeated back the last question and his  
18 response to it, please?

19 ( The question is read back.)

20 A. And perhaps also, where it will occur, whether  
21 desirable or not, the growth area delineations on the  
22 State Development Guide Plan are used to assist the  
23 State in determining where growth-inducing.  
24 Investments by the State should be made.

25 The boundary, however, of the line, as shown

1 on the map, is imprecise. The edge of the line is  
2 equally imprecise, and the main purpose of the growth  
3 area as well as other areas as shown on the State  
4 Development Guide Plan is specifically that, to show  
5 general areas where growth should or may occur and to  
6 refine those areas based on local conditions rather  
7 than state-wide conditions.

8 Q. Is there anything in the State  
9 Development Guide Plan to suggest that the conceptual  
10 lines on the State Development Guide Plan map were  
11 intended to be refined by either county or local  
12 authorities?

13 A. Well, there is mention made that the lines are  
14 not site-specific. In fact, I quote from the State  
15 Development Guide Plan: "The concept map consists of  
16 broad, generalized areas without site-specific detail  
17 or precise boundaries, and areas designated for  
18 growth should not be thought of as solid urbanization  
19 without green areas", and so forth.

20 Q. Could I have the page?

21 THE COURT: We will ask him that  
22 when he is finished. That's in the  
23 exhibit P-33?

24 THE WITNESS: It's Roman Numeral  
25 II, which would be in the preface. It

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

continues on to Roman Numeral III.

Q. Did you finish your answer?

A. Well, no. What that suggests to me, plus the type of map that was used for both the concept, the state-wide concept plan, as well as the county plan, it indicates to me that the line is intended to be generalized and not to be a transferred directly onto larger base maps without any consideration for natural or cultural features.

Q. You mentioned that the map is not site-specific. Could you define that term for me, please?

A. Yes. The map, both - - -

MR. VOGEL: Excuse me, Your Honor. I would very much appreciate just the last part of the last question being read back.

THE COURT: I will have it read back for you. Not the one immediately last, but the one prior, the second to last question.

MR. VOGEL: The part about transferring, not intended to be transferred onto larger maps.

THE COURT: Not to be transferred

1 without furnishing local consideration  
2 or refinement. Let him read it back and  
3 get the precise language.

4 ( The question is read back.)

5 A. Yes, site specificity would include the  
6 showing of readily visible features, such as, roads,  
7 railroads, ridge lines, rivers, streams, and other  
8 similar, readily visible features of the landscape.  
9 That is my interpretation of site-specific.

10 Q. Well, Mr. Dresdner, you mentioned that  
11 the State Development Guide Plan map was not a land  
12 use map. Can you compare the two?

13 What are the characteristics of the State  
14 Development Guide Plan, and what are the  
15 characteristics of a land use map.

16 A. The State Development Guide Plan is just that  
17 it shows areas which will or should receive  
18 development in the future. The character and the  
19 quality of such development, however, is not explicit  
20 in the State Development Guide Plan.

21 The character and quality of development is  
22 what would be explicit in a land use plan. A land  
23 use plan would further detail the general and  
24 conceptual areas that are included in the State  
25 Development Guide Plan.

1           For example, a land use plan would distinguish  
2           between residential and non-residential uses. In  
3           certain areas it would further distinguish between  
4           low and high density residential. It would  
5           distinguish between non-residential uses such as  
6           commercial, industrial, and the like. It would  
7           distinguish between certain kinds of open space. It  
8           would show community facilities.

9           The level of detail you would expect on a land  
10          use plan is substantially greater than the level of  
11          detail you would find on a development plan, and this  
12          of course is a development plan, not a land use plan.

13          Q.     How does one designate boundaries of  
14          various districts on a land use plan? Can you  
15          distinguish that methodology from what was done on  
16          the State Development Guide Plan?

17          A.     Well, the State Development Guide Plan is what  
18          we call a blob map. That is, there are large areas,  
19          either circles or amorphous shapes, that incorporate  
20          certain features. A land use plan would be more  
21          specific, may also include what we call blobs, but  
22          those blobs would be more related to natural or  
23          cultural features. The level of detail is greater on  
24          a land use plan.

25          Q.     I think you mentioned the natural or

1 cultural features. Could you again indicate what you  
2 mean by those terms?

3 A. On the land use plan we would show boundaries  
4 related to roads, railroads, rivers, ridge lines,  
5 separations in land use between residential and/or  
6 non-residential or separations in residential  
7 densities. The boundaries would be related to  
8 specifics of the site and the area.

9 Q. Does a land use map ever relate its  
10 boundaries to parcels of property, boundary parcels  
11 for specific properties?

12 THE COURT: Would you read the  
13 question back to me, please.

14 ( The question is read back.)

15 A. Yes, sir, it often does. You see, there is a  
16 hierarchy in land use plans. At one level you have  
17 general, broad, conceptual proposals for development.  
18 I would call that similar to the State Development  
19 Guide Plan.

20 Q. May I interrupt. At what level would  
21 that take place?

22 A. Well, this would take place at the early  
23 stages of planning. It would deal, or it would  
24 address a planning horizon that is far in the future,  
25 for example, twenty years. It would not, however,

1 generally be suitable for translation to zoning.  
2 There should be a level of land use plan between the  
3 long range distant conceptual plan and the more  
4 current and immediate zoning ordinance.

5 That intermediate plan may be, for example, a  
6 period of ten years. It surely, however more  
7 specifically, details the boundaries between land  
8 uses and land areas so that there would be a logical  
9 connection between the land use plan and the zoning  
10 ordinance.

11 Q. Mr. Dresdner, do you know what the  
12 current status of the State Development Guide Plan  
13 is?

14 A. Generally, yes.

15 Q. What is that?

16 A. Well, absent the elevating of the State  
17 Development Guide Plan by the Supreme Court, the  
18 State Development Guide Plan has no bearing on  
19 decisions by the State for investments. The plan has  
20 been repudiated by the present Commissioner of the  
21 Department of Community Affairs. There are no funds  
22 currently budgeted in the State for updating or  
23 maintaining the plan.

24 Q. Now, Mr. Dresdner, in your opinion, can  
25 one draw any meaningful conclusions from making a

1 blow-up of the State Development Guide Plan,  
2 transferring the delineation of a growth area onto a  
3 site-specific map which shows details of roadways,  
4 rivers, etcetera?

5 A. In my opinion, no. I perform that exercise  
6 myself. I think it has limited value. I would  
7 compare it to timing a mile race with a sun dial. We  
8 can quibble over the mark of the shadow, whether it  
9 falls one millimeter or another to one side or the  
10 other, but it really has no bearing on the timing of  
11 the race.

12 Similarly, we can quibble over the conceptual  
13 line of the State Development Guide Plan insofar as  
14 where it falls on a very detailed map. However, I  
15 don't think that has any bearing as to whether the  
16 area it encompasses is a growth area or not.

17 Q. Mr. Dresdner, do you have an opinion as  
18 to the objective to be achieved under the State  
19 Development Guide Plan when the north-south  
20 delineation of the growth area was incorporated in  
21 the Clinton corridor portion of that growth area?

22 THE COURT: Do you understand the  
23 question?

24 THE WITNESS: Yes, I believe I do,  
25 Your Honor.

1 A. The purpose of showing the Route 206 - - -  
2 sorry. Did you say the Clinton corridor, or the 206  
3 corridor?

4 THE COURT: Why don't you repeat  
5 the question, please.

6 MR. MASTRO: Do you want it read  
7 back?

8 THE COURT: No, why don't you ask  
9 it again. I think there's a problem.  
10 That's why I asked the witness. If he  
11 understood it, fine. He is the one that  
12 has to answer it. I thought I would get  
13 the sense of the question from the  
14 response.

15 MR. MASTRO: Let me try it again.

16 Q. Do you have an opinion as to the  
17 objectives to be achieved under the State Development  
18 Guide Plan in outlining the north-south dimension of  
19 the Clinton corridor, particularly that growth area  
20 that goes up along 206?

21 A. Yes, I think I do. The objective of the  
22 State, and I'm sure Mr. Ginman will expand on this  
23 tomorrow, was to recognize the developments that were  
24 occurring along the Route 206 corridor, specifically,  
25 A.T.&T. Long Lines, Alan-Deane, more currently,

1 Beneficial Finance, I believe, as well as City  
2 Federal in Pluckemin, to recognize those events,  
3 those occurrences, and to provide, if the funds are  
4 available, and in relation to other priorities, those  
5 growth-inducing investments.

6 They do recognize that the Route 206 corridor  
7 has its origin along Route 78, and particularly its  
8 interchange with 78, 287, and Route 206. And this is  
9 a thumb, or a nub, that stretches north from that  
10 interchange and is not part - - or is more accurately  
11 a part of the Clinton corridor, an extension of the  
12 Clinton corridor, rather than a corridor that exists  
13 separate and apart from that critical interchange of  
14 Route 78, 287, and 206.

15 Q. Now, Mr. Dresdner, in view of those  
16 objectives or any other reasons that may occur to  
17 you, was it appropriate, in your opinion, to include  
18 within that corridor the Village of Far Hills?

19 MR. VOGEL: Objection.

20 THE COURT: What ground?

21 MR. VOGEL: The question is  
22 irrelevant.

23 MR. MASTRO: I didn't hear that.

24 MR. VOGEL: The question is  
25 irrelevant. There are two issues before

1 the Court. One is, where is the line on  
2 the map? The second one has been  
3 defined by the Supreme Court to  
4 determine whether or not that line on  
5 the map was established in error.

6 In further defining that, the  
7 Supreme Court said, is that line  
8 arbitrary or capricious, and I think  
9 that should be the focus of this kind of  
10 questioning.

11 THE COURT: I assume that's where  
12 he is going with it.

13 MR. MASTRO: Your Honor, we have  
14 to start somewhere, and that's precisely  
15 where we are going.

16 THE COURT: The appropriateness of  
17 the inclusion of Far Hills in the growth  
18 area, and I assume he is going from that  
19 to the more specific question. I'll  
20 allow it. Let's where see where it  
21 goes.

22 A. I have no problem with the delineation of the  
23 boundary as the State has delineated it and shown it  
24 on the maps for the purposes expressly stated in the  
25 State Development Guide Plan.

1 Q. Do you have any problem with a literal  
2 application of the State Development Guide Plan which  
3 would include the Far Hills Village?

4 A. Yes, I do have a literal - - a problem with  
5 the literal application of this boundary to any  
6 community, whether it be Far Hills, Bridgewater, or  
7 the like. The boundary - - -

8 Q. All right, before we get into the  
9 details of the problems, I have one or two other  
10 questions that I would like you to address.

11 You may have answered this question, perhaps  
12 not, Mr. Dresdner. I will ask it in this form. In  
13 your opinion, is the State Development Guide Plan Map  
14 arbitrary and capricious and unreasonable for the  
15 purposes for which it was intended?

16 A. No, sir, it is not arbitrary, unreasonable,  
17 and capricious for the purposes intended.

18 Q. And can you summarize briefly your  
19 reasons for that answer?

20 A. The purposes of the State Development Guide  
21 Plan are essentially to provide a basis for making  
22 state-wide growth-inducing investments. All of the  
23 State is included within that purpose.

24 The basis for making these decisions on a map,  
25 therefore, should be generalized and conceptual,

1 because the State is in no position to detail its  
2 concept plan on a municipal basis. Therefore, the  
3 Development Guide Plan should be generalized. I  
4 think that's expressed properly by the lack of  
5 specificity in the boundaries of the State  
6 Development Guide Plan and the general nature of  
7 those boundaries.

8 Additionally, the lack of detail on either the  
9 County or the State maps suggest the intent of the  
10 State for these boundary lines to be generalized. If  
11 the State wanted to make the boundary lines more  
12 specific, they would have included, at the very  
13 least, roads and rivers which would provide a basis  
14 for more accurate delineation of the lines.

15 There is a distinction between accuracy and  
16 precision. We can transfer an imprecise line with  
17 great precision. That does not make that line an  
18 accurate line.

19 Q. Now, before the more definite question,  
20 Mr. Dresdner, and perhaps we can make reference - -  
21 off the record.

22 ( Discussion off the record.)

23 Q. (Continuing) Mr. Dresdner, making  
24 reference to D-9 in evidence, if we take the State  
25 Development Guide Plan and transpose it on a map

1 showing the boundaries of Far Hills, and if we  
2 construe that line literally as it's so transposed,  
3 in your opinion, would the growth area, as it  
4 encompasses the Borough of Far Hills, be arbitrary or  
5 capricious?

6 A. Clearly, yes.

7 Q. What are your reasons for that response?

8 A. Well, there are a number of reasons. *Reasons*  
9 itself relates to no natural or cultural boundaries. *for*  
10 It follows no roads, rivers, railroads, ridge lines, *arbitrary*  
11 property lines. Indeed, it follows no specific *&*  
12 property line and cuts virtually every property that *capricious*  
13 it passes through into two parts. That in and of  
14 itself would raise a question in my mind as to the  
15 reasonableness and the credibility of the line as it  
16 relates to a particular community.

17 Equally importantly, the area it encompasses  
18 is a very low-density area which has very little  
19 potential for growth. In fact, as has been pointed  
20 out in earlier testimony, and as I would agree to,  
21 the one property of any significance that is vacant  
22 and undeveloped is the property in question, and that  
23 property is divided in two parts by the line.

24 Additionally, Far Hills is located at the very  
25 eastern edge of the conceptual state line, and the

1 property in question is located at the eastern edge  
2 of Far Hills. It would be difficult to find a  
3 property that is located further from the corridor,  
4 from the Route 206 corridor, than the property in  
5 question, and one could not find a community that is  
6 located further from the Route 206 corridor than Far  
7 Hills that is located within the corridor, of course.

8 The Far Hills portion of the delineated  
9 corridor is separated from the Route 206 corridor by  
10 the floodplain of the Raritan River. It does not  
11 front on Route 206, which is a critical aspect of all  
12 of the development that has occurred along 206,  
13 whether Alan-Deane, Beneficial, A.T.&T., City  
14 Federal. They all front or have direct access to  
15 Route 206.

16 Far Hills has historically not sought growth  
17 or development for any number of reasons. In that  
18 way, it is very much distinguished from its  
19 surrounding communities which do have development.

20 The surrounding communities are  
21 Peapack-Gladstone, Bernards, Bedminster, and  
22 Bernardsville. All have substantial non-residential  
23 development within their communities.

24 There has been no new non-residential  
25 development in the Borough in the past decade save

1 for an occasional new attorney or new small services  
2 establishment.

3 The employment within the community has not  
4 changed over the past ten years, although despite the  
5 previous testimony regarding the increase in covered  
6 employment in Far Hills between those two years. The  
7 Cape Macey Ladd Institution, for example, would be  
8 considered in State-Covered Employment as part of Far  
9 Hills, but they're clearly located outside of Far  
10 Hills. However, they do have a Far Hills mailing  
11 address.

12 The increase in employment stated by the State  
13 in its covered employment statistics of approximately  
14 two hundred and fifty (250) to about four hundred and  
15 fifty (450) employment is inaccurate and doesn't make  
16 sense in terms of Far Hills when you consider the  
17 total population of the community is six hundred and  
18 seventy-seven (677) persons.

19 An employment base of four hundred and fifty  
20 (450) related to the six hundred and seventy-seven  
21 (677) persons just is unreal and inaccurate.

22 The Borough has not benefited from  
23 non-residential tax ratables as has the surrounding  
24 communities. In fact, contrary to the surrounding  
25 communities, the percentage of the tax base that is

1 supported by residential development is increasing in  
2 Far Hills, again, as compared to the surrounding  
3 communities.

4 The main, or a main thrust, however, is that  
5 Far Hills, in fact, has not experienced growth and  
6 will not experience substantial growth save for the  
7 potential development of the property in question,  
8 and again, the property in question is divided in two  
9 parts by this very imprecise line that I have  
10 discussed.

11 The remainder of the area that is bounded by  
12 this conceptual line is either environmentally  
13 sensitive and not suitable for anything but low  
14 density development, or it is already developed.

15 Q. Could you catalogue what environmental  
16 restraints you are making reference to?

17 A. There are several environmental restraints.  
18 They relate to floodplains, steep slopes, prime  
19 agricultural lands, which are the three primary ones.

20 Other environmental constraints which are more  
21 cost-inducing than limitations to development would  
22 relate to a high ground water, seasonally high ground  
23 water table, or a shallow depth to bed rock, and both  
24 features increase development costs.

25 The main environmental constraints in area

1 terms, however, are prime agricultural lands,  
2 floodplains, and steep slopes. These constraints  
3 have been recognized in several state and regional  
4 reports. The State Fair Share Housing Allocation  
5 Report, prepared by the Department of Community  
6 Affairs, takes those lands out of the developable  
7 category. That is, they've identified the amount of  
8 vacant land in the state on a community basis and  
9 then have subtracted vacant lands which have steep  
10 slopes, which are subject to flooding, or which have  
11 prime agricultural land as developable. The  
12 remaining vacant land they would consider developable  
13 in terms of a Fair Share Housing Allocation.

14 Additionally, the Regional 201 Facilities  
15 Plans, which sets forth the program and priorities  
16 for utility improvements identifies a large portion  
17 of Far Hills as critical environmental areas. The  
18 policy, the policy therefore, of whether these lands  
19 should be serviced by utilities is addressed in the  
20 plan, and the policy is not to extend sewer lines to  
21 service areas which are delineated in that plan as  
22 critical environmental areas.

23 Q. Do the environmental constraints which  
24 you outlined appear in the growth area, if we were to  
25 interpret or construe the State Development Guide

1 Plan literally?

2 A. Oh, yes, and the reason is - - -

3 Q. In your response to that question, would  
4 you also encompass the concept of whether or not  
5 these constraints appear as pockets, or are they  
6 rather pervasive?

7 A. The constraints are pervasive. The  
8 development is a pocket. The Village of Far Hills is  
9 located in an area that has limited constraints in  
10 relation to the entire portion of Far Hills that is  
11 shown within the growth area.

12 There's logic in that. The original settlers  
13 of the area saw with an eye that we apparently do not  
14 have today; that areas are more suitable for  
15 development than other areas. They located outside  
16 the floodplain, slightly above it, yet not in a steep  
17 area.

18 The remaining portions of Far Hills within  
19 this conceptual growth area have substantial  
20 constraints to development, whether they be the  
21 floodplain, steep slopes, or ground water close to  
22 the surface, and for that reason, they have remained  
23 either vacant, or in agricultural use, or developed  
24 at very low densities.

25 An example of that low acre density would be

1 the ten-acre subdivision along Sunny Branch Road.  
2 When I say ten-acre subdivision, I mean the lots are  
3 ten acres or greater.

4 So, in essence, the pocket that is most  
5 suitable for development in environmental and  
6 geographic terms has already been developed by the  
7 Village. The remaining area has stayed largely  
8 vacant, undeveloped, or in low-density development  
9 because of the inherent environmental constraints in  
10 the area.

11 Q. Mr. Dredner, could you comment on the  
12 infrastructure that exists in Far Hills and whether  
13 it's capable of accommodating additional growth in  
14 the growth area, assuming the line were to be  
15 construed literally?

16 A. The only area of the Village that has both  
17 public water and public sewer is the Village. Let me  
18 repeat that. The only section of Far Hills that has  
19 both public water and public sewer is the Village.

20 It is my understanding that the capacity of  
21 the Bedminster plant which treats the sewage from the  
22 Borough is at its limit, and there are no current  
23 plans to expand that plant to service additional  
24 connections in the Borough of Far Hills.

25 In reviewing the Regional 201 Plan prepared by

1 Malcolm Pernie, and 208 Water Quality Plan prepared  
2 by the Department of Environmental Protection, there  
3 are no plans to expand sewer service in the Borough  
4 of Far Hills.

5 Additionally, it is Federal E.P.A. policy not  
6 to fund proposals which will expand the sewage  
7 service area more than thirty-three percent over the  
8 existing base.

9 An an example, if an area with the population  
10 of twenty thousand (20,000) persons were being  
11 serviced by public sewers, the E.P.A. would not fund,  
12 as is their policy, an expansion of that system to  
13 serve more than thirty-three hundred (3,300)  
14 additional persons.

15 The current Bedminster plan services  
16 approximately two hundred and fifty (250) persons in  
17 the Village. The Federal E.P.A. would not fund  
18 improvements to the existing plant that would involve  
19 expanding the service area by more than thirty-three  
20 and a third percent in the Borough of Far Hills.

21 Q. Mr. Dresdner, in your opinion, does the  
22 railroad contribute significantly to the  
23 infrastructure of Far Hills and enable it to  
24 accommodate additional growth?

25 A. I view the railroad as a limiting factor in

1 planning for the Borough of Far Hills. The station  
2 itself serves a regional purpose. The railroad line,  
3 however, forms a very firm boundary and sensible  
4 boundary to the Village. It provides dimension and  
5 limitation to the character of the Village.

6 An important factor in the character of the  
7 Village is the sharp distinction between the  
8 relatively built up Village and the low-density  
9 surrounding area. To break down that barrier would  
10 be to lose the very important character of the  
11 Village.

12 Q. Would you kindly address a different  
13 dimension of the railroad? Is it suitable, in your  
14 opinion, or does it contribute toward moving people  
15 from their homes to their jobs in any significant  
16 degree?

17 A. Well, not for the Borough of Far Hills. Most  
18 employed residents, the majority of employed  
19 residents in Far Hills work in Somerset County. So,  
20 in those terms, it would not provide a substantial or  
21 significant alternate to the automobile. As one  
22 expands the service area of the station, more users  
23 are brought in, but, by the same token, the  
24 population base is broadened.

25 The fact of the matter is, as important as the

1 old Erie-Lackawanna system, I think it's called  
2 Conrail now, not Amtrack, we're located at the very,  
3 very end of the line, in areas of low residential  
4 density.

5 The conventional wisdom which is the proper  
6 wisdom in transportation planning is that railroads  
7 or mass transit best serve those areas which are  
8 characterized by high-density rather than  
9 low-density. We are talking about a system where  
10 densities decline progressively as the distance from  
11 the central city, whether it be Newark, or Hudson  
12 County, or New York increases.

13 Q. Mr. Dresdner, are you familiar with the  
14 Village area of Bedminster?

15 A. Yes, sir.

16 Q. Are you familiar with the Pluckemin  
17 Village area?

18 A. Yes, sir.

19 Q. In your opinion, is there a community of  
20 interests between or among the Villages of Far Hills,  
21 Bedminster, and Pluckemin? Are they sort of a  
22 continuum?

23 A. No, I wouldn't consider them a continuum. I  
24 would consider Far Hills more to the east than  
25 Millstone or Griggstown than I would to Bedminster or

1 Pluckemin. Both Bedminster and Pluckemin are  
2 strongly related to Route 206. They are in the  
3 center of a development corridor.

4 Far Hills is a much more compact community  
5 than either Pluckemin or Bedminster. It's located  
6 off the Route 206 corridor. It has a very strong  
7 sense of enclosure created by the North Branch of the  
8 Raritan, Route 202, and the railroad, which is in  
9 contrast to Pluckemin and Bedminster and suggests  
10 more of a comparison with other residential villages  
11 in the county rather than these two.

12 Q. Mr. Dredner, on the subject of the  
13 Village, suppose we were to add somewhere between one  
14 hundred, one hundred and twenty-five (100, 125) units  
15 to the subject property. Would it have any impact on  
16 the existing development along Sunny Branch Road?

17 A. Along Sunny Branch Road?

18 Q. Yes.

19 A. Yes, I think it would.

20 Q. What would that impact be?

21 A. Well, the property in question - - -

22 MR. VOGEL: I am going to object.  
23 I don't know that that bears on the  
24 issue of the - - I will withdraw the  
25 objection. I will save it for cross-

1 examination.

2 THE COURT: Objection withdrawn.

3 A. The property in question is part of a  
4 subdivision that was created some years ago. I don't  
5 recall how long ago it was created. The other  
6 properties in the subdivision are largely ten or more  
7 acres. This property is larger than the typical  
8 property.

9 It would create a substantial traffic impact  
10 condition at the intersection of Sunny Branch Road  
11 and Route 206. It would reduce the amenities, the  
12 rural amenities of Sunny Branch Road substantially,  
13 and change the character of that road.

14 It would require substantial improvement at  
15 least along the frontage of the property in question,  
16 along Sunny Branch Road, as well as as along 206  
17 which, at that point, is a two-lane road.

18 Q. Now, let's look in the other direction.  
19 Would there be any impact on the existing Village?

20 A. Yes, in my opinion there would be. The  
21 population of the existing Village would be  
22 approximately doubled, more or less. The increased  
23 population would create further demands on the  
24 commercial infrastructure.

25 There would be increased demands for certain

1 kinds of commercial facilities, whether they be  
2 retail or business facilities. This, in turn, would  
3 create increased pressure on the relatively low-cost  
4 housing that is available in the Village.

5 I would suggest that the major impact of  
6 development that you described on the property in  
7 question would be in terms of the relatively low-cost  
8 housing that is available in the Village of Far  
9 Hills.

10 As I've indicated previously, I believe the  
11 median cost of housing of a new home in Far Hills is  
12 less than in any of the four surrounding communities.  
13 It is substantially less than any of the four  
14 surrounding communities. Let me expand or clarify  
15 what I mean by a new home.

16 I mean a purchased home. The median cost of a  
17 purchased home in Far Hills is less than a hundred  
18 thousand dollars. No other community in the  
19 surrounding area is less than a hundred thousand  
20 dollars. The effect of this kind of development  
21 would be to increase the cost of new homes as well as  
22 rental accommodations in the Village.

23 Rental accommodations also are lower in the  
24 Borough than they are in the surrounding communities,  
25 and according to the census, there is a greater

1 percentage of rental accommodations in the Borough  
2 than there are for Somerset County as a whole.

3 So, those are some of the impacts that I think  
4 the Village can anticipate from having its population  
5 doubled by the development of a property in  
6 proximity, and indeed, abutting but not part of, the  
7 Village.

8 Q. Would there be any change in the  
9 character of the - - strike that.

10 Does Far Hills Village have a character?

11 A. Yes, it does have a character.

12 Q. How would you characterize that Village?

13 A. I would characterize the Village of Far Hills  
14 as a pleasant, low-density, well-maintained,  
15 cohesive, residential area with a sprinkling of  
16 commercial facilities to support that residential  
17 area.

18 Its homes range - - they are generally modest  
19 and range from one to two to three family homes. The  
20 businesses are all small. The Village itself is  
21 enclosed and has a sense of place as contrasted with  
22 the surrounding area. To the extent that that sense  
23 of enclosure is broken, that sense of place is  
24 diluted. I think it important for the character of  
25 the Village that its boundaries be retained rather

1 than broken.

2 Q. Would the character of that Village  
3 change, assuming a development of one hundred (100)  
4 to one hundred and twenty-five (125) units on the  
5 property in question?

6 A. In my opinion, it clearly would change. It  
7 would change because the boundaries of the Village  
8 have suddenly been expanded, and, equally important,  
9 the internal characteristics of the Village will  
10 change. The cost of housing would increase because  
11 of the additional pressures created by the increased  
12 population.

13 Q. Mr. Dresdner, could you compare the  
14 State Development Guide Plan, and, particularly, the  
15 growth area along the 206 corridor with the Somerset  
16 County Master Plan, and tell me, sir - - -

17 THE COURT: What number is that?

18 THE WITNESS: Joint exhibit 11-A.

19 THE COURT: D-11 or P-11?

20 MR. MASTRO: J, Your Honor, joint.

21 THE COURT: All right.

22 Q. And look at page 133 of the State  
23 Development Guide Plan. Now, do they differ in any  
24 significant respect?

25 MR. VOGEL: Excuse me. Are we

1 referring to exhibit D-9 prepared by Mr.  
2 Dresdner which is up on the board,  
3 showing both the growth area - - -

4 THE COURT: No, J-11.

5 MR. MASTRO: J-11, at page 133  
6 of the State Development Guide Plan.

7 MR. VOGEL: And you are referring  
8 to Far Hills, or the whole County?

9 MR. MASTRO: I am referring to the  
10 question referring to the 206 corridor.

11  
12 BY MR. MASTRO:

13 Q. Do they differ in any significant  
14 degree?

15 A. That's a difficult question to answer, because  
16 the level of detail is different on the two maps,  
17 even though both are of the County. On one map, we  
18 have a number of features shown, not the least of  
19 which is I-78, for example, the Raritan River. These  
20 kinds of features are not shown on the Somerset  
21 County Map in the State Development Guide Plan.

22 There are similarities, and there are  
23 differences, but it's difficult to say whether those  
24 differences are substantial.

25 If we were to look at a community, and, more

1 specifically a series of properties, then the  
2 differences could be very substantial. If we're just  
3 looking generally at both maps from about ten feet  
4 away, then there would be a similarity, I would say,  
5 between the two maps.

6 Q. Specifically, and I'm making reference  
7 to D-9 at the present time, north of what is  
8 designated as the Village neighborhood on the  
9 Somerset County Master Plan and south of that village  
10 neighborhood area, does the Somerset County Master  
11 Plan differ from the State Development Guide Plan?

12 A. It does, substantially, in that the State  
13 Development Guide Plan incorporates a far larger area  
14 within the conceptual growth area than the Somerset  
15 County plan. Additionally, the State Development  
16 Guide Plan distinguishes, in this community in the  
17 Borough of Far Hills, solely between growth and  
18 limited growth.

19 The breakdown in the Somerset County Plan is  
20 far more detailed. The Borough of Far Hills is shown  
21 in three land use categories, one of which is the  
22 Village neighborhood, and that incorporates the  
23 Village of Far Hills as well as some of the  
24 surrounding area.

25 The Village neighborhood, however, is

1 substantially different than the Somerset Regional  
2 Center or community development as identified in the  
3 Somerset County Master Plan and represents, in terms  
4 of the plan, much more dynamic growth areas; that the  
5 Regional Center and community development represent  
6 more dynamic growth areas than the Village  
7 neighborhood.

8 So, the levels of detail and the purposes of  
9 the two maps are very different. There are overlaps,  
10 there are inconsistencies.

11 Q. Now, Mr. Dresdner, you concluded that a  
12 literal interpretation of the State Development Guide  
13 Plan boundary line of the growth area, as it affects  
14 Far Hills, would be arbitrary and capricious. Do you  
15 have an opinion as to where a reasonable location of  
16 that line would lie?

17 A. Yes, I have an opinion on that.

18 Q. What is your opinion?

19 A. Well, my opinion is that that line would more  
20 properly follow the natural features that have been  
21 so important in the historical as well as current  
22 development of the corridor.

23 I have an exhibit that would perhaps show  
24 that, if I could use that exhibit.

25 Q. May I see it?

*Proper  
line  
location*

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

MR. MASTRO: Can we have this marked for identification, Your Honor?

THE COURT: That would be a D. number, D-17.

(D-17, a U.S.G.S. map with two overlays, is marked for identification.)

MR. MASTRO: This has an overlay.

THE WITNESS: That's a U.S.G.S. map.

MR. MASTRO: U.S.G.S. base map with two overlays.

THE WITNESS: U.S.G.S. base map.

THE COURT: Are we going into a whole new area now?

MR. MASTRO: Yes.

THE COURT: Let's take a break for a few minutes.

( Short recess.)

BY MR. MASTRO:

Q. Mr. Dresdner, I direct your attention to D-17 marked for identification. Would you describe this document?

A. It's a map which consists of a base map and

1 two overlays. The base map is the U.S.G.S. sheet.  
2 It's commonly referred to as the Gladstone, New  
3 Jersey, seven and a half minute quadrangle, and it  
4 shows in substantial detail, roads, settlements,  
5 water resources, and contour lines.

6 Q. And the overlays indicate what?  
7 Incidentally, were the overlays prepared by you?

8 A. The overlays were prepared by me.

9 Q. The base map, is that used generally by  
10 the planning profession, other professionals  
11 interested in geological data?

12 A. It's a basic resource used by planners and  
13 other professionals who are concerned with land  
14 development and environmental conditions.

15 Q. Now, how about the overlays, sir?

16 A. There are two overlays. The first, or the  
17 bottom overlay, shows the North Branch of the Raritan  
18 River in blue, and in brown shows areas of steep  
19 slopes, in an area that I will generally call the  
20 Route 206 corridor and adjacent areas.

21 Q. How about the second overlay?

22 A. The second overlay, which is on top, with the  
23 title "206 Corridor Analysis", shows the same natural  
24 features as are shown on the lower overlay as well as  
25 boundaries for Far Hills and Bedminster, the location

1 of Far Hills, Bedminster, and Pluckemin, certain  
2 roads, specifically, 206, 207, and 78, as well as  
3 several of the major developments that have located  
4 along 206.

5 Q. Now, to get back to the initial  
6 threshold question. Do these exhibits demonstrate a  
7 location of the State Development Guideline boundary,  
8 showing the growth area in Far Hills which, in your  
9 opinion, would be a reasonable location?

10 MR. VOGEL: I would object and  
11 request only that you break it up into  
12 segments. I understood the question,  
13 but it seemed to have several questions.

14 MR. MASTRO: Indeed, it did.

15 Q. Do the maps, Mr. Dresdner, assist you in  
16 locating what, in your opinion, is a reasonable  
17 delineation or refinement of the State Development  
18 Guideline as it affects Far Hills?

19 A. Yes, sir, they do.

20 MR. MASTRO: May we have these  
21 marked in evidence, Your Honor?

22 THE COURT: Any objection?

23 MR. VOGEL: I have a few questions  
24 about the base map.

25 MR. MASTRO: Please.

1 THE COURT: All right, voir dire.  
2  
3  
4  
5

6 VOIR DIRE CROSS-EXAMINATION BY MR. VOGEL:  
7

8 Q. If I may. Mr. Dresdner, what is the  
9 date of this U.S.G.S. map? When was it prepared?

10 A. It was originally prepared in 1950, and  
11 updated in 1954, and updated in 1970. It shows the  
12 location of the major highways in the region as they  
13 generally exist today.

14 Q. Were the highways superimposed on top of  
15 the map, or are those the highways as they existed in  
16 1970?

17 A. Yes, these are the highways that existed in  
18 1970. The additions to the map between 1940 and 1970  
19 are shown in purple. For example, 78, 287, are shown  
20 in purple, and these are additions to the map since  
21 1954 and is the standard way the United States  
22 Geodetic Survey shows their changes from a base map  
23 to a more current map.

24 Q. I see that there appear to be little  
25 dots on the map. Do they represent buildings?

1 A. They represent buildings as of 1954. The  
2 black dots, that is, represent buildings in existence  
3 in 1954.

4 Q. So that the dots in the Far Hills  
5 Village represent the development as it existed in  
6 1954?

7 A. That's correct.

8 Q. And the same with the other Villages?

9 A. Similarly with Gladstone, Bedminster,  
10 Pluckemin.

11 Q. Is the railroad shown on the map?

12 A. Yes, sir. That also is shown on the map, and  
13 it's shown in black, in the same situation that it  
14 exists today. The title is the Erie-Lackawanna or  
15 D.L.&W., but, nevertheless, it's the same alignment.

16 Q. Right, and it shows it going through Far  
17 Hills, and Peapack, and Gladstone?

18 A. That's correct.

19 MR. VOGEL: All right. Thank you,  
20 Your Honor. I have no objection.

21 THE COURT: There being no  
22 objection, mark it in evidence.

23 CLERK OF THE COURT: D-17 in  
24 evidence.

25 ( D-17 for identification, is

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

marked in evidence.)

MR. MASTRO: Your Honor, in the past we have been designating overlays with letters, I believe. We have two overlays. I wonder if we should designate?

THE COURT: D-17, the tax map, D-17A, one overlay, and D-17B would be the second.

MR. MASTRO: All right.

MR. VOGEL: Is the top overlay, the Route 206 overlay, D-17A?

THE COURT: I will be with you in a minute, and we'll be able to answer that when the Clerk finishes.

CLERK OF THE COURT: D-17A is -  
- -

MR. MASTRO: The first overlay which would indicate primarily the river, and the brown is the steep slope. Mr. Dresdner?

THE WITNESS: Yes, sir.

MR. MASTRO: And steep slope areas.

CLERK OF THE COURT: - - - river

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

and steep slope areas. And B.?

MR. MASTRO: B, Your Honor, is the second overlay which shows generally the 206 corridor.

THE COURT: With the municipal boundaries?

MR. MASTRO: With the municipal boundaries of Far Hills designated thereon.

DIRECT EXAMINATION BY MR. MASTRO (CONTINUED):

Q. Mr. Dresdner, would you be so kind - - -

MR. VOGEL: Excuse me. I have just one clarification. I don't see the municipal boundaries. I see - - okay, thank you very much.

Q. Mr. Dresdner, would you be kind enough to approach the easel with the base map D-17 and overlays for a question or two? Thank you.

I think perhaps D-17B is somewhat more

1 definitive. Would you outline for the Court, and  
2 perhaps you can stand where I'm standing. First of  
3 all, the boundary line between Bedminster and Far  
4 Hills, could you trace that with the pointer?

5 A. The boundary line of Far Hills that separates  
6 it from Bedminster as well as Peapack-Gladstone is  
7 along the North Branch of the Raritan River. It  
8 follows the North Branch through Ravine Lake and  
9 exits also along the North Branch, follows the North  
10 Branch to approximately Route 202, and then leaves  
11 the North Branch and continues due south.

12 Q. All right, sir. Would you point out the  
13 steep slope areas in your designation of those areas?

14 A. The steep slope areas are shown in brown and  
15 represent the faces of the steep slopes.

16 The area that is generally encompassed within  
17 the 206 corridor is typical and commonly known as the  
18 Somerset Hills. The steeper portions of those hills  
19 are found along the floodways or the streams,  
20 particularly the North Branch, as it flows south  
21 through Far Hills from out of Mendham.

22 Additionally, there are some steep slopes  
23 along the edge of the Gladstone Brook. The other, a  
24 very significant steep slope area, is the Watchung  
25 Range which has its foot at the North Branch. The

1 North Branch generally flows south, hits the edge of  
2 the Watchungs, and then curves to the southwest to  
3 join the Raritan River further south.

4 Q. Have you shown on the map the two major  
5 interstates that affect this area?

6 A. The two major interstates are I-78 as well as  
7 287. They interchange in and around the Pluckemin  
8 area. Immediately to - - -

9 Q. My next question is, you testified  
10 earlier as to development or changes that attracted  
11 and formed a base for the State Development Guide  
12 Plan. Have you designated any of those changes in  
13 development?

14 A. Yes. I've noted with red triangles some of  
15 the major developments that have occurred along the  
16 206 corridor. This information is taken from a  
17 County Map which identified all of the major  
18 developments along the corridor. Those developments  
19 include City Federal, Alan-Deane, A.T.&T., and  
20 Beneficial, all along Route 206.

21 Q. Now, Mr. Dresdner, is there any  
22 relationship between development that has taken place  
23 in the corridor and any natural features that you  
24 have demonstrated on D-17B?

25 A. Yes, there is a relationship. The

1 relationship is essentially in terms of natural  
2 resources; that these facilities have located to the  
3 west, either the Watchung Range, which is a  
4 substantial barrier to development, and/or to the  
5 west of the North Branch of the Raritan River.

6 As I mentioned to you, the Raritan generally  
7 flows south and when it nudges the Watchung Range, it  
8 veers from south to southwest and then further south.

9 The combination of the North Branch and the  
10 Watchung Range have set up in development terms an  
11 easterly limit to the corridor. ] X

12 The center of the corridor would be Route 206.  
13 The eastern boundary of the corridor would logically  
14 be the steeply-sloped Watchung Range and the  
15 floodplain of the Raritan River as it flows from the  
16 north through Far Hills, then into Bedminster.

17 All of the developments that I have mentioned,  
18 City Federal, Alan-Deane, A.T.&T., Beneficial, are  
19 located between, or rather west, of the Watchung  
20 Range and the North Branch of the Raritan River, and  
21 in fact all of them, save the City Federal proposal,  
22 are located on the east side of 206, between 206, and  
23 the Watchung Range, and the North Branch of the  
24 Raritan River.

25 Q. In your opinion, do you anticipate any

1 future growth to the east, immediate east, of the  
2 Raritan River and the Watchung Range as depicted on  
3 D-17B7

4 A. No, I would not. Again, the Watchung Range  
5 itself is a substantial barrier to anything other  
6 than low-density residential development. And, of  
7 course, to the east of the North Branch of the  
8 Raritan River is a portion of the floodplain.

9 In Far Hills, specifically, there is more  
10 land, farms which are owned by A.T.&T. and which, to  
11 my understanding, there are deed restrictions to the  
12 development. Further along Far Hills is the  
13 floodplain of the North Branch with very limited  
14 development potential in Far Hills.

15 So, to the extent that there is continued  
16 development along the Route 206 corridor, it would be  
17 specifically adjacent to the corridor. The tendency  
18 for corporations is to locate on the side of the  
19 highway that is most convenient to arrive at.

20 For example, the critical interchange, for ~~the~~  
21 206 corridor is the 78, 287, 206 interchange.

22 Employees coming to work at A.T.&T. or to Beneficial,  
23 would exit Route 206 with a right turn, coming off  
24 eventually, or earlier, coming off 78. That is an  
25 easy movement for employees going to work.

1           Returning from work would require a left turn  
2           on to 206 which is a less easy movement.

3           Traditionally, employees, particularly large  
4           corporations who have a number of employees who come  
5           from generally a particular direction, like to  
6           receive their employees with as much ease as  
7           possible. Insofar as them leaving work and going  
8           home, that's less in their interest. This pattern is  
9           also seen along Route 1 and Route 18.

10           But, in any event, the access to 206 is  
11           critical, and the constraints, the environmental  
12           constraints as represented by the Watchung Mountains  
13           and the North Branch of the Raritan, would inhibit  
14           development to the east of those natural features to  
15           a greater extent than development to the west.

16           Q.       In your opinion, Mr. Dresdner, does the  
17           outline of the growth area on the State Development  
18           Guide Plan as you indicated, namely, following the  
19           North Branch of the Raritan, then along the ridge of  
20           the Watchung Range, appear to be a reasonable  
21           location and a realistic location for that growth  
22           line boundary?

23           A.       My view that the growth corridor is bounded on  
24           the east by the Watchung River and the North Branch  
25           of the Raritan, is, in my opinion, in substantial

1 compliance with the State Development Guide Plan, and  
2 it is only when one transfers this very imprecise  
3 line to a detailed map that the differences are  
4 readily observable, and the differences result from  
5 the more site-specific delineation as shown on this  
6 Route 206 Corridor Analysis Map as contrasted with a  
7 very generalized conceptual line that is represented  
8 on the State Development Guide Plan.

9 So, I would say that this is in substantial  
10 compliance with the State Development Guide Plan.

11 Q. Let me rephrase my question. I don't  
12 think you answered it.

13 MR. VOGEL: While you are giving  
14 your opinion of the answer, I think he  
15 did answer it.

16 THE COURT: Go ahead.

17 Q. Your opinion of the location of the  
18 eastern boundary of the State Development Guide Plan  
19 growth area line as being the North Branch of the  
20 Raritan, and as one proceeds south, then running  
21 along the ridge of the Watchung Range of mountains,  
22 is that a reasonable location for that line?

23 A. Yes, it's a very reasonable location for the  
24 eastern boundary of the State Development Guide Plan,  
25 Route 206 growth corridor. It's based on development

DRSNI  
LINE  
IN  
LIEU  
OF  
SOP

1 trends, on natural features, on the alignment of the  
2 Route 206 corridor, all of which are essential in  
3 determining what the boundaries of that growth area  
4 are.

5 MR. MASTRO: Thank you, Mr.

6 Dresdner. Would you sit down, please.

7 Q. You mentioned, during the course of your  
8 testimony, reference to a 201, 208 study that in some  
9 dimension encompassed Far Hills. Do you recall that?

10 A. Yes, sir.

11 Q. Generally, what is that 201-208 study?

12 A. A 208 study is a Water Quality Management Plan  
13 that is required by the Federal Government to be  
14 prepared for all parts of this state, and indeed all  
15 other states.

16 Q. Go ahead.

17 A. The purpose of the plan - - -

18 Q. Before you get into the purpose of it,  
19 is that done pursuant to any federal requirement?

20 A. Well, it's done pursuant to federal law as  
21 well as E.P.A. Regulations and Guidelines that are  
22 intended to implement that law.

23 The law is the Clean Waters Act, and the  
24 E.P.A., of course, will prepare the federal  
25 regulations and guidelines to implement that act.

1 Q. Do you know what, for purposes of  
2 understanding, the designation 201, 208 refers to?

3 A. Well, they refer to sections of the law.  
4 Section 208, section 201, I don't know what the title  
5 is of those sections, but one relates to water  
6 quality management. The other relates to sewerage  
7 facilities.

8 Q. Is this common terminology in the  
9 planning field, at least that aspect of the planning  
10 field, that deals with environmental problems related  
11 to clean water?

12 A. It's not only a question of environmental  
13 problems. They are part and parcel of any planning,  
14 because planning relates to densities, and densities  
15 relate to utilities and facilities, and 208 and 201  
16 relate to regulations that affect the provision or  
17 non-provision of public utilities.

18 Q. Are these common studies that are made,  
19 or are they something unique?

20 A. Well, they're not unique. They've been  
21 prepared for counties and watersheds in the entire  
22 state.

23 Q. Now, more precisely, Mr. Dresdner, has  
24 there been a 201-208 study prepared, say within the  
25 past five years, for the Far Hills-Bedminster area?

1 A. There have been both a 208 study prepared, 208  
2 Water Quality Management Plan prepared, and that was  
3 prepared by the Department of Environmental  
4 Protection.

5 There has been a 201 Facilities Plan prepared.  
6 That was prepared by the engineering firm of Malcolm  
7 Pernie and prepared for, as I recall, the Somerset  
8 County, both for Somerset County as well as the North  
9 Branch Watershed Association.

10 Q. Do you know when the 208 study was  
11 prepared, approximately?

12 A. Either in the very late seventies or in 1980.

13 Q. Do you know where one can obtain a copy  
14 of that study?

15 A. Well, there's a copy available at the Somerset  
16 County Planning Board, and a number of communities  
17 would have a copy. Bridgewater, for example, would  
18 have a copy, Bedminster, and so on.

19 Q. This is a public document?

20 A. Yes, sir.

21 Q. Is there a relationship between the 208  
22 and 201 studies?

23 A. Yes. The 208 study is, in terms of that  
24 relationship, more conceptual, addressing larger  
25 issues of water quality.

1           The 201 Facilities Plan is an implementing  
2 document, the purpose of which is to program  
3 improvements to the structural system, that is, to  
4 the sanitary sewer system that would be intended to  
5 achieve the objectives of the 208 Water Quality  
6 Management Plan.

7           The 208 Water Quality Management Plan  
8 considers, in addition to structural techniques for  
9 improving water quality, structural techniques being,  
10 septic tanks, public sanitary sewer systems. The 208  
11 plan would also consider land use and population,  
12 because the bottom line is land use. The pattern of  
13 land use and the dimension of population is what  
14 creates the waste which eventually has to be disposed  
15 of in our streams.

16           Q.     So, in effect, if I understand what  
17 you're saying, the 208 study is the analysis which  
18 encompasses the factors you indicated, and the 201  
19 Facilities Plan is the implementing device to carry  
20 out the objectives of the analysis. Is that a fair  
21 evaluation?

22           A.     That's a fair statement, yes.

23           Q.     Now, Mr. Dresdner, was there a  
24 facilities plan prepared that characterized the  
25 Borough of Far Hills in any way as far as impacting

1 upon water quality concerns?

2 A. Well, both the 201 and the 208 indicated the  
3 importance of Far Hills insofar as the quality of  
4 water passing through it was concerned, both Mine  
5 Brook and the North Branch, specifically. The  
6 quality of Mine Brook improves as it passes through  
7 the relatively low-density development and vacant  
8 lands in Far Hills prior to its joining the North  
9 Branch, also in Far Hills.

10 Neither plan - - -

11 MR. VOGEL: Objection, Your Honor.

12 I didn't want to interrupt, to get some  
13 testimony that these plans exist, and  
14 that they generally cover the community.

15 But, if we're going to get into  
16 what the plans say, I think the  
17 documents are the best evidence, because  
18 the documents ought to be here. If he  
19 wants to refer to the documents, fine.

20 I certainly want the opportunity  
21 to cross-examine him on those documents,  
22 and I suggest the testimony is not the  
23 best evidence.

24 THE COURT: Do we have them?

25 MR. MASTRO: Well, Your Honor, the

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

Rules certainly permit an expert to testify from data and documents.

THE COURT: No question about that.

MR. MASTRO: Pardon me?

THE COURT: No question about that. How, though, will one cross-examine?

MR. MASTRO: Let me try a more specific approach.

BY MR. MASTRO:

Q. Mr. Dresdner, are there any maps accompanying these documents?

A. Yes, sir, there are a number of maps.

Q. Is there a map that will, more or less, summarize how Far Hills is characterized as it relates to the water quality?

A. Yes, sir.

MR. VOGEL: I am going to object, Your Honor. I have seen the 201 Facilities Plan. They are massive. They have multitudes of maps, and studies, data. The ones I have seen are

1 huge, and to extract one map, or to take  
2 one section out, one paragraph, without  
3 the document being here so that I could  
4 cross-examine, look at the document, and  
5 test whether we're getting a very  
6 limited one-sided view of what the  
7 totality of the study shows, I think  
8 it's inappropriate, and I think the  
9 Rules of Evidence clearly indicate that  
10 the best evidence ought to be here.

11 MR. MASTRO: Your Honor - - -

12 MR. VOGEL: You have the County  
13 Master Plan, the plan of the Tri-State  
14 Regional Planning, the Municipal Plan,  
15 the State Development Guide Plan, that's  
16 in evidence.

17 Why should we have a massive study  
18 without the massive study being here?

19 MR. MASTRO: Your Honor, I have  
20 requested one element of the 201  
21 Facilities Study Plan, a map.

22 THE COURT: A what?

23 MR. MASTRO: I have inquired about  
24 a map.

25 THE COURT: Yes.

1 MR. MASTRO: If Mr. Vogel feels  
2 uncomfortable about that, he can  
3 cross-examine with regard to that map.  
4 But this is evidence - - -

5 THE COURT: I have problems to  
6 start with, and I don't mind, and you  
7 have heard some comments I made in some  
8 prior part of this case.

9 I just heard the witness say  
10 something about vacant land in Far Hills  
11 having a clarifying or cleaning effect  
12 on the Mine Brook, and I would like to  
13 see the study, if that is a fact, which  
14 makes that apparent. Because,  
15 otherwise, I have to divorce myself of  
16 all my prior knowledge of Mine Brook,  
17 and that would include all of it running  
18 through Bernardsville, and I have no  
19 hesitancy saying on this record, that if  
20 that stream is not contaminated when it  
21 comes out of Bernardsville, no stream is  
22 contaminated.

23 I would want to see just how this  
24 cleansing effect took place as it runs  
25 along the railroad track down

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

through the meadow toward Far Hills.  
So, if you've got that, I want to see  
it.

Now, frankly, I am not going to  
give much weight to an opinion which  
says that the Mine Brook is cleansed by  
running through Far Hills. It strikes  
me it would have to have a long run, and  
I would want to see what those elements  
are to clean up that stream in any  
fashion. I would appreciate knowing  
those, obviously.

I would be delighted to hear that  
that was the case. And, of course, I  
would be delighted to hear about that,  
so if you've got it, let me see it,  
please.

MR. NASTRO: Your Honor, I am of  
course - - -

THE COURT: You are not a defender  
of what Bernardsville has done to the  
Mine Brook.

MR. NASTRO: I am not testifying.

THE COURT: Nor am I.

MR. NASTRO: It is my

1 understanding, in dealing with these  
2 matters, that the process of pollutants  
3 entering a stream becomes somewhat  
4 complex. Perhaps one of the most  
5 damaging is from sewer plant effluent  
6 that pours or gets material into the  
7 water, that requires oxygen from water  
8 in order to go through a chemical  
9 process, and as the stream flows and  
10 recharges, it at least reabsorbes some  
11 of that oxygen along the way.

12 I'll ask Mr. Dresdner.

13 Q. Are you aware of any studies that have  
14 been made of the Mine Brook or the Raritan, for that  
15 matter, that indicate the water quality of those  
16 streams, that river?

17 MR. VOGEL: I would object unless,  
18 again, we're going to have the studies  
19 here.

20 The trouble is, that a general and  
21 simplistic statement of this complex  
22 chemical and biological process does not  
23 provide the kind of accurate information  
24 that the Court is entitled to.

25 If there is a study, and it is

1 relevant, it should come into evidence,  
2 and we can all look at the study,  
3 cross-examine, and see all of its  
4 various features.

5 It is particularly difficult. For  
6 example, 201 studies relate to publicly-  
7 funded sewage treatment facilities. As  
8 I understand the Bedminster plant, that  
9 was built by A.T.&T. and was not funded  
10 by the federal government. I don't know  
11 what relevance it has. But, aside from  
12 that, there is a matter of getting  
13 reliable data - - -

14 THE COURT: The only publicly-  
15 funded sewage treatment along the Mine  
16 Brook is in Bernardsville, and I assume  
17 that there is some discharge from that  
18 plant into the stream.

19 But I am also aware of the  
20 stream's location across the railroad  
21 from the quarry, and I'd like to know  
22 what the impact of the quarry is, and  
23 it's downstream of the railroad track  
24 all the way into Far Hills.

25 One would have to give me some

1 kind of description as water over the  
2 ballast, all right, and underneath the  
3 track. And of course, the track itself,  
4 in the immediate area, is accustomed to  
5 pollutants. So, again, I would have to  
6 divorce myself of knowledge which goes  
7 back more than fifty years. I am  
8 willing to do that. Some people might  
9 suggest I do it constantly, but to hear  
10 that the Mine  
11 Brook is cleaned up by its run through  
12 the idyllic section of Far Hills, I  
13 would like to see that. I am sorry.  
14 Otherwise, I would be giving little  
15 weight to such comments.

16 MR. VOGEL: I would like to point  
17 out to the Court, and I know the Court  
18 knows, but for the record, that the Far  
19 Hills Village is not serviced by  
20 plants in Bernardsville. It is serviced  
21 by a plant in Bedminster.

22 THE COURT: The municipality?

23 MR. VOGEL: The municipality, the  
24 Borough of Far Hills, the Village of the  
25 Borough of Far Hills. I didn't hear any

1                    indication that these studies deal with  
2                    that particular plant which is a  
3                    natural for expansion for service and  
4                    enlargement for the Village.

5                    So, in terms of relevance, I am  
6                    not quite sure what a 201 study has to  
7                    do with all this. But, in any event, we  
8                    don't have the study.

9                    THE COURT: I am not trying to  
10                    foreclose your direct examination, Mr.  
11                    Mastro, or impinge on it, either. But,  
12                    as I understood from the last time Mr.  
13                    Dresdner was here, he was a planner for  
14                    Far Hills. Is that so?

15                    MR. MASTRO: He still is.

16                    THE COURT: And if so, he should  
17                    have access to some of these  
18                    instruments, and perhaps if he has one  
19                    or two of them, we might take a look at  
20                    them. If they have conclusory language  
21                    in them, or if they have some studies  
22                    where the conclusory language is  
23                    supported, then we can have them  
24                    produced, and then we can then deal with  
25                    them and might give some more substance,

1 if you like, or support to the  
2 conclusions which the witness is here  
3 voicing.

4 But, as I say, and again, I could  
5 be as wrong as anything about the Mine  
6 Brook, but I would have to divorce  
7 myself from all my prior experience and  
8 knowledge of the thing, and I can't  
9 believe that is a clean stream after it  
10 leaves Bernardsville, for year after  
11 year, and if you tell me it is a clean  
12 stream when it leaves Far Hills, then  
13 something miraculous has been done to it  
14 as it runs past Far Hills, and I would  
15 like to know about it. You know what I  
16 am saying, and you know it as well as I  
17 know it.

18 MR. NASTRO: Yes, and I would  
19 suggest that these matters take time,  
20 and indeed if you are up through  
21 Bernardsville, you might take a look at  
22 the pond next to the municipal building  
23 with which I am sure you are familiar,  
24 which supports a variety of fowl life  
25 as well as fish life. You may be

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

surprised.

THE COURT: Right, I would be. I would remember the residue of the gas station that used to go in the back.

MR. MASTRO: Used to, but these problems are being addressed.

THE COURT: Okay.

MR. MASTRO: My question was related to a map as part of this 201 Facilities Plan, Your Honor, which I think is precisely what Mr. Vogel is inquiring.

THE COURT: Do we have a map?

BY MR. MASTRO:

Q. Is there a map, Mr. Dresdner?

A. Yes, sir.

THE COURT: Do you have some studies?

THE WITNESS: Yes, sir, I have the map that you're referring to.

MR. MASTRO: All right.

MR. VOGEL: I would object to any part of the map unless we have the full study.

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

Q. Do you have the full study, Mr. Dresdner?

A. Yes, I do.

THE COURT: Why not take a few minutes and dig it out, and we can connect these two things. And certainly I won't be fishing, no pun intended, when we talk about the Mine Brook for information and more background. Let's see what we've got.

MR. MASTRO: Could you get that study?

THE WITNESS: Yes, sir.

THE COURT: Part of what was said earlier is true. It's in bulk.

BY MR. MASTRO:

Q. Now, Mr. Dresdner, we referred previously to a 208 study affecting Far Hills. Do you have such a document?

A. Yes, I have a study that was made available to me from the Somerset County Planning Board of the Upper Raritan Watershed, Waste Watershed Facilities Plan, which is the 201 Waste Water Facilities Plan.

Q. If my recollection serves me well, I

1 think in your testimony you said it was in late '79  
2 or '80. Indeed it was in '79?

3 A. No, '80, and revised in '81.

4 Q. And is there a 201 Facilities Study that  
5 goes along with that plan?

6 A. This is the 201 Facilities - - -

7 Q. I thought I had asked you about a 208.

8 THE COURT: 201.

9 Q. Did I say 201? I meant to say 208. Do  
10 you have a 208 study?

11 A. Yes, I have a 208 study as well, and this also  
12 was borrowed from the County Planning Board, and the  
13 208 study is entitled "Upper Raritan Water Quality  
14 Management Plan."

15 Q. And the date of that, sir?

16 A. Is May, 1979.

17 Q. Do either of these studies relate to the  
18 Bedminster plant?

19 A. Yes, the 201 discusses the Bedminster plant.  
20 The 208, I do not recall whether it discusses the  
21 Bedminster plant or not.

22 Q. And is there a map as part of either the  
23 208 or 201 study? Is there a map that identifies Far  
24 Hills and characterizes at least that portion of Far  
25 Hills appearing in the literal growth area on the

1 S.D.G.P. as having water quality implications?

2 A. Yes. There's a map called Plate 5 which is  
3 called Critical Land Areas, and on it it shows trout  
4 maintenance waters, prime agricultural soils,  
5 wetlands, one hundred year floodplain, steep slopes,  
6 park land, public and semi-public open lands.

7 I have made a copy of that map and perhaps we  
8 can use the copy rather than the original.

9 THE COURT: Is that the county's  
10 original. You must return it?

11 THE WITNESS: I must return it,  
12 and the copy is a Xerox copy, not a  
13 hand-drawn copy.

14 THE COURT: Perhaps, if you wish,  
15 we can make some copies made to use it  
16 on the easel if you want to use it, or  
17 if counsel wants a copy.

18 THE WITNESS: I have additional  
19 copies.

20 THE COURT: As long as we don't  
21 use the County's copy.

22 MR. VOGEL: I don't have a problem  
23 with Plate 5. I do have some  
24 hesitancy of having Plate 5 marked  
25 into evidence without the rest of the

1 document, because the rest may have a  
2 great deal to say about the area and  
3 about the detail of Plate 5.

4 Other than that, I have no  
5 objection to Plate 5 for whatever it is  
6 offered.

7 THE COURT: I assume there will be  
8 some testimony from the witness as to  
9 the studies and the implication of the  
10 drawn Plate 5 in terms of, or in  
11 reference to, those studies, and we'll  
12 deal with that, then, at the appropriate  
13 time.

14 MR. VOGEL: Were you waiting for  
15 me, Mr. Mastro?

16 MR. NASTRO: Yes.

17 MR. VOGEL: I have no objection to  
18 that one Plate. I qualified it by  
19 saying that the whole report ought to go  
20 into evidence, but I have no objection  
21 to the Plate.

22 MR. NASTRO: Can we have that  
23 marked into evidence?

24 THE COURT: Why don't we have a  
25 photocopy?

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

MR. MASTRO: Yes.

THE COURT: And show him Plate 5 as well.

MR. MASTRO: Why don't you take one?

MR. VOGEL: I appreciate that.

THE COURT: And mark the photocopy and make it a defense exhibit.

MR. VOGEL: Could we at least have the Plan from which this is taken marked for identification?

MR. MASTRO: Surely.

MR. VOGEL: Namely, the study.

MR. MASTRO: Why not?

MR. VOGEL: I don't know if this is the 201 or 208. I lost track of that one.

THE COURT: First, we will mark the plan as D-18.

CLERK OF THE COURT: D-18.

MR. MASTRO: For identification, Your Honor.

MR. VOGEL: Which is that?

MR. MASTRO: That's the Upper Raritan Watershed Waste Water Facilities

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

Plan, dated December, 1980, revised  
June, 1981, prepared by Malcolm Pernie,  
Inc.

MR. VOGEL: So that's a 201 study?

MR. MASTRO: This is the 201  
study. Is that correct, Mr. Dresdner?

THE WITNESS: Yes, sir.

THE COURT: Let's start with the  
plan itself.

CLERK OF THE COURT: D-18.

MR. MASTRO: We will mark this for  
identification.

THE COURT: D-18.

MR. MASTRO: D-18 for  
identification.

( D-18. a map, is marked for  
identification.)

THE COURT: All right.

MR. MASTRO: And there is a map  
entitled, "Critical Land Areas, Far  
Hills", which is part of that study,  
Your Honor. Plate 5, it's designated as  
Plate 5.

CLERK OF THE COURT: D-19 in  
evidence.

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

( D-19, a map, is marked in evidence.)

THE COURT: That's in evidence.

MR. MASTRO: Thank you.

BY MR. MASTRO:

Q. Mr. Dresdner, would you take a look at D-19?

A. Yes, sir.

MR. VOGEL: Your Honor, could we be looking at D-18 for identification while - - -

MR. MASTRO: Sure.

MR. VOGEL: Thank you.

THE COURT: The witness has been shown D-19. Do you have a copy of D-19, sir?

MR. VOGEL: Yes.

THE COURT: And the Court has the exhibit. All right, go ahead.

MR. MASTRO: First a threshold question, if I might.

Q. Where were these documents obtained, Mr. Dresdner?

A. These documents were borrowed from the

1 Somerset County Planning Board.

2 Q. And I presume you made some  
3 representation that you would return them to the  
4 Somerset County Planning Board?

5 A. Yes, I told them I would.

6 Q. Referring to Plate 5, marked D-19, what  
7 is that?

8 A. This is a map of the Borough of Far Hills  
9 prepared as part of the 201 Facilities Plan Report,  
10 showing critical land areas. That is the title of  
11 the map, "Critical Land Areas." The critical land  
12 areas shown, trout maintenance waters, agricultural  
13 soils, wetlands, floodplain, steep slopes and park  
14 land, public, semi-public, and open lands.

15 Q. And would you summarize briefly, and if  
16 you can conceptualize in your mind, approximately  
17 where a literal interpretation of the growth areas in  
18 Far Hills is? Could you summarize the texture of  
19 that land as it relates to water quality?

20 A. Well, in terms of the critical land areas,  
21 it's clearly largely composed of lands that are  
22 identified as critical lands for the purpose of the  
23 201 Facilities Plan.

24 It includes large areas of floodplain,  
25 wetlands, steep slopes and what they call park land,

1 public, semi-public, and open lands.

2 MR. VOGEL: Do you want the  
3 environmental map? D-9 is right around  
4 the corner.

5 MR. MASTRO: Off the record.

6 ( Discussion off the record.)

7 Q. Mr. Dresdner, looking at D-9 with the  
8 overlays, do you find a similarity between D-9 and  
9 D-19 as far as outlining the critical areas you just  
10 mentioned?

11 A. Yes, there is a similarity. We used different  
12 sources, or sources other than this map, but  
13 essentially the results are similar and comparable.

14 Q. Mr. Dresdner, what does that map tell  
15 you as far as the growth area in Far Hills is  
16 concerned?

17 MR. VOGEL: Just an objection, only  
18 because I am not clear which map you are  
19 talking about, D-9 or - - -

20 MR. MASTRO: D-19.

21 A. What D-19 shows me, is that the largest and  
22 major portion of the growth area in Far Hills falls  
23 within a critical land area category.

24 Q. Would that be suitable for development?

25 A. Well, portions of it would be suitable for

*Admits  
some  
suitability*

1 development. Other portions would be unsuitable, and  
2 the largest portion would not be developable because  
3 it's either developed already, or there are deed  
4 restrictions as to the development of the land.

5 The importance of this critical land area  
6 category is that it is contrary to Federal and State,  
7 and Federal policy to fund utility improvements that  
8 would encourage development in critical land areas.

9 Q. So, in that respect, would you find a  
10 clash between a literal interpretation of the State  
11 Development Guide Plan as it affects Far Hills growth  
12 area and Federal policy insofar as development of  
13 that area is concerned?

14 A. Well, in my opinion, a literal application of  
15 the State Development Guide Plan to the Borough of  
16 Far Hills conflicts with County policy, State policy  
17 and Federal policy. That's why I am uncomfortable  
18 with a literal application of the State Development  
19 Guide Plan, the conceptual and imprecise boundary.

20 Q. Mr. Dresdner, did you have an  
21 opportunity to examine any other maps that related to  
22 the State Development Guide Plan, any working  
23 documents?

24 A. Well, yes. I was down at the Deputy of  
25 Community Affairs and requested to see a map showing

Conflict  
between  
SDGP  
+  
208 + 201

1 the outlines of the State Development Guide Plan  
2 growth areas, limited growth areas, etcetera, in Far  
3 Hills, as well as the surrounding area.

4 Q. What is your recollection of what you  
5 saw?

6 THE COURT: Did you see it?

7 Q. Did you see Atlas No. 25?

8 A. Atlas Sheet No. 25.

*Atlas  
Sheet 25*

9 Q. Did you see it?

10 A. I saw it, and reviewed it, and traced portions  
11 of it.

12 MR. VOGEL: I would object to a  
13 reference to some Atlas Sheet. Maybe  
14 I didn't hear the testimony, but I don't  
15 know that there has been, in any way,  
16 sufficient foundation evidence to begin  
17 with. We do not have the best evidence  
18 of what that map shows.

19 MR. MASTRO: I withdraw the  
20 question. If I may start again.

21 Q. Mr. Dresdner, did you examine any maps  
22 that were utilized in preparing the maps that  
23 eventually appear in the State Development Guide  
24 Plan?

25 A. Yes, sir.

1 Q. Could you describe the maps?

2 MR. VOGEL: Could I - - -

3 THE COURT: Do you want the answer  
4 read back?

5 MR. VOGEL: The question I wasn't  
6 quite clear about, and I would  
7 appreciate if the question were reread.

8 THE COURT: I will have it reread  
9 for you.

10 MR. VOGEL: Thank you.

11 ( The question is read back.)

12 Q. Would you describe those maps.

13 MR. VOGEL: Objection. I would  
14 again - - -

15 MR. MASTRO: I withdraw the  
16 question.

17 Q. How were these maps used, Mr. Dresdner?

18 THE COURT: When? In the drafting  
19 of the State Development Guide Plan?

20 MR. MASTRO: Yes, as they relate  
21 to the State Development Guide Plan.

22 THE COURT: If he knows or not.

23 MR. VOGEL: We are in an area of  
24 hearsay.

25 MR. MASTRO: Yes, I agree.

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

THE COURT: I don't know what he was doing - - -

MR. VOGEL: I don't know who he was talking to. He pulls out No. 25, and I think we need a lot more. First of all, I think we need a map here. We are going to be talking about a map.

Second of all, I am troubled by hearsay. We made the same efforts to try to get some maps, and there are lots of them, and there was nothing of authenticated value that we could get before this Court.

THE COURT: Well, that's your position on it. He went down and tried apparently the same source, or essentially the same source.

MR. VOGEL: I object to the question because it calls for a hearsay answer.

THE COURT: I think not, and I will allow it. I will find out what he saw and what he didn't see, not what he was told, but what he saw.

BY MR. MASTRO:

1 Q. Can you answer the question?

2 A. Yes. I saw an Atlas Sheet which was titled  
3 "Sheet No. 25". It was noted in the upper left hand  
4 corner, as I recall.

5 There was a scale on the map of one inch  
6 equals one mile, and it showed in substantial detail  
7 on the map itself as originally printed, roads,  
8 railroads, settlements, elevations, and similar  
9 information, typical of the information you would  
10 ordinarily find on a U.S.G.S. quadrangle sheet.

11 Q. Was there any definition of a road area  
12 affecting Far Hills?

13 MR. VOGEL: Objection. Sorry. Did  
14 you finish the question?

15 MR. MASTRO: I finished the  
16 question.

17 MR. VOGEL: Objection, because I  
18 don't know what this map is. I don't  
19 even know where he got it. He's  
20 referring to a map. I object to the  
21 relevancy of a map.

22 I don't know if he got it from Mr.  
23 Ginman. I don't know what the  
24 designation of the map is, other than  
25 No. 25. I don't know how that ties in

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

with the State Development Guide Plan.

He visually observed a map. That in and of itself is not relevant, and without further foundation and support, no evidence of the contents of the map, except telling the Court what it was generally about, should be allowed in this trial.

MR. MASTRO: Let me try a few questions, Your Honor, as a foundation, if I may.

THE COURT: Go ahead.

BY MR. MASTRO:

Q. Mr. Dredner - - -

THE COURT: Let me suggest to you, counsel, in reading this and looking at it this morning again, and the burden is on the one who disputes what is shown on the State Development Guide Plan.

If he were to have gone to the source and to have seen maps, and those maps showed a line postured someplace else for different reasons, and it is spelled out there, and then what is

1 ultimately promulgated varies from it.

2 I would think that would go to  
3 support a theory that what ultimately  
4 was promulgated was the result of an  
5 error, capricious or arbitrary, and I  
6 think that is open.

7 In fact, the Court said it is one  
8 of the three ways in which the attack  
9 can be made on that which is shown on  
10 the State Development Guide Plan. In a  
11 broad sense, I would be inclined to  
12 permit that.

13 MR. MASTRO: In a broad sense, I  
14 don't disagree, but we don't know when  
15 this map was prepared. Was it prepared  
16 prior to? We don't know whether that  
17 map was, in fact, used to develop the  
18 official State Development Guide Plan  
19 Map.

20 There are a lot of assumptions in  
21 this testimony. Is there any legend  
22 on this map that tells us anything?

23 THE COURT: We are going to get to  
24 that, I assume, by way of a foundation  
25 question.

1           As I understand the question, and  
2 he will correct me, please. His  
3 question, paraphrased by me, is that he  
4 saw maps that were utilized in the  
5 drafting of the State Development Guide  
6 Plan, and one of those was an Atlas  
7 Sheet No. 25 with a scale of one inch to  
8 one mile, showing substantial detail or  
9 data, such as roads, railroads,  
10 elevations, etcetera.

11           MR. VOGEL: Your Honor, that is a  
12 conclusion, that that map was utilized,  
13 of the witness. How does he know  
14 that?

15           THE COURT: You can test that, I  
16 suggest, on cross-examination.

17           MR. VOGEL: If I may, Your Honor,  
18 if he is going to either produce that  
19 map, which would be fine, and then I can  
20 cross-examine him on the document, or  
21 produce some other map which he says is  
22 a duplication of that map, or some such  
23 thing like that, I would have the right  
24 to test these issues, what he is now  
25 saying in conclusion.

1 THE COURT: You will have an  
2 opportunity on cross-examination to  
3 test the basis of his opinion that this  
4 somehow was used in the final product  
5 which is contained in the State  
6 Development Guide Plan.

7 MR. VOGEL: Judge, with all due  
8 respect, it goes to the admissibility of  
9 any evidence about the map itself, and  
10 that's what I am concerned about.

11 I know that I would be able to  
12 cross-examine this, but once we get to  
13 that posture in his testimony that says,  
14 here is the map, or here is a  
15 duplication of the map, at that point I  
16 want to be able to test these foundation  
17 questions before the admissibility of  
18 any information about that map is  
19 allowed by this Court.

20 MR. MASTRO: Your Honor, these are  
21 all subject matters for  
22 cross-examination.

23 MR. VOGEL: Well, we are talking  
24 about the admissability of a document  
25 which I don't know if we have.

1 THE COURT: It has not been  
2 offered yet. I don't have it in front  
3 of me. Apparently, he is going to  
4 testify from his testimony orally of  
5 what was seen, and then you can test  
6 that recollection. I will permit it.  
7

8 BY MR. MASTRO:

9 Q. Mr. Dresdner, you made reference to  
10 Atlas Sheet 25. Were there other sheets at the  
11 location where you examined Sheet 25?

12 A. There were other Atlas Sheets that covered  
13 other portions of the State. Atlas Sheet No. 25  
14 covered Far Hills specifically, and a general area  
15 around Far Hills and was my interest when I went down  
16 to the Department of Community Affairs and asked to  
17 see Atlas Sheet No. 25.

18 Q. Where was it located?

19 A. It was located in the offices of the  
20 Department of Community Affairs. It was located on  
21 the ground floor offices, in the basement, I think,  
22 as was referred to by the previous planner here, in a  
23 similar office as the Somerset County Planning Board,  
24 located on the ground or basement floor of an office  
25 building.

1           They were located in offices. They were not  
2           in storage, and according to the listing of people  
3           who have seen the maps - - -

4                   MR. VOGEL: Objection.

5                   THE COURT: I will sustain that.

6                   That is hearsay.

7           Q.     Do you know when these maps were  
8           prepared, or was there any indication?

9           A.     These maps were prepared over - - -

10                   MR. VOGEL: Objection. The  
11                   question was, do you know when these  
12                   maps were prepared?

13                   THE COURT: Please. Do you know  
14                   when they were prepared?

15                   THE WITNESS: Yes, sir, I do.

16           Q.     When?

17           A.     They were prepared prior to the preparation of  
18           the current Revised Draft State Development Guide  
19           Plan.

20           Q.     Do you know what the purpose of the maps  
21           was?

22           A.     Yes, sir.

23           Q.     What's that?

24           A.     The maps were used to identify and revise the  
25           growth areas as shown on the original draft of the

1 State Development Guide Plan, and used in meetings  
2 with county agencies and other interested groups in  
3 the State's review of the original Guide Plan. *Atles #25*

4 These maps were at a scale which permitted a  
5 review at the local level. To have reviewed the  
6 original State Plan Maps would have been at a detail  
7 that would have been difficult to comprehend, again,  
8 at the local level.

9 Q. Now, previously you indicated that you  
10 made a tracing of a map? Is that what you said?

11 THE COURT: I didn't hear that.

12 MR. VOGEL: I would object at  
13 this point, Your Honor. Mr. Mastro  
14 asked, did you make a tracing of the  
15 map? I would object at this point.

16 First of all, because the map that  
17 the witness is testifying to apparently  
18 does exist. It would be the best  
19 evidence. It is a map which is  
20 certainly subpoenaable by Mr. Mastro.

21 It hasn't been subpoenaed. If  
22 it's some kind of office map, I am sure  
23 Mr. Ginman will bring the map with him.

24 THE COURT: You trust.

25 MR. VOGEL: Pardon?

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

THE COURT: You trust.

MR. VOGEL: And if it's not an official map, then it shouldn't be in evidence.

The witness gave testimony, and the Court wanted some foundation evidence. He gave testimony that he knows when the map was prepared. It is either from hearsay, or from something that is said on the map, and that is not clear from the foundation evidence, who prepared it, the date of preparation, whether it was an officially adopted map.

Unless he got all this from hearsay, and, if so, we ought to get it directly from the source and not a hearsay source.

MR. MASTRO: Your Honor, if I may suggest, not to belabor this - - -

THE COURT: Yes.

MR. MASTRO: - - - that when Mr. Ginman comes up, that he bring Atlas Sheet No. 25 with him.

THE COURT: I have a note, and we

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

will call him this afternoon.

MR. MASTRO: And I see no need to question Mr. Dresdner about that. We will question Mr. Ginman about it. He would be much more familiar with it.

Is that satisfactory? Counsel indicates with a waive of the hand that he is satisfied.

THE COURT: You desist in the questioning as to Atlas 25 at this point?

MR. MASTRO: I think so.

THE COURT: If it's to be covered by Mr. Ginman, and you wish to pursue it, we will deal with it then.

MR. MASTRO: I would appreciate that, Your Honor.

THE COURT: All right.

BY MR. MASTRO:

Q. Mr. Dresdner, previously we had discussed the precision with which State Development Guide Plan boundary lines were outlined in the various maps that appear in P-33.

And a previous witness had indicated, at some

1 point in the process of translating the growth area  
2 of the State Development Guide Plan as it affects Far  
3 Hills onto other maps, visual observations were made.

4 Would you look at page 133 and 116 of P-33?

5 THE COURT: Page 116?

6 MR. MASTRO: And 133.

7 Q. Do you agree with me, at page 133, it  
8 shows Somerset County Guide Plan Map? Is that  
9 correct, sir?

10 A. Yes, sir.

11 Q. And page 116 is what?

12 A. It shows an outline of Somerset County with  
13 the Tri-State Regional Development Guide Plan drawn  
14 on that outline as well as the State Development  
15 Guide Plan.

16 So, the two plans, that of Tri-State, and that  
17 of New Jersey, are superimposed one on the other on  
18 Somerset County.

19 Q. If one were to examine the maps in  
20 detail, do you see any visually noticeable areas  
21 where they differ?

22 A. Yes. There are areas. They differ, if I were  
23 to examine this in detail.

24 Q. Could you point an area out where they  
25 differ?

1 A. Well, there are two areas. The shapes are  
2 slightly different, and the width of the boundary  
3 lines are different. The width of the boundary lines  
4 represent several hundred feet of difference in the  
5 boundary line. Perhaps more importantly, the shapes  
6 themselves differ on portions of the map.

7 For example, the outline of the limited growth  
8 area adjacent to the Route 206 corridor is slightly  
9 different on the two maps. This is something that I  
10 would expect and would not find unusual on maps drawn  
11 at this scale, for these purposes, and with the free  
12 hand tools that are available to the draftsman of the  
13 maps.

14 But there is that difference in the two State  
15 Development Guide Plan Maps. They make a difference  
16 if they are transposed directly from one scale to  
17 another. As I had mentioned earlier, I consider  
18 these lines imprecise and would point to these two  
19 maps as an example of that lack of precision.

20 MR. MASTRO: Judge, I am just  
21 going over my notes. I am at about the  
22 end of my direct examination.

23 THE COURT: If you wish, we're  
24 getting close to lunch, and if you want  
25 to do it with the reservation of picking

1 it up later, as you wish. I don't want  
2 to foreclose your direct in any way.

3 MR. MASTRO: Would Your Honor  
4 entertain breaking for lunch at this  
5 time?

6 THE COURT: We can do that, and  
7 you can do it over the lunch hour.

8 MR. MASTRO: Yes.

9 THE COURT: Is that acceptable?

10 MR. VOGEL: Yes.

11 THE COURT: Fine, let's pick  
12 it up at about one-thirty.

13 MR. VOGEL: Thank you, sir.

14 THE COURT: Fine.

15 ( Luncheon recess.)

## AFTERNOON SESSION

1  
2 MR. MASTRO: Your Honor, I want to  
3 go back to Atlas Sheet 25 which we  
4 discussed earlier. Both Mr. Vogel and I  
5 had an opportunity to review the detail  
6 of Atlas Sheet 25, and I think some of  
7 the objections to the earlier line of  
8 questioning have now been removed, and  
9 I'll direct a few other questions to  
10 this particular issue.

11  
12 CROSS-EXAMINATION BY MR. MASTRO (CONTINUED):

13  
14 Q. Mr. Dresdner, at some time you appeared  
15 at the Department of Community Affairs and examined  
16 the Atlas relative to what you testified earlier. Is  
17 that correct?

18 A. That's correct.

19 Q. Do you know approximately when you did  
20 that?

21 A. It was October 10th of this year.

22 Q. And you indicated earlier that you  
23 examined Atlas Sheet No. 25 which showed, I believe  
24 you said in much more detail, a delineation of the  
25 growth area as it affects Far Hills, particularly as

1 it related to some of the physical features. Is that  
2 correct?

3 A. That's correct.

4 Q. I believe you also testified that you  
5 prepared a sketch or an outline of what you did see?

6 A. Yes, I traced the information that I was  
7 interested in on - - from Atlas Sheet 25.

8 MR. VOGEL: Can we have this marked  
9 for identification which would then be  
10 D-20?

11 CLERK OF THE COURT: D-20.

12 MR. MASTRO: This would be  
13 identified as S.D.G.P., growth area of  
14 Far Hills, from D.C.A. Atlas Sheet 25.

15 CLERK OF THE COURT: D-20 for  
16 identification.

17 ( D-20, a document, is marked for  
18 identification.)

19  
20 BY MR. MASTRO:

21 Q. Mr. Dresdner, looking at D-20 for  
22 identification, essentially that shows what?

23 A. This shows, on a U.S.G.S. quadrangle, the  
24 location of the growth area in relation to the  
25 Borough of Far Hills. The specific shape and



1 Vogel has voir dire on my introduction.

2 MR. VOGEL: Thank you.

3  
4  
5  
6  
7 VOIR DIRE CROSS-EXAMINATION BY MR. VOGEL:

8  
9 Q. Do you know who physically prepared  
10 Atlas Sheet No. 25?

11 A. No, I don't know who physically prepared it.

12 Q. But it was in the Department of  
13 Community Affairs offices in Trenton?

14 A. That's correct.

15 Q. Do you know if there is anything on the  
16 original map which indicates when Atlas Sheet No. 25  
17 was prepared?

18 A. No, the Atlas Sheet No. 25 is an undated map  
19 and was in preparation, according to the information  
20 I was told, over a period of time.

21 Q. Without referring to conversations, just  
22 in terms of what was on the map, all right? Is Atlas  
23 Sheet No. 25 completed, or is it a document from your  
24 observations or from your studies which is still in  
25 the process of evolving?

1 A. No, Atlas Sheet No. 25, to my view, is a  
2 complete sheet, a complete map.

3 And, insofar as the information that is placed  
4 on Atlas Sheet No. 25, the boundaries of the growth  
5 area, the limited growth area and the like, is  
6 complete.

7 Q. Is there any indication that Atlas Sheet  
8 No. 25 was in any way approved or formally adopted by  
9 the Department of Community Affairs?

10 A. No. There's no document that does that,  
11 but the Department of Community Affairs has not  
12 adopted any plan.

13 Q. They did adopt or approve the State  
14 Development Guide Plan, did they not?

15 A. Well, it's a revised draft of the State  
16 Development Guide Plan.

17 Q. And it is promulgated as the official  
18 State Development Guide Plan, is it not?

19 A. Well, not by the Department of Community  
20 Affairs. It is a revised plan of the Department of  
21 Community Affairs.

22 Q. I show you exhibit P-33 in evidence.  
23 The cover reads, "State Development Guide Plan, New  
24 Jersey Department of Community Affairs"?

25 A. That's correct.

1 Q. And there's a picture of the Seal of the  
2 State of New Jersey, Division of State and Regional  
3 Planning. By the way, isn't that a division of the  
4 department of - - -

5 A. There is no State Division of Regional  
6 Planning any more. There was in May, 1980, but this  
7 was prepared after May, 1980. May, 1980 refers to  
8 the revised draft plan, dated May, 1980.

9 The text is a duplicate of that draft plan,  
10 and no action was taken on the revised draft plan  
11 since May, 1980. This is a reproduction of that  
12 revised draft plan.

13 Q. Do you recognize this as the official  
14 State Development Guide Plan to which the Supreme  
15 Court referred to in the Mount Laurel II decision?

16 A. This would be the State Development Guide Plan  
17 referred to by the Supreme Court, yes, sir.

18 Q. All right. What I'm trying to ascertain  
19 is, that this Atlas Sheet 25, I am really trying to  
20 learn about it. You have captioned it from the  
21 Department of Community Affairs. Correct?

22 A. Yes, that's correct.

23 Q. That caption, does that appear on the  
24 actual Atlas Sheet 25?

25 A. No, it doesn't.

1 Q. So there is no writing on it, no  
2 caption, but it is physically located within the  
3 offices of the Department of Community Affairs. Is  
4 that what you are telling me?

5 A. Essentially, that's correct. It is common  
6 knowledge.

7 Q. All right, go ahead.

8 A. That it was prepared by the Department of  
9 Community Affairs, State Division of Regional  
10 Planning.

11 Q. But there is nothing on the map to  
12 indicate when it was prepared?

13 A. Nothing on this Atlas Sheet. There are a  
14 number of Atlas Sheets, and I did not look at all of  
15 them to see if any of them were dated, undated, or  
16 has some titles on it.

17 Q. Aren't some of them dated?

18 A. I didn't look at others, but I did look at 25.

19 Q. But you do know there are other Atlas  
20 Sheets?

21 A. Yes, sir.

22 Q. What is the word Atlas from?

23 A. That is the title that is used by the  
24 department when I asked to see the detail sheets of  
25 the State Development Guide Plan, and they said we

1 would essentially refer you to Atlas Sheet 25,  
2 specifically for Far Hills.

3 Q. You don't know what the word Atlas is,  
4 like a volume of, or book of?

5 A. That may be. That's their terminology.

6 Q. Atlas Sheet 25, does that focus upon  
7 Somerset County? Is that what Map No. 25 is?

8 A. Not all of Somerset County nor only Somerset  
9 County.

10 As I recall, there is a portion of Morris  
11 County and possibly Hunterdon County as well. But,  
12 the majority of the sheet, as I recall, relates to  
13 Somerset County.

14 Q. Does it correspond with that page 133 of  
15 the State Development Guide Plan?

16 A. I know what 133 is.

17 Q. It includes what?

18 A. It includes areas outside the county, and as I  
19 recall, it does not include the entire county.

20 Q. You are satisfied, from your visit to  
21 the Department of Community Affairs, that there are  
22 other maps down there that also cover this same area,  
23 work maps, if I can call them that?

24 A. No. I believe that these maps are specific and  
25 unique in that they represent a level of detail that

1 exceeds that level of detail included in the State  
2 Development Guide Plan, and, to my knowledge, are the  
3 most current, relatively, of the maps that preceded  
4 the 1980 revised draft.

5 Q. I don't know if my question was clear or  
6 if you understood it. I wanted to know whether there  
7 are additional maps, work maps, whether seen by you  
8 or not, that are at the Department of Community  
9 Affairs that cover this same area?

10 A. I don't know. I was interested in this map.

11 Q. How did you know to ask for Atlas Sheet  
12 25? Did you ask for it by number?

13 A. Yes. I was familiar with another Atlas Sheet  
14 involved in another zoning situation. I called up to  
15 find out which number, or which Atlas Sheet, included  
16 Far Hills. I was told, and then I went back down and  
17 asked specifically for this sheet.

18 Q. Did you ask if there were any other maps  
19 of this area?

20 A. No, I didn't.

21 Q. Okay. Now, just a few clarifications.  
22 The scale of this map is, what did you say? One-inch  
23 equals two thousand (2,000) feet, whereas the scale  
24 of Atlas Sheet 25 is actually, one-inch equals a  
25 mile?

1 A. That's correct.

2 Q. And you transferred that scale and  
3 scaled it out to the larger scale. Is that correct?

4 A. That's correct.

5 Q. Can you tell the Court how you did that?

6 A. Yes. As I had mentioned, I traced the  
7 information from the map at the Department of  
8 Community Affairs, along with certain roads, rivers,  
9 and boundaries so that I would have a good indication  
10 of where this growth area line crossed these other  
11 visible features.

12 Using those as guidelines as well as using - -

13 -

14 Q. Excuse me. Just on that, did you pick  
15 up the points of the southern portion of the  
16 municipality and the northern portion of the  
17 municipality?

18 A. The southern portion and Route 202 I picked  
19 up. I did not pick up the southern portion. Did I  
20 say the southern?

21 Q. Yes.

22 A. I picked up the northern portion and Route  
23 202, not the southern portion. The southern portion  
24 was difficult to read at that scale, and I did not  
25 use the southern portion, but I did use, as I said,

1 Route 202, as well as the northern portion of the  
2 Borough.

3 Q. Excuse me one second.

4 I am sure you recall exhibit D-9?

5 A. Yes, I prepared it.

6 Q. Do you see the line that is the State  
7 Development Guideline growth area line as prepared by  
8 you on exhibit D-9, first of all, as roughly  
9 comparable to the line on exhibit D-20?

10 A. I would consider it roughly comparable to the  
11 line on D-20, although not coincident to the line on  
12 D-20. There are some differences, particularly at  
13 the extremities.

14 Q. Now, I note that the line on D-20, as it  
15 crosses the northern boundary of the municipality, I  
16 am pointing to it now, so that His Honor can see it,  
17 too - - -

18 A. Yes.

19 Q. - - - as compared to the growth area  
20 line on the northern boundary of exhibit D-9, it  
21 seems to be on D-20 closer to what we'll call the  
22 thumb portion of the outline of Far Hills?

23 A. That's correct. The line on sheet No. 25,  
24 down at the State, clearly went over the point where  
25 the North Branch swung north in its path.

1 Q. Where did you take - - -

2 MR. VOGEL: Your Honor, I know this  
3 is kind of general cross-examination,  
4 but I am trying to verify the accuracy,  
5 if I can stay on this, or I would pick  
6 it up later if you want.

7 THE COURT: Pick it up on your  
8 cross. Do you have any more questions  
9 on the voir dire?

10 MR. VOGEL: Not on the voir dire.  
11 They just go to trying to compare it.

12 THE COURT: All right.

13 MR. VOGEL: Your Honor, for the  
14 limited purposes of a map, which is not  
15 signed or anything else, that physically  
16 exists there, I will not object to it  
17 being put in evidence for whatever  
18 it's worth.

19 THE COURT: All right, D-20.

20 CLERK OF THE COURT: D-20 in  
21 evidence.

22 ( D-20 for identification, is  
23 marked in evidence.)  
24  
25

1 DIRECT EXAMINATION BY MR. MASTRO (CONTINUED):  
2

3 Q. Mr. Dresdner, would you look at D-20 and  
4 compare it to P-26, particularly addressing the P.Q.  
5 as shown on P-26.

6 THE COURT: P-26?

7 MR. MASTRO: I'm sorry, P-17.

8 THE COURT: All right.

9 Q. Did you get the question?

10 A. Yes.

11 Q. Are you studying the matter?

12 A. Yes.

13 Q. The question was, compare them and  
14 indicate, if there is a variation, where it is.

15 A. Well, as I mentioned with D-20, the line is  
16 similar but not coincident. The differences between  
17 D-20 and P-17 are slight, in my opinion.

18 The orange line shown on P-17, if it were to  
19 be realigned to more accurately show the line, to  
20 accurately show the line on P-20, would be moved  
21 further to the west to the point where the North  
22 Branch takes its swing to the north.

23 Additionally, the orange line shown on P-17  
24 would be moved somewhat further to the west on Route  
25 202. Those were the two specific points that I

1 measured from sheet No. 25.

2 The orange line on P-17, where it crosses the  
3 southern boundary of the Borough, is about the same  
4 as where the line on P-20 crosses the southern  
5 boundary of the Borough.

6 The line, as it passes through the property in  
7 question, would be moved further to the west and  
8 therefore incorporate a smaller portion of the  
9 property in question within the growth area.

10 Q. Did P-20 identify a railroad station?

11 A. Yes, P-20 identifies a railroad station. This  
12 was taken specifically from sheet No. 25 which showed  
13 the railroad station to the east of the growth area  
14 and therefore outside of the growth area.

15 I might add that the boundary line on sheet  
16 No. 25 measures a width of perhaps five hundred (500)  
17 feet, so the boundary line, when drawn on the ground,  
18 would be of a five hundred (500) foot width which is  
19 quite wide.

20 The railroad station was shown immediately  
21 adjacent and to the east of this five hundred (500)  
22 foot wide line.

23 Q. Is the width of the line on D-20 to  
24 scale?

25 A. Yes, it is. It is to scale. It is

1 approximately, it is a quarter of an inch line which  
2 is in scale to a 32 inch line on Atlas Sheet No. 25.

3 Q. Sit down, Mr. Dresdner. I had one other  
4 question.

5 How many drafts were there of the State  
6 Development Guide Plan?

7 A. Well, there were two drafts printed that I'm  
8 aware of. One was the 1977 draft. The second was  
9 the 1980 revised draft.

10 There was also a brochure that was distributed  
11 immediately after the 1977 draft which, frankly, told  
12 in less detail what the 1977 draft presented.

13 Q. To the best of your recollection, was  
14 the 206 corridor shown on a map that was part of the  
15 1977 draft of the State Development Guide Plan?

16 A. No, the 206 corridor was not included in the  
17 1977 draft plan.

18 Q. And somewhere in between 1977 and 1980 -  
19 - is it, or '81?

20 A. 1980.

21 Q. - - - the 206 corridor growth area did  
22 appear?

23 A. That is correct.

24 MR. MASTRO: I think that's all I  
25 have, Your Honor, of Mr. Dresdner.

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

THE COURT: Anything further?

MR. MASTRO: That's all.

THE COURT: All right,

cross-examine.

CROSS-EXAMINATION BY MR. VOGEL:

Q. The State Development Guide Plan does indicate that there were many meetings with county and municipal officials for the development of the 1980 draft of that plan, isn't that so?

A. That's correct.

Q. So that the change in the 206 corridor from 1977 to 1980 certainly must have followed the many meetings with the county and local officials.

Wouldn't you conclude that?

A. Yes, I agree. The development of that 206 corridor was the result of public meetings. I don't know whether they were public hearings, but surely meetings with county officials. I don't know to what

1 extent local officials participated in those  
2 meetings.

3 Q. Let's go back to D-20. I would like to  
4 try to zero in, if we can, on where that line from  
5 exhibit D-20 would pass through the premises in  
6 question, as shown on D-17, and if we can take a  
7 different color marker, different from red, black, or  
8 orange, and perhaps blue or green. Let's put these  
9 side by side.

10 Can you, without the aid of a magnifying  
11 glass, although we can get one, Mr. Dredner, pick up  
12 the streets in Far Hills Village on D-20?

13 A. Oh, yes, I can make out the streets on D-20.

14 Q. And can you pick up this first Street  
15 here at the southern end of the Village, that is, the  
16 closest internal street to 202? It looks like Demun  
17 Place?

18 A. Yes, Demun Place.

19 Q. Can you locate that on D-20?

20 A. Yes.

21 Q. All right. Can you locate where your  
22 growth area line goes through Demun Place?

23 A. Yes?

24 A. It would go through Demun Place, to the west  
25 of Dumont Road, approximately where I've noted the

1 purple line.

2 Q. We could debate the color, but it may be  
3 blue, blue or purple?

4 A. Blue.

5 Q. Now, Dumont Road also runs parallel to  
6 Demun Place. Can you locate Dumont Road on D-20?

7 A. Yes, I can.

8 Q. And can you locate where the line goes  
9 through, that is, let's see, at the easterly edge of  
10 the line?

11 A. Westerly.

12 Q. Can you indicate where the westerly edge  
13 of the growth area line bisects Dumont Road?

14 A. Yes. It crosses Dumont Road just about where  
15 Dumont Road turns south. It appears to cross just a  
16 little bit to the west of that point where Dumont  
17 Road turns from an east-west road to a north-south  
18 road for a matter of two blocks.

19 Q. Now, by extending that line, taking  
20 those two points and extending it through the P.O.,  
21 would you say that you would get a reasonably  
22 accurate representation of the western end, or the  
23 western side of the growth area line, as shown on  
24 D-20?

25 A. Yes, it would be reasonably accurate.

1 Q. Could you draw that through the P.Q.?  
2 All right, that's the westerly side of the line,  
3 transferred from D-20 to P-17.

4 How about the easterly side of the line?

5 A. Well, the easterly side of the line would be  
6 to the east and approximately five hundred (500) feet  
7 of the east of this line, if this line were accurate.

8 Q. Do we have a scale?

9 A. Well, here is the scale - - here is one-inch  
10 equals four hundred (400) feet. The easterly portion  
11 of the line would be parallel to that and  
12 approximately five hundred (500) feet away.

13 Q. All right. And could you put a dashed  
14 line somewhere down the middle, between the easterly  
15 and the westerly line, dash and dot? Good. Fine.

16 Now, does that now represent, referring to  
17 exhibit P-17 with the blue dash and dot line and the  
18 blue solid lines, fairly and reasonably the growth  
19 area line as it is depicted on exhibit D-20 and,  
20 indeed, on Atlas Sheet 25 down at the Department of  
21 Community Affairs?

22 A. Yes. As I had mentioned earlier, there were  
23 not substantive differences between the lines on any  
24 of the maps.

25 Q. So that there is no question that we are

1 still left with a growth area line from the  
2 Department of Community Affairs, whether the small  
3 D.C.A. booklet map, or the map in the Supreme Court  
4 case, or whether we are dealing with the enlarged map  
5 known as Atlas Sheet 25, and that growth area line  
6 bisects the P.Q. somewhere, roughly in the middle of  
7 the P.Q.?

8 A. Somewhere roughly in the middle, either a  
9 little on one side or, in my view, a little on the  
10 short side.

11 Q. And if you took the Ginman P-32  
12 photographic enlargement of the State Development  
13 Guide Plan, and with the tied-in roads, that would be  
14 a little bit to the right of the middle, the line, as  
15 depicted on that map. Is that so?

16 A. That's correct.

17 Q. And if you took the exhibit P-17 and  
18 took the orange line, that would also be slightly to  
19 the right of the middle. Perhaps sixty percent is in  
20 the growth area?

21 A. Yes. These lines all have a couple of things  
22 in common. They are imprecise.

23 Q. They are what?

24 A. Imprecise, and they do not follow traditional  
25 boundary lines for municipal level planning.

1 Q. If we look at your exhibit D-9 - - by  
2 the way, you prepared exhibit D-9 yourself, did you  
3 not?

4 A. Well, it was prepared by my staff under my  
5 direction.

6 MR. MASTRO: Your Honor, before  
7 Mr. Vogel poses another question, I  
8 think it should be clear that the lines  
9 delineated on P-17 were done without a  
10 straight edge or a ruler.

11 THE COURT: Yes.

12 Q. And where did you get the information  
13 which formed the basis of the development of exhibit  
14 D-9?

15 A. Well, the base map itself came from the  
16 Borough. The green areas, the undeveloped land - - -

17 Q. Excuse me, I had zeroed in on it. I am  
18 really talking about the growth area line as it goes  
19 through Far Hills, and particularly the P.Q.

20 A. Well, the growth area line came from my  
21 draftsman's interpretation, based on my supervision,  
22 judgment of where those lines crossed the northern  
23 boundary, the southern boundary, and Route 202.  
24 Three points were selected, and the line was drawn  
25 accordingly.

1 Q. And you would agree that your growth  
2 area line on D-9 is substantially similar to the  
3 location of the growth area line on P-17 as developed  
4 by Mr. Ginman?

5 A. Yes, I think we both agree that the line is  
6 substantially the same.

7 Q. So that with respect to your knowledge  
8 of the location of the growth area line relative to  
9 the P.Q., is it not true that every single exhibit  
10 that you have seen, every document that you have  
11 seen, every document that you have prepared for this  
12 case and seen in evidence in this case, all support  
13 the conclusion that the growth area line in fact  
14 bisects through somewhere around the middle of the  
15 P.Q?

16 THE COURT: It intersects it.

17 MR. VOGEL: It intersects.

18 A. My exhibits show that when the State  
19 Development Guide Plan's conceptual growth area line  
20 is transferred in a precise manner from the State  
21 Development Guide Plan to a larger scale map, the  
22 line passes through the Borough of Far Hills as well  
23 as through the property in question.

24 Q. And that conclusion was not altered by  
25 your review of other data at the Department of

1 Community Affairs, including sheet No. 25, Atlas  
2 Sheet No. 25?

3 A. That's correct. Other conclusions were  
4 strengthened in my mind, but in answer specifically  
5 to your question, yes.

6 THE COURT: Have you finished your  
7 cross?

8 MR. VOGEL: No, just where the  
9 line is on all these other maps, Your  
10 Honor.

11 Q. Mr. Dresdner, do you agree, and did I  
12 understand you to say, that the State Development  
13 growth line is a reasonable line for the purposes of  
14 the plan?

15 A. That's correct.

16 Q. And, if I recall, you indicated that the  
17 purposes of the plan were limited to where the State  
18 would spend its resources, its funds for capital  
19 improvements?

20 A. It's - - -

21 Q. Is that correct, or is it stated too  
22 narrowly?

23 A. It's essentially an advocate, and I will quote  
24 from the Development Guide Plan II: "it is  
25 essentially an advocacy plan for the preservation and

1 efficient use for the States' physical resources. It  
2 functions by recommending where growth-inducing  
3 investments should and should not be made, so that  
4 these resources are used efficiently to achieve  
5 fundamental state-wide goals."

6 Q. Does the plan have a focus beyond the  
7 simple notion of where the State is going to spend  
8 its dollars for capital improvements?

9 A. That is its central focus. I don't consider  
10 it a simple focus in that the State had been plagued  
11 for years as to how to spend its limited resources to  
12 gain maximum benefits for the residents of the state.

13 This is one of several means by which they had  
14 hoped to get a handle on determining where State  
15 investment funds should go.

16 So, very clearly in my mind, and I think also  
17 as presented in the preface of the State Development  
18 Guide Plan, its intent was to provide direction for  
19 the spending or non-spending of growth-inducing  
20 investments.

21 Q. Take a look at the third paragraph under  
22 Roman numeral, "little i".

23 First of all, the title of that page is "Need  
24 For a State Plan", and I ask you to read, and it's  
25 really two sentences, the whole third paragraph.

1 Please read that out loud.

2 A. Yes. "Both positive and negative consequences  
3 have resulted from this dispersion of development in  
4 New Jersey. It has afforded many people a desired  
5 lifestyle, yet it has also brought about a number of  
6 problems, an inefficient mode of transportation, a  
7 pattern of disinvestment and decline in the central  
8 cities, the encroachment on natural areas, and the  
9 reduction of productive farmland, and the wasteful  
10 and expensive duplication of public facilities and  
11 services."

12 Q. Would you say that, based upon that  
13 paragraph, that the need for, the identified need  
14 for, the State Development Guide Plan as set forth in  
15 the plan is beyond simply a planning device to  
16 determine where the State should spend its dollars?

17 A. No. I believe that the essential function of  
18 the State plan was to provide input for other state  
19 agencies in terms of them spending state funds for  
20 either a development or conservation.

21 This plan sets forth areas where investment  
22 should not occur, not so much to negatively restrict  
23 development, but rather to preserve the existing  
24 conditions, witness, the agricultural lands.

25 Q. Is the plan concerned with the

1 dispersion of development in New Jersey?

2 The first sentence of that paragraph, does it  
3 not say that the plan is concerned with the  
4 dispersion of development in New Jersey?

5 A. It is concerned with the dispersion of  
6 development in New Jersey.

7 Q. Let me ask you a question about that.  
8 Is that a reference to capital improvements, like  
9 sewer lines and roads, or is it referring to the  
10 dispersion of development, that is, where people live  
11 in New Jersey? How do you interpret that sentence?

12 A. I would interpret that sentence as relating to  
13 the costs of the suburban development in New Jersey,  
14 the scatteration of urban development which has  
15 occurred since the post World War II years.

16 Q. And is the only concern about the  
17 physical facilities? There is no concern about where  
18 people live?

19 A. The concern is the costs of a pattern of  
20 development that has occurred in the state since  
21 World War II.

22 Q. That's your interpretation of the  
23 meaning of that sentence. Is that correct?

24 A. Oh, yes. It would follow, my meaning would  
25 follow through in the next page where it mentions,

1 "the central thrust of this plan is to identify areas  
2 for state investment" or state non-investment."

3 Q. Mr. Dresdner, let me ask you this. The  
4 next sentence says, "It has afforded many people a  
5 desired lifestyle." Does not that sentence focus  
6 upon the lifestyle of people in our state and where  
7 they live?

8 A. Yes, it does. I don't see what is pertinent  
9 about the sentence, though, insofar as conflicting  
10 with what I've said.

11 Q. Do you believe that the sentence that  
12 talks about a decline in the central cities reflects  
13 a concern about where people live?

14 A. No. I think in the context of this report, it  
15 represents a concern of the tremendous cost of  
16 maintaining an infrastructure in an area where the  
17 ability to maintain that infrastructure is reduced  
18 annually as a result of out-migration.

19 The concern in this report is relating to the  
20 infrastructure costs, either the maintenance of those  
21 costs in central city areas, or the extension of  
22 those costs into suburban areas.

23 Q. Do you think that the next clause which  
24 states, "The encroachment on natural areas", is  
25 referring to the encroachment of development, that

1 is, housing encroachment of housing areas as  
2 distinguished from sewer lines and roads?

3 A. I am not sure what that sentence means other  
4 than the cost of extending public facilities into  
5 areas that are currently not served at the cost of  
6 bypassing, leap-frogging, closer in areas which are  
7 vacant, undeveloped, and developable.

8 Q. How about the next clause: "And the  
9 reduction of productive farm land". Is it your view  
10 that those words refer to the reduction of productive  
11 farm land as a result of urban sprawl, housing  
12 developments put all over the suburban areas of our  
13 state, or does that refer to the reduction in  
14 productive farm land as a result of capital  
15 improvements like sewer lines running through farm  
16 areas.

17 A. Clearly, the latter. What the state is  
18 concerned here with is the funding of improvements,  
19 whether they be roads or sewers, which will tend to  
20 displace agricultural development.

21 Q. Now, Mr. Dresdner, the next clause  
22 following, and it has a comma, and then it says, "and  
23 the wasteful and expensive duplication of public  
24 facilities and services." That does refer to sewer  
25 and water systems, correct?

1 A. Yes.

2 Q. And it is your view and interpretation  
3 of that paragraph that that last clause about the  
4 wasteful and duplication of public facilities  
5 modifies all of the other purposes set forth in that  
6 single paragraph?

7 A. It incorporates what was said before. It is  
8 my interpretation that this paragraph relates to, in  
9 terms of costs, public costs, that have resulted in  
10 the unorganized and uncoordinated extension of public  
11 facilities supported and funded primarily by public  
12 monies.

13 Q. Good. I understood your answer.

14 Is there a difference in your mind between a  
15 capital improvement, the phrase "capital  
16 improvements" versus the phrase, "long term  
17 development", or "development"?

18 A. Yes.

19 MR. MASTRO: Can the question be  
20 clarified a bit? I don't quite  
21 understand the context.

22 MR. VOGEL: Why don't I read this  
23 to you?

24 THE COURT: All right, rephrase  
25 it.

1 Q. Referring to N.J.S.A.13:1B-15.52  
2 entitled, "Powers and Duties Performed Through  
3 Division of State and Regional Planning".

4 I read to you, and there are a number of them  
5 listed for that Division of Regional Planning of the  
6 State of New Jersey, and I read to you No. 2, and  
7 that reads as follows: "Preparing and maintaining a  
8 Comprehensive Guide Plan and Long Term Development  
9 and Capital Improvement Program for the future  
10 improvement and development of the state."

11 Now, the term "Capital Improvement", what does  
12 that refer to in your mind? What is a capital  
13 improvement?

14 A. Capital improvements are those facilities  
15 which are designed, at least in the public sphere, to  
16 provide certain public services over a long period of  
17 time, usually five to twenty years, without  
18 replacement.

19 Q. And "Long Term Development Comprehensive  
20 Guide Plan" - - sorry. "Preparing and Maintaining a  
21 Comprehensive Guide Plan and Long Term Development  
22 and Capital Improvement Program." What does long  
23 term "development" mean?

24 A. Long term development is not a term of art as  
25 Capital Improvement Program would be defined as a

1 term of art. Long term development in this context  
2 would refer to land use activities that occur, or  
3 will occur - - that occur over a period of time, or  
4 will occur in the future.

5 Q. And, in fact, isn't it true that the  
6 Division of State and Regional Planning is indeed  
7 involved with land use analysis and land use  
8 development programs in the State of New Jersey?

9 A. Yes, they analyze land development trends,  
10 they make studies of zoning ordinances, studies of  
11 master plans, and have prepared a State Development  
12 Guide Plan.

13 Q. Does the Far Hills Master Plan - - are  
14 you familiar with the Far Hills Master Plan?

15 A. Yes, I am.

16 MR. VOGEL: Let me see J-6.

17 Q. I show you J-6 and ask you if you  
18 recognize this document?

19 A. Yes, sir, I do. It's the Master Plan for the  
20 Borough of Far Hills.

21 Q. All right. Does J-6 refer to, in any  
22 part thereof, the State Development Guide Plan?

23 A. I don't recall whether it does. It was  
24 published in 1977.

25 Q. Or any draft thereof?

1 A. There's reference made to the State  
2 Development Guide Plan or Guide Plan, as it's called  
3 here, in Section 9 of the Master Plan.

4 Q. And what is the reference?

5 A. The reference reads, "it may or may not be  
6 consistent with the (as yet not formulated) Guide  
7 Plan of the New Jersey Department of Urban Affairs."

8 Q. It refers and says that the Master Guide  
9 Plan may or may not be consistent with it, the Master  
10 Guide Plan, because in 1977 the final draft of the  
11 State Development Guide Plan had not yet been  
12 promulgated?

13 A. And perhaps the original draft had not yet  
14 been available to the Planning Board at the time.

15 Q. It does refer to other planning  
16 documents, does it not?

17 A. Yes, sir.

18 Q. And what are those other planning  
19 documents? What are the other planning documents  
20 that the Far Hills Master Plan recognizes  
21 specifically?

22 A. The Somerset County Master Plan and the  
23 Tri-State Regional Planning Commission's Development  
24 Plan.

25 Q. So that the Far Hills Master Plan itself

1 refers to three other planning documents as  
2 significant in terms of its own, the development of  
3 its own plan, correct?

4 A. Yes, and that's good planning practice to  
5 assure that you are compatible with what is occurring  
6 in the adjacent communities and the region.

7 Q. And what does it say about the County  
8 Master Plan and the Tri-State Regional Plan?

9 A. It says that it is compatible with the rural  
10 settlement use plan by surrounding municipalities,  
11 for lands adjacent.

12 Q. Read the text?

13 A. Perhaps it's best. "This Master Plan of Far  
14 Hills is compatible with the rural settlement use  
15 plan by surrounding municipalities for lands adjacent  
16 to Far Hills, with the Somerset County Master Plan,  
17 and with the Guide Plan of the Tri-State Regional  
18 Planning Commission."

19 Q. Taking the Somerset County Master Plan  
20 and referring to your exhibit D-9, is the delineation  
21 of the enlarged Village neighborhood shown on exhibit  
22 D-9?

23 A. Yes, sir, it is.

24 Q. And is that the area - - well, you  
25 describe it.

1 A. It's the area that has the dotted gray tone to  
2 it, and it is surrounded or bounded by the dashed  
3 black line, within which is the gray tone pattern.

4 Q. Is the property in question, that is,  
5 owned by plaintiffs, within the Village neighborhood  
6 as shown on the County Master Plan?

7 A. It is within that area.

8 Q. Do you recall the densities recommended  
9 in the County Master Plan for the Village  
10 neighborhood?

11 A. As I recall, what was it - - four to eight  
12 units per acre?

13 Q. Do you recall five to fifteen units per  
14 acre?

15 A. No, I don't recall five to fifteen, but that  
16 may be due to a lack of recollection.

17 MR. MASTRO: Your Honor, this is  
18 way beyond direct. I don't recall  
19 addressing these issues. Some latitude  
20 of course, is necessary to Mr. Vogel,  
21 but I think this goes beyond that  
22 latitude.

23 MR. VOGEL: We are just trying to  
24 test the notion as to whether it's  
25 reasonable to include the enlarged

1 village and the P.Q. in the growth area  
2 in the State Development Guide Plan.

3 THE COURT: I'll permit it.

4 MR. VOGEL: For higher density  
5 housing.

6 Q. I show you what is a copy of J-11. I  
7 don't think it is the official J-11, but I'll show  
8 you page 46 of the County Master Plan and point out  
9 to you the middle paragraph in the left hand column,  
10 particularly the last sentence.

11 A. "Density is also dependent on the amount of  
12 open space preserved, but the compact areas of  
13 development may well approximate five to fifteen  
14 families per acre, and the size of the Village may  
15 vary ultimately from one to ten thousand (10,000)  
16 persons."

17 THE COURT: What is the page  
18 number?

19 THE WITNESS: Page 46.

20 THE COURT: That has to do with  
21 villages generally, doesn't it?

22 THE WITNESS: Yes, sir.

23 Q. And do you recall that the village  
24 neighborhoods in the Somerset County Master Plan, in  
25 fact, include, among others, the Far Hills Village?

1 A. Yes, that would be one of the Village  
2 neighborhoods.

3 Q. All right. And can you tell me, Mr.  
4 Dresdner, the Far Hills Master Plan, which refers to  
5 the Somerset County Master Plan and suggests some  
6 compatibility with that plan, whether or not the Far  
7 Hills Master Plan recommends an enlargement of the  
8 Village neighborhood?

9 A. No. Quite the reverse. The Far Hills Master  
10 Plan recommends the retention of the historic and  
11 traditional boundaries of the Village or the  
12 neighborhood for a number of good reasons that are  
13 generally listed.

14 Q. So, to the extent that the Far Hills  
15 Master Plan does not recommend an enlargement of the  
16 existing Village, it is inconsistent with the  
17 recommendations of the Somerset County Master Plan?

18 A. No. In my opinion, they are not inconsistent  
19 in that there are a number of characteristics of  
20 villages which are described in the Somerset County  
21 Master Plan, one of which relates to density and/or  
22 population.

23 There are other characteristics that are also  
24 important in defining and retaining the character of  
25 the Village. They relate to the boundary, they

1 relate to the natural boundaries, the sense of  
2 enclosure, the traditional and historic form of the  
3 Village.

4 These are also important to retaining the  
5 character of the Village, and more important than  
6 increasing the size of the Village, because the  
7 increase can lead to the destruction of that very  
8 strong character of the Village.

9 For that reason, I think the Somerset County -  
10 - rather, the Borough Master Plan is very compatible  
11 with the County's Master Plan in that it is directed  
12 towards retaining that village sense which, in the  
13 Somerset County Master Plan, was deemed to be very,  
14 very important.

15 Q. Mr. Dresdner, perhaps I didn't focus in  
16 as sharply as I wanted to when I suggested or asked  
17 you whether or not there was compatibility between  
18 the County Master Plan and the Municipal Master Plan  
19 at this point.

20 I was talking about the size of the Village as  
21 depicted on the Somerset County Master Plan versus  
22 the Far Hills Master Plan.

23 Are they compatible with respect - - or is the  
24 size of the Village in the Municipal Master Plan as  
25 in the County Master Plan?

1 A. There is a difference in boundaries, but keep  
2 in mind in the Somerset - - -

3 Q. Let's try to determine whether the size  
4 is the same or different, all right?

5 A. The area incorporated within the county's  
6 village residential area is greater than the area of  
7 the Village of Far Hills.

8 Q. All right. And is it not so that the  
9 growth area of the State Development Guide Plan also  
10 encompasses a larger area of growth to the extent  
11 that it surrounds the Village, a larger area than the  
12 Village itself?

13 A. It includes a portion of the Village, a  
14 portion of the Borough that is greater than the  
15 Village. But, as I have pointed out - - -

16 Q. Wait a minute.

17 MR. MASTRO: I think the witness  
18 should finish his answer.

19 THE COURT: Let him finish his  
20 answer. Have you finished your answer?

21 THE WITNESS: I wanted to add  
22 that the lines as shown on the State  
23 Development Guide Plan and the Somerset  
24 County Master Plan are still general  
25 lines.

1                   They are, in fact, in conflict  
2 with each other. If one were to carry  
3 the question further, are they  
4 compatible with each other, I think we  
5 would come to the same conclusion, that  
6 they are not coincident and represent  
7 different forms.

8                   Q.     Where on the Municipal Master Plan in  
9 terms of the higher density housing, which is  
10 permitted in the R-5 and R-9 zones of the Village,  
11 where is there vacant land for development of Mount  
12 Laurel II type housing?

13                   A.     Within the Village, there are limited areas  
14 that are vacant and developable. That is the nature  
15 of a Village, generally, whether it be in Somerset  
16 County or the State of New Jersey.

17                   Q.     Are you talking about isolated lots?

18                   A.     Yes, isolated lots.

19                   Q.     How many are there?

20                   A.     Perhaps, at most, a half dozen. I don't  
21 recall my previous testimony to that, but there are  
22 other resources in the Village which can be used for  
23 Mount Laurel type housing.

24                   Q.     Just talking about maps, all right? So  
25 what you're saying is that the Municipal Master Plan

1 zeroes in on vacant lots and areas within the  
2 Village, within the existing confines of the Village?

3 A. Yes.

4 Q. Would you not agree that the County  
5 Master Plan encompasses a geographically larger area,  
6 and its express purpose of that larger area is for  
7 expansion of the Village neighborhood?

8 A. When it speaks of expansion of the Village  
9 neighborhood, it is speaking generally of all  
10 villages and not specifically of any single village.

11 Q. Fine. I understand what you're saying.  
12 Does the map delineate the Master Plan, County Master  
13 Plan Map, delineate the Village?

14 A. It delineates an area that is identified as  
15 Village residential. It includes the Village of Far  
16 Hills as well as an area beyond the boundaries of the  
17 Village.

18 Q. Has D-9 fairly represented that area as  
19 you described before?

20 A. Having prepared D-9, I would say yes, it  
21 accurately describes that.

22 Q. Is it fair to say that the Village area  
23 on D-9, the Village neighborhood area, is  
24 unquestionably an enlargement in geographic terms of  
25 the existing Far Hills Village, for whatever density

1 the Village neighborhood is expressed to be in the  
2 County Master Plan?

3 A. As shown on that map and as shown on the  
4 Somerset County map, yes, it does.

5 Q. With respect to the growth area in the  
6 State Development Guide Plan, to the extent that the  
7 growth area goes through Far Hills and is in the  
8 neighborhood or vicinity of the Village, I want to  
9 ask you the same question. Does the growth area  
10 encompass a larger area than the Village itself?

11 A. The concept line, as I testified before, of  
12 the State Development Guide Plan growth area doesn't  
13 encompass an area than the historic or Village  
14 itself.

15 Q. In a general concept way, would you say  
16 that both the State Development Guide Plan and the  
17 Somerset County Master Plan, in their general  
18 recommendations, are compatible in the sense that  
19 they both call for an enlargement of the Village  
20 neighborhood for growth purposes?

21 A. No, I couldn't make that comparison for the  
22 Borough of Far Hills in that the State Development  
23 - - -

24 THE COURT: Clarify the question.  
25 I am sorry to interrupt you.

1 Q. I am not asking you to make a comparison  
2 for the Borough of Far Hills. I am asking you to  
3 look objectively at the documents in question and the  
4 maps in question, namely the State Development Guide  
5 Plan and the Somerset County Master Plan.

6 A. No, because you are asking for a level of  
7 precision from the State Development Guide Plan as it  
8 applies to Far Hills, and that I cannot make.

9 I am absolutely convinced that the  
10 transference of this very general, imprecise line to  
11 the more detailed, larger-scaled Borough map, is  
12 improper in terms of the purposes for which this line  
13 was originally drawn.

14 Q. Why did you prepare exhibit D-9 if you  
15 thought it was improper to put it on a larger scale  
16 map?

17 A. That was merely part of the background of my  
18 argument. I felt it important to show that one, I  
19 was aware of the State Development Guide Plan as well  
20 as the Somerset County Master Plan.

21 Two, that the two plans were incompatible with  
22 each other. Three, that the two plans which purport  
23 to show growth areas, in fact show areas that are  
24 very stable, and with the exception of one property  
25 have no probable growth potential.

1 Q. The one property being the P.Q.?

2 A. That's correct. The property is located at  
3 the very edge of these two imprecise lines.

4 Q. So, if I understand you, what you're  
5 saying is both the Somerset County Master Plan and  
6 the State Development Guide Plan are unreasonable  
7 with respect to the Far Hills Village neighborhood to  
8 the extent that they call for the enlargement, where  
9 they do call for the enlargement?

10 A. What I am saying is - - -

11 Q. Can you answer that question? Do you  
12 think the Somerset County Master Plan is unreasonable  
13 in terms of its delineation of a large village  
14 neighborhood.

15 A. If I can answer my way.

16 Q. Focus on the Somerset County Master  
17 Plan, whether or not it is reasonable in that regard.

18 A. I would answer that by saying, the Village of  
19 Far Hills, the Borough of Far Hills Master Plan, as  
20 it relates to the Village section, is in compliance,  
21 substantial compliance with the Somerset County  
22 Master Plan and the State Development Guide Plan to  
23 the extent that the State Development Guide Plan is  
24 used to identify areas which are growth areas, and  
25 similarly to the extent that the Somerset County

1 Master Plan is used to identify areas that are growth  
2 areas in the Borough of Far Hills.

3 I would say that they are unreasonable  
4 because, with the exception of one property within  
5 both growth areas, there is virtually no potential  
6 for growth, and indeed in the past twenty or thirty  
7 years has been no growth.

8 Therefore, in answer to your question, I would  
9 say those two lines are unreasonable and arbitrary  
10 when related to the Borough, because they follow no  
11 natural and historic boundaries, and they incorporate  
12 areas that are not growth areas.

13 Q. I understood your answer. And you have  
14 repeatedly said something, and I'm pleased to observe  
15 something that Mr. Ginman has likewise said, and that  
16 is, that there is an exception to all this general  
17 commentary about the difficulties of development of  
18 properties in the enlarged village neighborhood, but  
19 you have said the P.Q., it's physical attributes are  
20 such that development could take place, Mount Laurel  
21 type II development?

22 A. I don't think I mentioned Mount Laurel II.

23 Q. Higher density. That's a fair  
24 qualifier.

25 THE COURT: He didn't mind

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

sitting on the wagon, but he hasn't been whipping the horse.

Q. Now, would you say that to the extent that there is an area for enlargement of the Village, that it is reasonable to have included the P.O. in that enlarged Village neighborhood, because that is the only piece, that all the planners in this case have agreed, that it is appropriate for higher density development, physically appropriate, suitable for higher density development?

MR. MASTRO: May I have that question read back?

THE COURT: Do you want it read back?

MR. MASTRO: May I?

THE COURT: Please read the question.

( The question is read back.)

MR. MASTRO: Can you rephrase that?

MR. VOGEL: No. I got it all in there.

A. Well, there are several questions that I would have to address myself to. First, as I have made -- the point I have made over and over again -- I do

1 not think that expanding the Village of Far Hills  
2 across the railroad line would serve to carry out the  
3 purposes and the objectives of the County Master  
4 Plan.

5 In fact, I think it would be contrary to the  
6 County Master Plan's objective of retaining the  
7 numerous Village characters that are so important to  
8 the county itself. I think it would have a  
9 devastating effect upon the character of the Village,  
10 so in that case I would think it would be adverse to  
11 the objective of the County Master Plan.

12 With that background, I would then logically  
13 follow and say that there is no basis for expanding  
14 the Village boundaries. There may be a basis, and  
15 there would be a basis for increasing densities  
16 within the Village, to the extent that sewer capacity  
17 could support it, but I do consider the Village  
18 boundaries extremely important to retaining the  
19 character of that Village and all of its benefits,  
20 not only to the community itself, but to the  
21 surrounding communities as an area where the most  
22 inexpensive housing in this four, five community area  
23 can be found.

24 Q. There is a third planning document to  
25 which the Far Hills Master Plan makes reference, and

1 that is the Tri-State Regional Plan. First of all  
2 -- well, why don't I get that before you, to be fair  
3 about it.

4 MR. MASTRO: Can we take five,  
5 Your Honor?

6 THE COURT: Of course.

7 ( Short recess.)  
8

9 BY MR. VOGEL:

10 Q. Before we had the break, we were looking  
11 for the Tri-State Regional Plan, P-13. Are you  
12 familiar with that document?

13 A. Yes, I am.

14 Q. And that is identified as one of the  
15 plans, one of the planning documents to which the Far  
16 Hills Master Plan refers, correct?

17 A. That's correct.

18 Q. Referring to the map which is within  
19 exhibit P-13, does that map delineate growth areas,  
20 that is, areas of higher residential density?

21 A. Yes.

22 Q. With a certain color?

23 A. Yes, it shows three residential density ranges  
24 on a square mile basis.

25 Q. Incidentally, in what kind of grid or

1 pattern are these colors laid out on the map?

2 A. They are laid out on a square mile grid, or a  
3 square mile cell, that is related to the mapping  
4 system for this area.

5 Q. You referred to that previously in  
6 comparing the State Development Guide Plan map with  
7 an overlay of the Tri-State Regional Map, did you  
8 not?

9 A. I don't recall having --, recently, yes. In  
10 other words, today?

11 Q. Yes, today in your testimony.

12 A. I thought you were referring to the previous  
13 testimony. Yes, from the State Development Guide  
14 Plan.

15 Q. So that the State Development Guide Plan  
16 itself makes reference to the Tri-State Regional  
17 Development Guide Map?

18 A. Yes. It uses it in this particular case as an  
19 example of the extent to which the State Development  
20 Guide Plan conforms or does not conform with the  
21 Tri-State Regional Development Plan.

22 Q. Is it your understanding that the  
23 pattern, the one square mile grid laid out on the  
24 Tri-State Regional Guide Map, was developed through  
25 the use of computers?

1 A. Yes, that's correct.

2 Q. And, therefore, the square pattern was  
3 kind of the result of the computer's way of putting  
4 this information out?

5 A. No. The Tri-State Regional Planning  
6 Commission at that time, subsequently the Tri-State,  
7 originally the Tri-State Transportation Commission,  
8 subsequently the Tri-State Regional Planning  
9 Commission, and now the Metropolitan Transit Council  
10 developed a square mile grid as the basic cell in its  
11 geographic information systems, or geographic  
12 management systems, and within that grid, within that  
13 mile cell, they placed a variety of information.

14 It was a convenient way to store and retrieve  
15 information on a geographic, rather than a political,  
16 a municipal bounded area.

17 Q. Are major road systems delineated on the  
18 Tri-State Map?

19 A. Yes, major road and rail systems as well as  
20 county boundaries are shown on the base map.

21 Q. Is Route 202 shown on the Tri-State Map?

22 A. No.

23 Q. Is the railroad shown on the map?

24 A. Yes, the railroad is shown on the map, the  
25 Erie Lackawanna and other railroads are shown on the

1 map.

2 Q. Can you locate on the map the center of  
3 Far Hills by reference to the railroad and any road  
4 systems?

5 A. Yes, I can.

6 Q. And can you depict the color of the Far  
7 Hills Village as indicated on that map?

8 A. Yes, I can.

9 Q. And it is what?

10 A. Yellow.

11 Q. What is the designation of yellow? What  
12 does that color represent from the legend?

13 A. Two to six point nine units per acre net, per  
14 net acre.

*TR-STATE*

15 THE COURT: Six to nine?

16 THE WITNESS: Two to six point  
17 nine.

18 THE COURT: Thank you.

19 Q. And the yellow square, can you just  
20 point to that with your finger.

21 ( Indicating.)

22 Q. Is there a little red circle within that  
23 yellow area also delineated there?

24 A. Yes, there is.

25 Q. And what does that circle indicate?

1 A. Area center.

2 Q. So, the Far Hills Village is yellow  
3 color-coded and also designated an area center on the  
4 Tri-State Regional Map. Is that correct?

5 A. That's correct.

6 Q. Right?

7 A. Yes.

8 Q. By the way, what is that road very close  
9 to the Village but not bisecting the railroad tracks?

10 A. I don't know what that road is. I noticed it,  
11 and am not able to identify it, because it is located  
12 south of the railroad, and I'm just not familiar with  
13 that road.

14 Q. Is the yellow area, that is, that you've  
15 identified as the Far Hills Village area, does it  
16 look like one square, or does it look like more than  
17 one square? I will point out, by contrast, this  
18 square.

19 A. It looks like more than one square.

20 Q. And each square, as you said, represents  
21 a square mile, correct?

22 A. That's correct.

23 Q. Would you say that the blocks in yellow  
24 around the Far Hills Village center are larger than  
25 the "historic Village" as you have referred to it?

1 A. It's very difficult to tell at this scale, but  
2 with a minimum dimension of one-mile, at least in one  
3 or two dimensions it would include, again  
4 conceptually, an area that is greater than the  
5 Village. Where that area is, I couldn't tell.

6 Q. You could just see the little circle in  
7 the middle saying "center" and the railroad track  
8 going through it, right?

9 A. Yes, it's a symbol.

10 Q. To the extent that you have already  
11 testified to your opinion that the State Development  
12 Guide Plan growth area for Far Hills encompassing an  
13 area larger than the Village is unreasonable, and to  
14 the extent that you reach the same conclusion with  
15 respect to the Somerset County Master Plan map, do  
16 you have the same opinion with respect to the  
17 Tri-State Regional Map to the extent that it  
18 encompasses an area larger than the historic Village?

19 A. Well, I have the same problem with the  
20 Tri-State Map as I have with the State Development  
21 Guide Plan in that they are both conceptual. The  
22 Tri-State Map to an even greater extent than the  
23 State Development Guide Plan, because within each one  
24 of its cells, particularly along - - in the rural  
25 areas, it includes a variety of densities and a

1        variety of land use types.

2                What it does, it represents in a conceptual  
3        manner a suburban, or low-density type of development  
4        that is occurring within an area that is very  
5        low-density.

6                Q.        Don't all three of the planning  
7        documents fairly call for an enlargement of the  
8        Village neighborhood with higher density housing in  
9        that enlarged Village neighborhood than exists in the  
10        zoning surrounding the Village?

11              A.        Well, I view all three documents as calling,  
12        first and foremost, for a low-density, indeed rural  
13        borough. Each are very clear in that area.

14              Q.        I am not talking about the Borough in  
15        its totality. I am talking only of this area around  
16        the historic Village.

17              A.        I understand that. Insofar as the Village is  
18        concerned, which is a small portion of the Borough

19        - - -

20                      THE COURT: Let me interrupt.

21                      Where do we get to historic Village?

22                      MR. VOGEL: It was Mr. Dredner's  
23        term. I believe that is what he calls  
24        the existing built-up area of the  
25        Village. That is his term.

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

He may have gotten that from the County Master Plan. I don't know.

THE WITNESS: That is one of the adjectives the County Master Plan uses for its villages.

THE COURT: It's been there?

MR. VOGEL: It's been there.

THE COURT: No one is going to suggest that Washington slept in the Village?

MR. VOGEL: In a historic sense.

THE COURT: That's one place we missed.

THE WITNESS: They didn't have flushed toilets.

THE COURT: There were very few places in Somerset County that did, ostensibly.

MR. VOGEL: I don't know if the four hundred (400) mansions had flushed toilets.

THE COURT: Maybe the river was wide enough for a barge. Go on.

A. In my opinion, each plan identifies the

1 Village as a built-up area in the Borough of Far  
2 Hills. That built-up area in each plan has different  
3 dimensions. The shape and dimensions of that  
4 built-up area, as in each of the three plans, as it  
5 relates to the Village of Far Hills, is a function of  
6 the purpose of those plans, and not a function of the  
7 plan for the Borough of Far Hills, or indeed for the  
8 area around the Borough of Far Hills, except insofar  
9 as the County Master Plan addresses the issue.

10 Surely the State Development Guide Plan and  
11 the Tri-State Regional Plan do not address the issue.

12 Q. Mr. Dresdner, these three plans all  
13 differ with your notion of where growth should occur  
14 with respect to the Far Hills Village.

15 Isn't it so that they all call for a  
16 geographic enlargement of the Village for higher  
17 density housing, whereas you say the Village should  
18 stay geographically where it is and whatever growth  
19 that occurs in the existing "historic Village"?

20 A. Yes, that is what I claim, and I relate that  
21 to the objectives of the County Master Plan.

22 Q. I think you have explained that. I want  
23 to make sure we are all on the same wavelength, even  
24 though we disagree. I want to understand your  
25 position.

1           Is there any other planning document which the  
2 Far Hills Master Plan identifies as its source, or  
3 reference, or important planning document to which it  
4 refers, other than the three we've mentioned?

5           A.       Well, the communities surrounding Far Hills.

6           Q.       Regional planning document?

7           A.       No, those are the three that are noted in the  
8 plan.

9           Q.       Is there any other regional planning  
10 document that you know of, Mr. Dresdner, that  
11 supports your position as distinguished from the  
12 positions of the County Master Plan, the State  
13 Development Guide Plan, the Tri-State Regional Plan  
14 relative to the enlargement of the Village?

15          A.       Well, frankly, I think that the County Master  
16 Plan and the State Development Guide Plan do support  
17 my position.

18          Q.       Except the maps, right? You don't think  
19 the maps support your position, do you?

20          A.       Well, as I mentioned, the maps are drawn at a  
21 scale which is imprecise for the use at the local  
22 level, so I would go to the text, the objectives of  
23 the documents, and adjust these imprecise regional  
24 type boundaries to a more detailed local map.

25          Q.       I don't want to go around the bush

1 again, but when we talk about imprecise lines,  
2 there's certainly no doubt that the County Master  
3 Plan and the State Development Guide Plan call for an  
4 enlargement of the Village beyond its historic  
5 existing high-density patterns?

6 A. They show areas, both show areas outside of  
7 the Village that are developed in their entirety with  
8 the exception of, in the case of the State  
9 Development Guide Plan, a portion of one property.

10 Q. Are there any other documents, regional  
11 planning documents, which you say support your  
12 position in this regard?

13 A. Those are the only three regional documents I  
14 would refer to, and of those three I would refer  
15 specifically to two, the County and the State  
16 Development Guide Plan.

17 Q. We'll go on to another subject. I am  
18 sure you will be happy about that.

19 During the course of your direct testimony,  
20 you talked about the impact of one hundred and  
21 twenty-five (125) dwelling units, or thereabouts, on  
22 the P.Q. and how this would adversely affect the  
23 character of the Village, and I want to ask you a few  
24 questions about that.

25 One is a troublesome one to me, and that is,

1 you said that the increase in the housing on the  
2 Ochs-Hauels property would cause an increase in the  
3 cost of housing within the Village.

4 I always thought when you increase your  
5 supply, that you tend to bring the price down as an  
6 economic axiom. Do you agree with that axiom?

7 A. No, not always. It would depend, in part, of  
8 course, on the demand. Perhaps, more importantly,  
9 this case would be the introduction.

10 Q. Why would increased housing availability  
11 in and adjacent to the Village increase the price of  
12 existing housing in the Village?

13 A. It would make the lower, presumably lower  
14 priced housing in the Village, more attractive  
15 vis-a-vis adjacent higher priced housing and thereby  
16 drive up the cost of the existing housing.

17 This is a common situation in urban areas  
18 where gentrification occurs.

19 Q. And if twenty percent of the housing  
20 built on the P.Q. is lower cost housing under the  
21 definitions of Mount Laurel II, what would that do to  
22 the price of housing within the Village?

23 A. I would suspect it would have greater impact  
24 on the marketability of the property in question than  
25 it would have on the price of housing in the Village.

1 Q. Would it have the effect, do you really  
2 believe it would have the effect that you testified  
3 to the Court, that is, that the development on this  
4 property, with twenty percent Mount Laurel housing,  
5 would have the effect of driving the cost up, whether  
6 rental, or purchase of housing in the Village?

7 A. I think development of this property at higher  
8 densities, with a majority of the units, presumably  
9 selling for costs greater than in the Village proper,  
10 will tend to drive up the cost of housing in the  
11 Village.

12 Q. You talked about the availability of  
13 housing in the Village at a certain price now.

14 Have you made any studies of the availability  
15 of housing, and let's take rental units first. Have  
16 you made any studies of rental units in the Far Hills  
17 Village?

18 A. In the Borough of Far Hills, generally, but  
19 not specifically in the Village, although I do have  
20 some information relating to the Village itself.

21 Q. The vacancy factor within the Village,  
22 the numbers of units that are vacant and available  
23 for rental?

24 A. Well, for the Borough of Far Hills, most of  
25 the rentals in the Borough are located in the

1 Village.

2 Q. And what's your information on that?

3 A. I would have to go into - - -

4 Q. Are there many units that are available?

5 Is there a high percentage of vacancies in the Far  
6 Hills Village?

7 A. If I may just double-check my figures.

8 THE COURT: Suppose we pick these  
9 up tomorrow morning?

10 MR. MASTRO: Sure.

11 THE COURT: I am sure you have  
12 more than just this area.

13 MR. VOGEL: Yes, I do, Your Honor.

14 THE COURT: All right.

15 MR. VOGEL: I'm not optimistic that  
16 I will finish by eleven. Maybe I will.

17 THE COURT: Well, let's hope  
18 your optimism is matched by your  
19 performance.

20 MR. VOGEL: I will try, I  
21 certainly will try.

22 THE COURT: We will start at nine.

23 MR. VOGEL: Yes.

24 THE COURT: And let's hope we can  
25 get finished so that Mr. Ginman - - -

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

MR. VOGEL: Or maybe we can  
break and put Mr. Ginman on.

THE COURT: That might  
inconvenience Mr. Dresdner. We will try  
not to, if we can avoid it. See you  
tomorrow morning.

**C E R T I F I C A T E**

**I, MEL WEINER, a Certified Shorthand  
Reporter and Notary Public of the State of  
New Jersey, DO HEREBY CERTIFY the foregoing  
to be a true and accurate transcript of the  
proceedings as taken by me stenographically.**

**\_\_\_\_\_**  
**MEL WEINER, C.S.R.**

**Dated: \_\_\_\_\_**