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# *Commission Meeting*

of

## NEW JERSEY GENERAL AVIATION STUDY COMMISSION

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**LOCATION:** Committee Room 11  
State House Annex  
Trenton, New Jersey

**DATE:** January 30, 1996  
1:30 p.m.

**MEMBERS OF COMMISSION PRESENT:**

John J. McNamara Jr., Esq., Chairman  
Assemblyman Richard H. Bagger  
John S. Penn  
Abraham Abuchowski, Ph.D.  
Linda Castner  
Jack Elliott  
Philip W. Engle  
Peter S. Hines  
Wesley W. Jost  
Suzanne Solberg Nagle



**ALSO PRESENT:**

Huntley A. Lawrence  
(representing Ben DeCosta)

*Meeting Recorded and Transcribed by*  
The Office of Legislative Services, Public Information Office,  
Hearing Unit, State House Annex, CN 068, Trenton, New Jersey

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**JOHN J. McNAMARA JR., ESQ. (Chairman):** Good afternoon.  
For the record, I am Jack McNamara. I would like to call this meeting of the  
New Jersey General Aviation Study Commission to order, January 30, 1996.  
I will now call the roll:

Abe Abuchowski?

MR. ABUCHOWSKI: Here.

MR. McNAMARA: Assemblyman Richard Bagger?

MR. PENN: He's here.

MR. LAWRENCE: He's here.

MR. McNAMARA: He is here?

MR. LAWRENCE: Yes, I just saw him a minute ago.

MR. McNAMARA: Okay. Linda Castner?

MS. CASTNER: Here.

MR. McNAMARA: Ben DeCosta? Oh, I'm sorry. Huntley.

MR. LAWRENCE: Here.

MR. McNAMARA: Jack Elliott?

MR. HINES: Jack's here.

MR. McNAMARA: Phil Engle?

MR. ENGLE: Here.

MR. McNAMARA: Senator Haines? (no response)

Pete Hines?

MR. HINES: Here.

MR. McNAMARA: Bob Yudin? (no response)

Wesley Jost?

MR. JOST: Here.

MR. McNAMARA: Was there a response from Bob Yudin?

MR. PENN: He went in for surgery today. His office called to report that he will try to be at the next meeting.

MR. McNAMARA: Do we know where he went in for surgery?

MR. PENN: No. I can find out, though.

MR. McNAMARA: Suzanne Nagle?

MS. NAGLE: Here.

MR. McNAMARA: Joseph Odenheimer? (no response)

Jack Penn?

MR. PENN: Here.

MR. McNAMARA: Henry Rowan? (no response)

Fred Telling? (no response)

The minutes of our meeting of November 28, 1995 have been set before you. Did anybody not receive a copy? (no response) This is not just the minutes, but the transcript of our meeting. A copy of that transcript will be sent to Theresa in Jack Penn's office at the Department of Transportation, who keeps our regular record.

We will dispense today with Commission reports, because we are going to be combining a December meeting and a January meeting. We want to have several people here to testify. We also had some confusion, unfortunately, about the organization of this meeting today. Some of the townships believe it is their only opportunity to testify. They may have representatives here who are on schedule. If they do, we will disabuse them of that notion and give them an opportunity to come back at a time of their choosing.

I want to ask, however, that the Commission's Municipal Relations -- Mr. Engle is the Chair of that -- follow up on the questionnaires we have sent to the various municipalities that are either hosting or neighboring an airport, and have them send in their responses so we can have them before we have the great bulk of them coming before us.

Also, as you do that, Phil, could you invite them to send representatives before us? We are going to try to have some accelerated meeting days during March. We will fit them in at that time.

The other studies that are out-- I would encourage the chairman of all committees to follow up on those studies. Get the responses in, in whatever way you can encourage responses to be submitted and commence the collation of those responses. I have asked the Governor for some assistance in doing this work. I know she has received my request, endorsed it, and forwarded it to the Treasurer. We may have some manpower with which to assist in the collation of these studies. As soon as I have that, I will let everyone know who is involved in that effort what resources are available to them.

I would like to just mention two other administrative matters before we call our first witness. I would like to poll those who are here with respect to the business of having an accelerated meeting schedule in the month of March. This is just for my advice. If everyone thinks they could come to meetings if we scheduled them during the month of March on the 2nd and 3rd-- We are going to meet on the last Tuesday of March, which is our regular meeting date, in any event.

By the way, I suppose it is not inappropriate, at this point, to declare that our regular meeting date for calendar year 1996 will be the last Tuesday of each month. In March, to meet, also, on the second and third Tuesdays and the second and third Wednesdays. I realize that not everyone can make that and

By the way, I suppose it is not inappropriate, at this point, to declare that our regular meeting date for calendar year 1996 will be the last Tuesday of each month. In March, to meet, also, on the second and third Tuesdays and the second and third Wednesdays. I realize that not everyone can make that and that there will be some attrition. I would like to get an idea what that might be.

The purpose of it, of course, will be to-- We have about 50 municipalities that we have to hear from. We would like to get them in and give them an opportunity to give us their testimony such that we might have the benefit of that during our deliberations, which we are going to schedule for the end of March and during April, in the hope of submitting some interim report to the Legislature toward the end of April.

Now, does anyone-- I know Mr. Jost-- It is an unfortunate selection for you, Wesley. I know that.

MR. JOST: Yes, because I will be away on business. Well, fortunately for me, but unfortunately for the Commission meetings.

MR. McNAMARA: Mr. Jost will be gone for the whole month of March. But how about the rest of us? I know you don't have your calendars with you, that you have to check with your offices, but are any people scheduling long-term vacations during the month of March?

MR. HINES: I'm off just the first week.

MR. McNAMARA: Sir?

MR. HINES: The first two meetings I will be absent.

MR. McNAMARA: The first two during that second week?

MR. HINES: Yes, Tuesday and Wednesday of that second week.

MR. McNAMARA: These dates are not firm. I am just investigating this.

Now, the second question I have to ask is: If we were to schedule these meetings to start at 10:00 a.m., break for lunch, and go through to 5:00 in the afternoon, would that pose a problem to anyone here? One, two-- (counting hands) All right. So it is possible we would have attrition in the morning, but maybe you could join us for the afternoon sessions. All right. All of these things are things that are just being considered, but I cannot consider them without asking you how it will affect you.

Another item of housekeeping here is to congratulate our faithful hearing reporter, Phyllis McGinnis, who has just returned from her wedding trip. Unfortunately, it was extended five days in Puerto Rico because of the blizzard. She couldn't get back to New Jersey, and she was desperate to get here, I know. (laughter) She will still be Phyllis McGinnis, even though she is now Mrs. DeStefinis. That's correct, isn't it, Phyllis?

MS. McGINNIS: DeChristopher.

MR. McNAMARA: DeChristopher. Thank you.

Are there any other administrative matters that anyone would like to address before we get started? (no response)

Hearing none, I will tell you that today we have the honor of having Senator Schluter, from the 23rd District, to testify. I would like to call him up now.

Senator, all of the testimony that has been submitted before this Commission has been under oath. May I ask you, do you swear that the testimony you are about to give is true, subject to the penalties of perjury?

**SENATOR WILLIAM E. SCHLUTER:** Yes.

MR. McNAMARA: Thank you, sir, and welcome.

SENATOR SCHLUTER: Thank you.

I appreciate this opportunity. I will be very brief. I commend this Commission on its mission. You have a big job and it is a subject area which contains a certain amount of controversy. My comments are going to be directed in a rifle-shot manner at a piece of legislation which I would ask you to consider, not that particular bill specifically, but the concept in that bill, because I think it would bring balance and fairness to the task you are about.

MR. McNAMARA: Is this a piece of legislation that is presently pending?

SENATOR SCHLUTER: Yes. It was pending in the last session as S-362. It now has the number S-607 assigned to it. It is the same bill as S-362 in the last session.

I come here representing a district which has several private airports, as your Commissioner Castner knows, as does former Assemblyman Penn, and others.

MR. McNAMARA: For the benefit of the Commissioners, could you tell us which ones they are? I know Solberg is one of them.

SENATOR SCHLUTER: Solberg is one. Then there is the Alexandria Airport, which Commissioner Castner is involved with, and then there is another one in Alexandria.

MS. CASTNER: Sky Manor.

SENATOR SCHLUTER: I didn't even know the name it was so small compared to your operation.

MR. McNAMARA: Your district does not include Princeton Airport, does it?

SENATOR SCHLUTER: It does not include the Montgomery Airport.

We have had concerns expressed in Frelinghuysen Township in Warren County about the Airport in Green Township, which is in Sussex County. Senator Littell was a cosponsor of this legislation in the last session.

I would really suggest that the best way to get the message across would be for all of you to get a copy of that bill, to look at it and understand its principles.

First of all, the bill does not, in any way, speak to the operations of airports. It only speaks to land use and zoning. This is where I want to explain the basic provisions.

Former legislator, present Congressman Zimmer was very active in this field representing Hunterdon County. He did a lot of work. I built on that work. I know he was instrumental in changing the designation from "hazard zone" to, I guess it is called "safety zone" now, and things like that.

MR. McNAMARA: Safety zone.

SENATOR SCHLUTER: What this does is install a two-step process in the designation of an airport for expansion and what that expansion would mean, so there can be municipal and citizen input, because at the present time, the people who live near airports do not feel that they can get any kind of hearing, any kind of consideration for their concerns when an airport is expanded and, therefore, the safety, or the clear zone, might be expanded to include the property on which their homes are located.

There is the point they make that this has an effect on the value of their properties, whether they want to sell them, or whatever. Working very carefully to understand that a transportation plan should be able to be put into effect without unnecessary delays, constant sniping, or other types of activities which would prevent it being effectuated, we have established a two-step operation -- a two-step process.

The first would be the establishment of a proposed plan -- the Airport System Plan -- that there be designated among private airports those that are suitable for expansion and those that are not suitable for expansion by the Department of Transportation. In this process, according to the bill, municipalities could provide input and could object to the status as an airport for expansion, for example, and it sets forth the steps they would take in registering this objection with the Commissioner of Transportation. It would also set up a process whereby any objections might be resolved.

Ultimately, the Department of Transportation, the Commissioner, has the right to certify to that particular Plan, and say, "This airport is suitable for expansion, notwithstanding objections by the municipality." But at least

it gives the municipality an opportunity to be heard and to have their concerns and considerations brought to the attention of the proper people.

Once the Plan has been approved and is in force, if an airport applies for expansion, those municipalities which would be affected with respect to their clear and safety zones could either agree or they could also have a mediation process with the Department of Transportation for resolving their disputes or their concerns. It goes several steps to a dispute resolution process, using arbitration and, ultimately, the Department of Transportation, the Commissioner, has the right to overrule even that Appeal Board and to insist that it be -- that the expansion go forward.

We intentionally crafted this bill to not make an objection, which doesn't make any sense, not give it the ability to totally impede and totally negate the Airport Plan. That is why the ultimate say would be a power of the Commissioner.

MR. McNAMARA: Senator, may I interrupt you just for a point of clarification?

SENATOR SCHLUTER: Yes.

MR. McNAMARA: When you refer to the Airport Plan, do you mean the Airport Master Plan?

SENATOR SCHLUTER: I am talking about the Airport Expansion Plan.

MR. McNAMARA: Whatever that might be.

SENATOR SCHLUTER: Whatever that might be.

MR. McNAMARA: Because there is another term that comes up under Federal funding which is called the Master Plan -- the Airport Master Plan -- which is developed in conjunction with the host municipality.

SENATOR SCHLUTER: Yes, and that is the first part of this bill. I don't know what of those conditions exist now, but it ensures municipal participation.

MR. McNAMARA: The Plan you are referring to is simply the plan of the individual airport to expand.

SENATOR SCHLUTER: To expand. That is the second phase of what this bill includes.

Now, also, there is the potential for compensating property owners through sharing in a particular fund -- I don't have it right here, exactly the name of the fund -- to the extent that the funds are available. But in an expansion and in the negotiations, if objections can be overcome by giving residents some sort of compensatory relief, this is made possible by the bill to the extent that those funds-- The Airport Safety Fund is what I am looking for.

Again, the reason for this is because I have seen, in the case of Sky Manor and also the case of Solberg in Hunterdon County, where the people who want to construct a deck on their house or a garage or a second floor on their garage, have had to go to DOT and very often, from what I am told, the rulings are somewhat arbitrary and they seem to not take into consideration some of the concerns of the people. I am sure that airport owners and others might say, "Well, there are very definite and strong reasons why we won't let you build," or "We won't let you expand because of this permit approval

process which now exists--” They feel there should be greater consideration given to home owners.

Now, this is the purpose of the bill. I have tried to work with the League of Municipalities, which has been active, I think, with the Princeton Airport. I am not involved in that. But I have limited it to the expansion issue only, not the operations. I would just commend it to your consideration as something I think would be helpful and would be workable.

Yes, it would take more time, but I think due process is very, very important in getting the cooperation and in getting the enthusiastic support for a statewide Airport Master Plan.

MR. McNAMARA: Another point of clarification: In your proposal, is the DOT responsible for designating airports that would expand and those that would not expand?

SENATOR SCHLUTER: That is correct. I don’t know if that is part of the Master Plan law now or not, but that is what it is in the first part of this bill, yes.

MR. McNAMARA: Have there been many applications to DOT by property owners that were heard by DOT because -- or had to be heard by DOT because they were somehow encroaching on a safety zone or a clear zone?

SENATOR SCHLUTER: I don’t know how many, but I get this from constituents and I get this from municipal officials who represent those constituents. I don’t know how many, Mr. McNamara, in the total scheme of things.

MR. McNAMARA: Are there questions for Senator Schluter? Ms. Nagle? (no response)

Senator Schluter, if I may, sir, we have, as you can tell, two people on this Commission who are in your district who have known airports. If you object to them presenting questions to you, or sitting while you are testifying, I will ask them to remove themselves from the Commission for that length of time.

SENATOR SCHLUTER: Why would I object?

MR. McNAMARA: For any reason, if there is a conflict--

SENATOR SCHLUTER: Oh my goodness, no. I have three: former Assemblyman Penn is now a constituent of mine. He has moved to Lambertville.

MR. McNAMARA: John, I didn't offer you the opportunity to object to him. (laughter)

Okay. Well, then go ahead, Ms. Nagle.

MS. NAGLE: Senator, thank you for your testimony. I think possibly one of the problems we are having here is that there is a lot of misinformation out as to the airport safety zone. I think we need to question exactly what is legitimate and what is not legitimate as far as concerns the neighbors might have. They may have a feeling that they can't do things because another neighbor, possibly, told them they couldn't do things. But when they -- Jack can certainly correct me if I am wrong-- We have certain neighbors at Solberg Airport who were told they could not put a deck on because other neighbors told them they couldn't do it. There was no problem whatsoever with them putting a deck on.

So I appreciate your interest in trying to solve a controversy here with airports and the neighbors. It is certainly one that can benefit from your input. However, I think it is important to try to get the facts here. I don't know if your office could actually go to DOT and say, "What are the specific examples where people were denied use of their property?" because unless it was in a clear zone, I can't see what the problem is.

I think it is important for your own benefit to get the facts. If I am wrong, then I would love to know it as well.

SENATOR SCHLUTER: Responding to that, Ms. Nagle, I understand what you're saying. A lot of times, people travel on emotionalism and other things. I think with your particular Airport there was a citizens' group which said, "No expansion, no change in operations, flight patterns, and so on." It had an acronym, "Stop--" whatever it was -- CRASH, or something like that. Is that correct?

MS. NAGLE: That is the Patzau suit, but I am not referring to the Patzau suit. I was referring to your testimony where you said that property owners were denied the full enjoyment of their properties.

SENATOR SCHLUTER: They are not denied it. They have the right to apply for it, but, from my understanding, they do not get the local zoning process to approve or not. It goes to DOT. I have heard, more in the case of Sky Manor, that DOT, in their mind, arbitrarily rejects some of these applications.

Now, I can't, in good conscience, say that if DOT objects to it and turns it down, it isn't the right thing to do. But I think what this process

would do would be to have more input, more due process, so that people would feel that they were getting a reasonable fair shake.

MS. NAGLE: Well, I think it would be important, I guess, if your organization can't do it, possibly our organization could actually check with DOT and say, "How many times have you been called, and has it delayed anything as far as the property owner is concerned?" I think that is a valid point, and one that we can look into.

SENATOR SCHLUTER: Well, absolutely, Ms. Nagle. I don't have an organization in that sense, I just--

MS. NAGLE: Well, we are all volunteers here, too.

SENATOR SCHLUTER: I know. I represent an area. Maybe I am making too much of the point of getting approvals for changes in building, and so on, whereas the major concern that I boil this down to, and narrow the focus to, is an expansion and what that does to the value of the properties -- this is only prospective, it is not retroactive -- when those people come to sell their homes, or have to sell them, or whatever.

MR. McNAMARA: Anyone else on the right side? Ms. Castner?

MS. CASTNER: Is there a definition of expansion? Are we talking about the runway, because you are talking about the clear zone? What are we talking about?

SENATOR SCHLUTER: We're talking about where the clear zone and the safety zone--

MS. CASTNER: So we are talking about the runway expansion?

SENATOR SCHLUTER: Yes, runway expansion. You know more about that than I, but where runway expansion causes an expansion of those two zones over area that it did not cover before. That is essentially what it is.

MR. McNAMARA: So, essentially, the concern is simply with the extension of a clear zone that would be the necessary result of the extension of a runway?

SENATOR SCHLUTER: Yes, clear or safety. I get them confused, Mr. McNamara, so whichever it is, yes.

MR. McNAMARA: Either one.

SENATOR SCHLUTER: Excuse me. If it is over airport property, there is no concern. It is only over private property.

MR. McNAMARA: Only over private property.

Ms. Castner, did that answer your question?

MS. CASTNER: Yes. Thank you.

MR. McNAMARA: Mr. Hines?

MR. HINES: Senator, this particular bill you are proposing -- S-607 -- is this similar to other legislation or laws that exist affecting other industries, or this a form of spot legislation directed to one industry only?

SENATOR SCHLUTER: I don't really know how to answer that. I don't think it is dissimilar to the intent of policy makers in Trenton to provide due process. I just can't name right off the bat what particular use, what particular development it might do. To me, it is not that unusual. It is because, right now, there is no due process afforded these home owners, or they feel there is no due process.

MR. HINES: I would say they feel that. In other words, are you suggesting, sir, that in other industries if a location, or a plant, or whatever wants to expand on its own property and not affect other property, are they required to go to the municipality for assistance or input?

SENATOR SCHLUTER: Mr. Hines-- It is Hines?

MR. HINES: Hines, H-I-N-E-S.

SENATOR SCHLUTER: Mr. Hines, in your normal local zoning, if there is an expansion on a footprint or the built-up area of a piece of property, very often that will have to go through the zoning board of adjustment, the planning board, the planning process, where you do have a built-in local input. Here we have, not necessarily for the expansion of a runway in a clear zone or a safety zone on the airport property, but where that zone extends out to private property. It is adopting the same kind of a due process for that.

MR. HINES: All right. Let me ask you another question: Do you or the folks who brought this to your attention have any evidence that property values around airports diminish?

SENATOR SCHLUTER: I have been told they have. I have been told by people who bring me assessment reports that they have. I am not an appraiser. I do not have firsthand knowledge that this went from \$150,000 to \$110,000, or whatever. However, I can understand what they're saying.

MR. McNAMARA: When you say you have been told, do you mean by your constituents?

SENATOR SCHLUTER: My constituents and the municipal officials were concerned, and they brought it to my attention out of concern for their property owners.

MR. HINES: You know, I am a little bit troubled, if I may say so, that legislation is introduced without some concrete facts to support it, other than just word of mouth by your constituents and the municipal officials in your area. That sort of troubles me, sir. I hope it doesn't go on too much.

Thank you.

MR. McNAMARA: Mr. Elliott?

MR. ELLIOTT: On the matter of property values, I have some familiarity with property values in the area of Somerset Airport. The owners of that Airport, I believe, have checked home sales, and have found, I believe, in every case they checked that the owners made a profit on the sale of their property in the vicinity of the Airport, although we hear constantly in that area that it is having a terrible effect on property values.

In one case, I believe someone bought a home immediately adjacent to the Airport and objected strenuously to the Airport and sold that property within a year at a profit of \$100,000. So these rumors spread about property values, but I do not think the facts hold up to the claims made by the residents of the area. I think they should be checked, and if they are checked, then I think it would be found out that some of the claims are not true.

I would also like to address the question of municipalities not having input. The inference is made that an airport can go ahead and do anything it wants. Again, I will refer to Somerset Airport. Many of the aircraft owners there have their aircraft tied down outside. Now, an aircraft is a

considerable investment, and many of those people wanted to have hangers so their aircraft would not be sitting out in blizzards and not be subject to the sun in the summertime. Somerset Airport owners were willing to accommodate them and make the investment to erect hangers.

The municipality has held that up for a period of more than three years in many ways by delaying permits, by banning more hearings. So the municipalities are not without some voice.

SENATOR SCHLUTER: May I respond, through you, Mr. Chairman?

MR. McNAMARA: Please do, sir.

SENATOR SCHLUTER: I can understand what you're saying, and I can grant you that, but I am not talking about something which would impact the operation of the airport or the buildings on the airport. I am just talking about how an expansion of a runway would expand the clear and the safety zone over private areas which it does not cover at the present time.

Now, clearly you have a point with respect to appraisals and with respect to property valuations. I am not familiar with the Somerset Airport. But the bill would say that if there is compensation as part of the resolution of any problem, it would have to be based on assessments, assessments by some assessor, a real estate salesman, or things like that. So it would have to be based on fact.

I do not think this is an unusual situation, taking the concerns of municipalities and trying to express them in legislation to provide more due process, still retaining the ultimate say in the Department of Transportation for a statewide airport Master Plan.

I can talk to you about cellular towers, beneficial use, and how municipalities have come to me and said, "We want this law changed because of the impact on property values," and we put a bill in. It is a bill which is introduced with good intentions to try and achieve balance. That is what this has done here.

MR. ELLIOTT: My concern was the same as Mr. Hines' and Ms. Nagle's that much of the basis for this legislation is hearsay, not fact. That is my major concern.

MR. McNAMARA: Are there other questions? (no response)  
I have just a couple, Senator, if I may?

SENATOR SCHLUTER: Sure.

MR. McNAMARA: It seems to me that your bill--

Oh, first of all, before I go forward, Ms. McGinnis, do we have a mechanism to assure that S-607 is incorporated into our record?

MS. MCGINNIS: Yes.

MR. McNAMARA: Would you undertake to make certain that that bill is appended to every issue of our transcript of this meeting, please?

MS. MCGINNIS: Yes.

MR. McNAMARA: Thank you. That way everybody can read the bill and know what we are talking about as we consider it.

In my experience, if you have an application before an administrative hearing officer, which the Commissioner of the Department of Transportation would be in making decisions affecting the safety zone and the clear zone, as I understand it from your testimony-- Is that correct? Then

ultimately, if someone wants to put a deck on their house, you said they come to the DOT?

SENATOR SCHLUTER: Yes.

MR. McNAMARA: If there is an arbitrary decision there -- I believe the words are, "arbitrary, capricious, or otherwise not in accord with the law" -- the applicant would have the right to appeal to the court system.

Could you tell me why that is not an adequate procedure in this? I mean, I believe that is what is done in all cases. Why would that not be adequate in this case? Would the appeal go to a different administrative agency?

SENATOR SCHLUTER: Well, I am not a lawyer. I am not that well steeped in municipal land use. However, I would submit that there is a difference when you appeal a decision if that decision is made by the local planning process versus one which is made by an administrative agency of the State, and the administrative agency of the State-- Maybe Assemblyman Bagger, who I think is active in municipal land use law-- I don't want to put you on the spot, Rich, but I think you could perhaps explain it.

In my judgment, in my experience, there is perhaps a different burden of proof with respect to adjudicating these things. This particular bill is not really to change that approval process. It is -- an explanation I made earlier -- to explain why there is concern, why there is real or perceived diminution of value in properties by the people who own the properties.

MR. McNAMARA: My only concern is to understand what it is that you are proposing and the reason you are proposing it. I know that if you have an application before a planning board or a board of adjustment, it makes

a decision. In making that decision, if the applicant feels the decision was made arbitrarily, the applicant then has the right to appeal to the Superior Court and have the Superior Court consider the matter in the applicant's pursuit of justice, or of a fair treatment of his application.

I guess as the law stands now, if an applicant wanted to make an improvement in a clear zone, that application would have to go to the Department of Transportation.

Jack or Rich, if I make a misstatement of fact, please interrupt me and save me from appearing too foolish.

The application would go to the Department of Transportation. If the applicant felt he was treated arbitrarily at DOT, he would have the right to apply to the Superior Court of New Jersey similarly, as I understand what you are proposing. Now, that would apply, by the way, whether his application was to build in a clear zone and it was going to DOT or whether it was an airport that had been turned down by DOT, or an airport's neighbor. It would apply to an application to any other administrative office of the State of New Jersey, and I am familiar with the Department of Environmental Protection, or any other-- He would have a right of appeal to the Superior Court system.

SENATOR SCHLUTER: I will call on our legal expert, Assemblyman Bagger, but I imagine that since this is done by regulation through the administrative process, it would be through an administrative law judge, would it not, if a decision of DOT's were to be appealed?

MR. McNAMARA: No. The DOT itself may refer the matter to an administrative law judge, but that administrative law judge's decision would be appealable to the Court of Appeals.

MR. PENN: Mr. McNamara -- Mr. Chairman -- the process is that you apply to the town for your application for whatever you may want to do. Simultaneously, if the property is located in a clear or safety zone, then the obligation is to also notify, in part of your application process, the Division of Aeronautics in the Department of Transportation. If it is in the clear zone, we would probably recommend against any building in the clear zone. If it is an existing structure, an existing structure that someone wants to add a porch to or something like that, probably there wouldn't be any objection. If it were a height thing, if you wanted to add a story on a building, it probably would be recommended not to do it.

The next process is, after you go through the thing and you are turned down, you go to the Office of Administrative Law and you have it heard there. After that, the Commissioner then has the right to either accept the findings of the administrative law judge or to overrule him. That is the process that you follow through. In most cases--

MR. McNAMARA: Then, after the Commissioner decides against the applicant arbitrarily--

ASSEMBLYMAN BAGGER: The Appellate Division.

MR. PENN: Then you go to the Appellate Division.

ASSEMBLYMAN BAGGER: May I just throw in a comment?

(no response) Perhaps it will help us to move forward a little bit.

Senator, I really appreciate your being here, because it helps us to understand your legislation. I know from my own experience that it helps you, as the sponsor, to come to talk to a group like this. If we, as legislators, woke up in the morning with a flash of light and felt that we had the perfect solution to a problem, and we could put it into a bill and pass it, that would be wonderful, but we can't. We have an idea and we put it into a bill, and then we go to meetings like this to try to learn more and come up with a better solution.

I have not read your legislation, but I will. Doesn't the legislation focus on the other part of the issue, which is an application by airports to expand the physical size of the airports, the runways? Does your legislation deal with this other problem of private residences building in the clear zone?

SENATOR SCHLUTER: No, no.

ASSEMBLYMAN BAGGER: I guess that is, like, anecdotally, constituents have brought to your attention, but the discussion we are having about the legal procedures for that really aren't relevant to your bill. Your bill relates to trying to give the neighbors and municipalities some kind of -- you call it "due process" or a "voice" in the airport improvement/expansion.

SENATOR SCHLUTER: You are correct, Assemblyman, except to the extent that property owners feel that this is an impediment which translates to a lower value. I know there is argument or dispute about that, but the bill does not speak to any change in that process. You are correct.

MR. McNAMARA: Well, two things: In my question, if we were going-- The suggestion is that we could utilize your legislation and append that to a recommendation that this Commission would make. As one

Commissioner, if I were going to do that, I would want to know why we would change the appellate process. That was the only thrust of my questions. I am not saying it is a good or a bad suggestion. I just didn't understand why it was that we would do it differently in this case. I believe the appeal would go over to the State Planning Commission.

SENATOR SCHLUTER: Sir, I think, respectfully, that Assemblyman Bagger hit it on the head. This does not change the appeal process of an individual who has a specific improvement that is denied by DOT. That remains the same. The Planning Commission gets involved in step number one, which is the original Master Plan of DOT and its Airport Master Plan as a component of the State Transportation Master Plan in designating which airports are eligible for expansion and which are not.

MR. McNAMARA: That was going to be my second question. Right now, DOT does not classify airports or runways according to which ones are eligible for expansion or extension and which ones are not.

What would be the purpose of having DOT make that classification? Do you envision that that would be made on a periodic basis, such as annually? Would it be subject to change, or do you think that would be permanent?

Could we ask you to explain that a little bit more?

SENATOR SCHLUTER: I would imagine, as with any plan which is a five-year plan, it would be renewed every five years. The whole situation would be looked at at the end of five years. I think the rationale, if you call it rationale -- and this bill hasn't passed, or it isn't through yet, and there are parts of it that you might agree with and parts of it that you might not agree

with -- is that there might be a number of airports that are just not -- it is not in the cards to expand them. Maybe that is a false assumption, but it would be to make two classifications, yes.

MR. McNAMARA: If DOT were to make a decision that one of these airports could not be expanded, would there be-- Is there a compensation suggested? I am thinking of a subsidy in the nature of, sort of like the wheat subsidy, where you pay a farmer not to grow wheat. I mean, how do you tell a business that it can't expand? Isn't that a taking -- which cannot be done constitutionally -- without compensation?

SENATOR SCHLUTER: Well, respectfully, we have takings all the time in our land use regulations and zoning. Because of something being zoned in a certain way, it prohibits a use for something that perhaps that particular piece of real estate is only suited for. It represents a loss in value. There is no question about that. But this is one of the parts of the bill that I am submitting, suggesting that you and your members look at as part of a complex -- an overall pattern to attempt to bring balance and due process into municipal concerns.

MR. McNAMARA: I am not voicing any objection to it, sir. I just want to understand it.

SENATOR SCHLUTER: Sure.

MR. McNAMARA: Rich, I didn't mean to interrupt you.

ASSEMBLYMAN BAGGER: Oh, that's quite all right.

MR. McNAMARA: Are there other questions for Senator Schluter? Go ahead, Mr. Penn.

MR. PENN: Senator, Bill-- We used to sit next to each other in the Assembly together.

Are you familiar with the process today, now, that an owner must go through in order to expand a runway?

SENATOR SCHLUTER: I am not totally familiar, Jack. I am sure there are proofs and there are concerns that DOT must have.

MR. PENN: Well, there are certain criteria if you want to expand a runway. For instance, you have to have an E.I.S. study done. You have to put together what they call a "TAC" -- Technical Advisory Committee -- which includes people from the municipalities surrounding the airport, and you have to hold public hearings. That is the law right now today that is in place to do any expansion of a runway. I am just talking to you now only about extension of a runway, nothing else. That is in place right now.

Frankly, in all fairness, I have not had an opportunity to read your bill, but I will. I am going to take a look and see how what we have now compares to what you have.

SENATOR SCHLUTER: Good.

MR. PENN: We may have something in place there already that meets part of the requirements of your bill. I will be glad to share that with you.

SENATOR SCHLUTER: Thank you.

MR. PENN: Thank you.

MR. McNAMARA: I would like to ask a final question, Senator, since you are here. In the 23rd District, do you get many complaints in your office about airport noise from particular airports? If so, which ones?

SENATOR SCHLUTER: Well, we do, but not as many as Assemblyman Bagger would get in Union County. We do get complaints in the eastern part of Hunterdon County, complaints of airport noise on air approaches to, I guess, Newark.

MR. McNAMARA: Okay. The concern of your constituents is primarily the encroachment of these clear zones? They have a concern about how these clear zones can affect their property value. Is that pretty much their concern?

SENATOR SCHLUTER: Yes.

MR. McNAMARA: With an ancillary concern that prior to realizing on their property values that the clear zones may affect the way they can develop their own property?

SENATOR SCHLUTER: Yes.

MR. McNAMARA: That is primarily the concern of your constituents?

SENATOR SCHLUTER: Yes. Not that first one about Newark Airport noise and Mercer Airport noise. That is another issue.

MR. McNAMARA: No other questions? (no response)

Senator, thank you very much for taking the time to come before us today. We will see that a copy of your bill is appended to our record, and every one of us will read it.

SENATOR SCHLUTER: Thank you.

MR. PENN: Senator, I am glad to see that you threw the crutches away.

SENATOR SCHLUTER: I am, too.

MR. McNAMARA: Is Maryann Nergaard here?

**MARYANN L. NERGAARD, ESQ.:** Yes.

MR. McNAMARA: Ms. Nergaard?

MS. NERGAARD: Yes. I am here on behalf of the League. I believe there is also a representative here from Branchburg Township, who was expecting to testify.

**KATHRYN R. KITCHENER:** Excuse me, Mr. Chairman.  
(remainder of comment indiscernible; witness speaking from audience)

MR. McNAMARA: Ms. Nergaard, could you come forward? And would the representative of Branchburg Township, who I believe is Kathy Kitchener, also come forward? I apologize for the confusion. I have Ms. Nergaard at 2:15. Ms. Kitchener, I received a message from your office that Committeeman Dunlap and the Township Engineer, Scott Thompson, would not come, but that you would be here in their stead. I think we were lucky with that replacement. You may testify in any sequence you would like. I have allocated a half hour for each of you. You may proceed however you would like.

MS. NERGAARD: It doesn't matter, we came in the same car.

MR. McNAMARA: I would consider that you are separate parties and have separate interests, unless you feel otherwise. You may both stay at the witness table, or whatever you would like to do.

MS. NERGAARD: That's fine.

My name is Maryann Nergaard. I am here today on behalf of the League of Municipalities. I have been asked to testify as a member of the League Legislative Committee, but also as someone who has been directly

involved in the League review of regulations and legislation which affects local privately owner/public use airports.

MR. McNAMARA: Ms. Nergaard, forgive me, if I may interrupt. We take all of our testimony under oath, so if I may, do you swear that the testimony you are about to give is true, subject to the penalties of perjury?

MS. NERGAARD: Yes, I do.

MR. McNAMARA: Thank you very much. I don't know quite how you plan to do this, but, Ms. Kitchener, do you swear that the testimony you will give is true, subject to the penalties of perjury?

MS. KITCHENER: Yes, I do.

MR. McNAMARA: Just in case you want to do a tag team match, you are both clear.

MS. NERGAARD: That's fine.

As I indicated a few minutes ago, my appearance today is at the request of the League of Municipalities. This body should be aware that I, likewise, represent the Township of Branchburg as an attorney for that entity. Ms. Kitchener, today, is here to specifically address some concerns which she has as both Township Administrator of Branchburg Township and also as a resident.

I think it is important to note that there have been a number of efforts over the past 10 years to review legislation enacted in the early 1980s regulating local privately owned, public use airports. Some of those legislative efforts have sought to amend and ameliorate some of the concerns of local municipalities, and for that the League is very grateful.

There are some additional concerns, however, which are probably best epitomized in my experience with my client, Branchburg Township. One of the main difficulties that any municipality will have in the State of New Jersey is the fact that the State, as a whole, is very densely populated. We are all familiar with that. What our neighboring communities do within their borders has a substantial impact upon our own community and upon the services and facilities that are required for that community.

It is perhaps coincidental, but many of the local airports which are in the northern and central parts of the State -- but I happen to know that this is also true in the southern part of the State -- happen to be located on municipal boundary lines. As a result of that, regulations and land use control in one community will have a dramatic impact on the uses in an adjacent community. That is not unlike most development. If I, in a particular township, build a shopping center on my borders, it has an impact on the adjacent community, whether that adjacent community likes it or not. The adjacent community receives notification through the land use regulations and statutes of that hearing and has the ability to participate.

The concerns with regard to local airports are somewhat different, however. They are, as Senator Schluter addressed, primarily related to matters involving the overlap of State regulation in this area. For example, there have been a number-- There is a procedure, as was noted earlier, for Master Plan presentation and hearings to be conducted at the local municipal level for airports and their owners who wish to expand any of the facilities within the area of the airport. That can mean runway life. It can also mean the type of services that are provided at the airport.

Those kinds of hearings and procedures, however, have a direct impact on adjacent municipalities in a way that is very different from the types of impacts that we see from shopping centers or housing developments. That, as addressed by Senator Schluter, primarily results from the State regulation and requirement for so-called safety zones, which are triangles coming out from the runway length, and clear zones, which are adjacent areas within -- or areas within that trapezoidal configuration in which no development can occur.

If a property owner has property in a community adjacent to an airport and the airport owner is permitted, through the community that the airport lives in, to expand a runway, that runway's expansion will immediately thrust the safety zone designation out into the adjacent property owner's land. The property owner has very little ability to regulate that. Now there is legislation which has been cast by the New Jersey State Legislature and signed into law by Governor Whitman, which would require communities to register and maintain listings of so-called significant property impacts. Those property impacts are things like toxic waste sites or airport hazard zones.

I must, if I have a piece of property that has a hazard zone, or a safety zone, which is the correct terminology, now on it, have my property listed with the municipal clerk under new legislation as a property which is impacted by the safety zone designations. The questions earlier from some of the gentlemen up here about impact on property values is pretty clear. If I have the need, as a private property owner, to list a safety zone designation with a municipal clerk, it has the same kind of detrimental impact on my property values as if the community had to list a toxic waste site, a hazardous

waste site, a garbage dump, or any of the other kinds of matters which property owners typically are concerned about when they buy property.

We have had reports in Branchburg of property owners who have not been able to sell their properties when properties not near the airport have sold -- identical properties -- for substantially higher amounts. I do not have the specifics, but I will be more than happy to provide them at a later meeting.

There are, as I said, some significant concerns about adjacent municipalities, because many of the airport facilities are in communities directly on the boundary lines. Therefore, zoning decisions made in Readington Township, for example, will have a direct impact upon Branchburg Township and expansions which may or may not occur in Readington will have a direct impact on the facilities and services which Branchburg or adjacent municipalities would need to provide.

Those are all concerns which municipalities have. They may impact the airport's ability to provide certain services, but, as you can well imagine, communities are concerned about not only property values, but also noise impact, groundwater contamination, and matters such as expansion of aeronautical facilities at the airport which may or may not be directly flight related. Restaurant facilities, facilities for flight training schools, helicopter facilities -- all of those are matters which immediately affect the communities which house airports and immediately affect their neighbors, and can have a very significant impact on a municipality's master plan as it is adopted.

Property owners and developers rely upon a municipality's master plan as a key for what that municipality will permit within a given area. The ability for a private airport facility to provide, through licensing, for helicopter

training schools, glider training facilities, broadly permitted types and sizes of aircraft to land all have a direct impact upon what the municipality can permit within its borders. Those licensing decisions and regulatory decisions made by DOT may or may not comport with the municipality's master plan, which is the general representation as to the type of development which the municipality will permit within its borders.

MR. McNAMARA: Ms. Nergaard, would you mind if we interrupt you from time to time with a question, just to understand where you're going?

MS. NERGAARD: Not at all.

MR. McNAMARA: Is it permitted now for the State to regulate the operations that go on at an airport?

MS. NERGAARD: There are regulations both at the State and Federal levels. There are licensing provisions within the State, the DOT regulations, which govern the types of facilities which an airport will provide. For example, there have been in Somerset County a number of controversies, although not at Solberg Airport, with regard to helicopter flights and helicopter training programs. Those have created a significant amount of unrest and irritation at the local level, because those types of aircraft are particularly noisy and can have an impact upon adjacent land uses.

Those matters are regulated at the State level. The municipality does not regulate licensing of facilities. There are licensing determinations which are made at the Federal level as well, however.

I don't know if you have any additional questions.

MR. McNAMARA: No. I knew the municipality could become involved in regulating a restaurant to some extent.

MS. NERGAARD: That's right. There were some proposals a number of years ago for changes in licensing regulations which would have broadly permitted aeronautical activities on local airports. Those aeronautical activities were broadly defined in a manner which municipalities took umbrage at, because it was argued that those aeronautical facilities could include a lot of activities which we would typically consider to be more commercially related, such as restaurants. I use that because it is an easy example.

It is, perhaps, what I think is more realistic to look at things like stunt flying, instructional flying, ballooning, gliding activities, helicopter activities. All of those matters are licensed, but they are not licensed by the municipality. Therefore, there could be a situation in which that type of use may be very appropriate for a community. There are a number of communities in South Jersey which have spoken to the League about their desire to have some expansion of local facilities. There are other areas of the State which are more densely populated, for which those types of uses are a particular invasion, as you can imagine.

There are, in areas adjacent to airport facilities, very often long ago planned housing -- Mount Laurel housing. If we are lucky, some large lot residential zoning; if we are not so lucky, some residential zoning which is, perhaps, more densely configured. The regulations presently prohibit certain types of uses adjacent to airports, such as schools or landfills. Those facilities may exist presently, and they would typically become nonconforming uses under the regulations.

But, as you can imagine, activities such as parachuting, ballooning, or helicopter flights can have a pretty significant impact on noise levels or on the invasiveness of the airport facility on neighboring properties. Those are all concerns with the municipalities.

The League has been most concerned that in any review of these facilities the local concerns, which are not identical from community to community, be addressed by State legislation. There have been attempts in the past to broadly regulate to permit expansion of aeronautical facilities in a manner which may not take into account some of the types of concerns that I have mentioned today. Those are things which the League has a serious concern about, because every community is very different. There should be an effort for the airport facility to conform to the types of uses which the municipality has adopted as being desirable through its own master plan.

The airport's master plan, in and of itself, may not be compatible with the master plan of the community that it lives within or with the master plans of adjacent communities. Those are significant concerns to us, as you can well imagine.

MR. McNAMARA: Are there questions for Ms. Nergaard? We will start on the far end, and then we will work around.

MR. PENN: I just have a couple of questions.

MR. McNAMARA: By the way, remember, you are addressing your questions to her now as the representative of the League of Municipalities.

Is that League made up of every municipality in the State?

MS. NERGAARD: It is open to every municipality in the State and represents the interests of every municipality in the State. There may be municipalities which do not pay dues for one reason or another, but we do attempt to represent the interests of a broad constituency, which is the entire complement of municipalities in the State.

MR. McNAMARA: Your comments can be taken by us as the comments of the municipalities collectively?

MS. NERGAARD: Yes. Primarily the concern for the League, as you can well imagine, is that although I may represent communities in Somerset County, the concerns of those communities, in a specific sense, may not be concerns of communities such as Green Township, such as Andover, such as other communities in other parts of the State which have very different concerns. I think the overriding issue for us at the League is that each one of our municipalities is distinct, and the types of decisions which are attempted to be made on a broad basis, may not suit each individual municipality, or may have a significantly deleterious effect on specific municipalities.

MR. McNAMARA: Thank you.

Mr. Penn?

MR. PENN: How would you describe Hunterdon County and West Branchburg -- rural, urban, suburban?

MS. NERGAARD: I would describe it as rural.

MR. PENN: Rural?

MS. NERGAARD: Yes.

MR. PENN: So you feel it is not that heavily populated. West Branchburg and out through Hunterdon County is more or less rural, wouldn't you say?

MS. NERGAARD: Hunterdon County, certainly. Portions of Branchburg which are adjacent -- and I see Mr. Solberg here, so I hate to directly comment on that-- But I would say that the adjacent part of Branchburg to Solberg Airport, portions of it are rather densely populated, because there are Mount Laurel configurations adjacent to that Airport.

MR. PENN: There is also industrial. Is that right?

MS. NERGAARD: Yes, there is some industrial development, although it is not immediately adjacent to the Airport and not immediately adjacent to the areas where runway expansion would take place.

MR. PENN: You spoke earlier about putting airports in the same category as hazardous waste and toxic waste dumps. I don't think you really meant that. I would say, how do you see the difference between, say, a runway and Route 22 and Route 206?

MS. NERGAARD: Well, I think the first part of your question is, the only reason I used that analogy was because there has been legislation signed into law by the Governor which actually lumps those uses together.

MR. PENN: It lumps a lot of uses together.

MS. NERGAARD: It lumps a lot of uses together, including airport hazard zones, or safety zones. Frankly, if they were not included, I would be less concerned, but they are, and municipalities must make listings and make that information available to prospective home buyers.

Unfortunately, it includes some uses that we consider to be generally deleterious uses. It happens to also include the airport runways.

With regard to your question about extensions of Route 22 or Route 202/206, there is, as I am sure some of you are aware -- there was a major plan to broadly widen Route 22 through a number of communities in Somerset County. Through the legislative efforts, as well as some intense lobbying by some of the communities in that area, there was a substantial scaling down of the DOT's plans to widen Route 22.

I think the way I would liken it is that those types of decisions, when they are made with a broad brush, often do not take into account that land use patterns develop over a long period of time. They may not be what we desire to see in a perfect world today, but to paint with a broad brush on a statewide basis what has to happen as a mandate becomes a problem on the local level and can be a significant problem. The widening of Route 22, for example, would have impacted adjacent business community development that, because of other regulations--

MR. PENN: You're talking about the North Plainfield/Green Brook project?

MS. NERGAARD: Yes. There are some significant problems, which DOT has taken into account. But I think the runway example is a similar one. There seems to be, for reasons of-- I assume for aviation reasons, there seems to be a determination made at the State level to broadly regulate and, although that might be desirable for airport purposes, because we are transporting people across the State or throughout the country, those broad decisions oftentimes have a very serious impact on local conditions. The local

conditions have developed sometimes not of our own making, but it can have a serious impact.

MR. PENN: The roads do the same thing. They transport people. They move people the same as an airport. That is what an airport does.

I don't have anything else at this time.

MR. McNAMARA: Just on that point, Jack, which is really a focal point of our concern and your concern: The State wants to build a highway. I remember living in Bedminster when, as a boy, they were going to bring, I guess, Interstate 78 through Bedminster. Everybody who went out and hunted in the fields around my town were adamantly opposed to it. Everybody in the area was opposed to it, but, sure enough, the highway came through.

How is that kind of a decision made? How do the local interests of the township get balanced against the State's interests or the national interest?

MR. PENN: It is very similar to exactly what we do when we present a plan for an expansion of an aviation facility. It is presented to the towns that are affected for their comments. We have what they call "Community Relations" who go out and present the project as it is to the affected municipalities and wait for their comments.

It is interesting to note-- You mentioned Route 78. I am sorry that Bill Schluter isn't still here. We recently had a meeting of people down at DOT who came in and demanded that we build Route 95; that the traffic on Route 31 and the traffic on Route 206 is absolutely abominable ever since they opened up Route 287 and the truckers can come down that way. Of course, the people who came in to see us were the exact same people who 12

years before had demanded that Route 95 never be built. They dedesignated the funds. Maryann, you are familiar with this. They dedesignated the funds that were supposed to go for the widening of Route 206, the construction of Route 92, and the Somerset Expressway, which was agreed upon.

Once the administration changed, those projects went out the window. The road money was never spent and those projects were never built. Today, those same people -- they admitted it, I have to tell you that-- They came in from Princeton, Hopewell, and Pennington. They came in and demanded that we now build Route 95 to take those cars off there.

Planning is a very difficult thing. You look out, you try to look ahead. You try to look 10 years ahead, you try to look 20 years ahead, and you try to meet those needs as you go through the concept. It is very, very difficult. Those people were rightly concerned at that time. Now they see that they were wrong, but it is too late. There is housing built in those places. It can't be done.

I think this is the same thing, in a way, that we are facing in the aviation community today. There are certain expansions that should be done, that have to be done in order to meet the needs as we go into the next century. This is what we are trying to present and show the people. I think that is one of the things that we are trying to recognize. We also want to do the same type of thing and work with the communities to make sure that they understand both sides of the question.

MR. McNAMARA: Ms. Nergaard, do you want to add anything to that?

MS. NERGAARD: I am not familiar with Senator Schluter's recent legislation either, but I will say that from his description, it appears as though there is an attempt to address the question of what happens when a runway is extended and the accompanying clear zone and hazard zone extend.

I would urge this body to at least take a serious look at that. That is a problem which, if addressed properly, would go a long way toward, I think, satisfying some of the concerns. You will never have everyone happy in any event.

MR. McNAMARA: What would be addressing it properly?

MS. NERGAARD: Presently, if I have a runway -- and I hate to pick on Mr. Solberg because he's here, but it is easy for me to use that as an example-- So, Thor, I apologize.

If a runway at Solberg Airport is extended and the property owner either buys the land to extend the runway or owns it presently, that runway extension will push out the safety zone in a manner which may not -- which may place the safety zone, and possibly even the clear zone, off of the airport owner's property. It is one thing if it is on the airport owner's property. I think we could all agree that would be an ideal situation, because then any regulation within that zone would then be under the direct dominion and control of the airport owner. That is not always possible, for a variety of reasons.

If the runway expands -- is permitted to expand, because the regional transportation network requires that we have some aviation facilities, that expansion will push out a zone onto another owner's property, maybe a

public facility. In the Branchburg hypothetical I gave you, it would actually be on a private property owner's property.

The expansion of that safety zone will then dramatically impact that particular property owner's use and enjoyment of his or her property. It will also be something which that property owner must disclose to his prospective purchaser and, frankly, which they would have to disclose if they ever wished to refinance, if they ever wished to do major additions onto their dwelling, even if it were not prohibited by a mortgage company or a bank, I might have serious concerns about any restrictions that that hazard zone would have.

It is very difficult to deal with property values, because, as we all know, they are affected by lots of external forces. They are affected by the job market, and other things. But I think you can imagine that if I am a property owner with a hazard zone -- I keep using that terminology, it should be safety zone, I apologize -- on my property and I sell my property, there is going to be a substantially larger number of people who are going to see that as a potential detriment, that are going to either not be concerned about it, or see it as a benefit.

I think that addressing, in some manner, compensation for the location -- or the expansion of those hazard zones, would go a long way. Maybe the requirement is that the airport owner has to acquire the property that the hazard zone goes onto. Maybe that would be one way to address the concern. It has a pretty serious economic impact for the airport owner, but it has a pretty serious economic impact for the property owner is affected. I

think that is probably the most significant concern that a lot of residents have, and a lot of communities have.

What you are saying is that the privately owned/ public use airport has the ability to dictate my property's usage as a private property owner. I think anything the Legislature can do to minimize or compensate in some fashion for that impact would be well needed legislation.

MR. McNAMARA: Many of your municipalities have owned airports, and those airports have the same clear zone and safety zone. Is there any objection to their having the same impact on their neighbors?

MS. NERGAARD: I think there is, but I think there is also a certain recognition that a public facility can always condemn, can always take property by eminent domain. A private facility does not have that ability. The ire, I guess, of residents, and of communities, that arises comes from the idea of a private entity having, in essence, a type of condemnation, although not a complete condemnation -- a permanent easement, if you will -- on private property that they do not own and that they do not pay for. At least with regard to public facilities, there is some compensation that can be addressed.

ASSEMBLYMAN BAGGER: Mr. Chairman, on this point--

MR. McNAMARA: Go right ahead.

ASSEMBLYMAN BAGGER: Right now, this is a very helpful discussion, starting with Jack Penn's remark about the highway analogy, which is really very apt. I think there are probably some people in the general aviation community who feel like it is just neighbors who do not like airports. Neighbors do not like anything next to them, and they do not like highways. The process of communication that takes place between DOT, the affected

communities, and property owners on highway expansion is similar to the sort of discussion that either takes place already, or needs to take place on runway expansion.

I do not have any personal experience with that. I know that DOT tries very hard in the area of highway improvements. As you alluded before, I spent a lot of my time worrying about some of those highway improvements.

The analogy goes even further. I think the State needs to view all public use at airports, whether privately or publicly owned, as part of the State transportation network, just like highways. I think that is Jack's point.

If a private airport owner is expanding his facility, he is really expanding what is a public facility under the auspices of the State, even though it is privately owned. So, in that sense, there is probably not a distinction between publicly owned and privately owned. Airports need to think of themselves as public facilities and put into place, if they are not there already, procedures to make sure that neighbors and municipalities are involved in the discussions about planning for expansion, just like they are for highway facilities, because this Commission is charged with fostering general aviation as a proponent of the State's transportation system. Part of that is working with the host municipalities for airports.

MS. NERGAARD: I think that is significant, Assemblyman. I know you are familiar with DOT efforts. There are some things that community input is sought on, and some things where it is not. Traffic signals are particularly near and dear to my heart, as I know they are to yours, because we worked on a project recently.

I think the distinction with airport facilities, however, has to take into account the fact that there are a myriad of regulations, specifically the licensing regulations, which have a direct impact upon these facilities, and upon the type of safety features and the type of overall aeronautical uses, that can go on at a given location.

So it is not simply saying a runway use. If a local airport suddenly starts to provide, because it has received authorization from the State, helicopter training programs, that is going to have a direct impact on the adjacent municipality, and it is a significant impact in terms of noise and in terms of quality of life issues in that community. Those are, not completely, but largely licensing decisions that come outside.

MR. McNAMARA: May I interrupt right here? This is an important point. You mentioned several different aeronautical activities. One was glider training, one was helicopter flight training, stunts, and I believe flight schools was the other one.

MS. NERGAARD: Ballooning.

MR. McNAMARA: And ballooning.

Do all of the objections to these activities boil down to noise? Obviously, the safety zone and the clear zone do not change because of those activities. Do they all boil down to noise?

MS. NERGAARD: No, I don't think they do. I think noise is certainly probably number one, two, and three on the list of objections. To some extent, I think Assemblyman Bagger's comments are worthwhile. Neighbors will object to anything that is going in in their neighborhood, because for most of us a home is our primary investment. Most people feel

very threatened when that primary investment is impacted in any way. I think it is safe to say that residential property owners will object to just about anything that means change. But, in fairness, I must say that noise is a large portion of it. It is not the only portion.

MR. McNAMARA: What else is there?

MS. NERGAARD: One thing is traffic impact, in the sense of people coming and going from a facility. The need for substantial infrastructure development, such as roadway connections, or sewerage facilities, which probably are not as significant, but could be a concern. Public water facilities.

There are a number of property owners who live adjacent to airport facilities who have complained about repetitive movements, not strictly from a noise perspective, but there are then continuous complaints about individual pilots. I think some of the airport owners have done a pretty good job of trying to control this, when they are aware of it, but you are not always aware of it. Individual pilots buzzing houses, or repetitively flying low over individual properties. Those kinds of things, property owners have told me, make them fearful. They may be shocking or startling, more than a sense of "I expect the plane to fall in my lap," or, "I expect the plane to crash on my house." I think people get naturally frightened when they see a very large airplane fly low over their houses, or repetitively fly over their houses. Those are the kinds of things that raise concerns.

I raise the traffic concern because there are certain kinds of events that a community may find to be -- to give it good publicity. I am thinking of the balloon event out at (indiscernible), which everyone in the State knows

about. That event draws a tremendous amount of traffic which has an impact on the community's need to supply special police services. There are always questions as to whether the road capacity is satisfactory. The communities always get concerned about their need to meet any emergency situations that could develop from that type of situation.

So those are all concerns, but I think noise is probably the main one.

MR. McNAMARA: Other questions for Ms. Nergaard? Ms. Castner?

MS. CASTNER: Thank you.

I have to preface this with, first of all, I am an emotional person. I am trying very hard to gain control of myself. My position is, first, I want to clear up kind of an emotional thing I have, and then deal with the issue.

When I sit out on 250 acres of property that used to be 400 -- it is now 250 that my family still owns -- and I watch the sunset, along with 25 neighbors who just decided to have their dinner with their kids on a blanket, who bicycle by and stop, who are watching the sunset almost every night, the most gorgeous sunset over Alexandria Township in Hunterdon County, I do not see a toxic waste dump. What I see is a comparison of open space that we are striving to have in the State of New Jersey, the same as a wetlands project, the same as reimbursing farmers, the Green Acres projects, the same as going to a golf course or a park. That is not at the expense of the State. In New Jersey, which is unique in airport ownership, it is at the expense of a weird group of people whose ancestors enjoyed flying and continue to hand that on

to their children, who are now having to labor under the spreading and increasing population in the State of New Jersey.

All right, I am finished with that. Now let me get to what I feel are some factual things.

First of all, I hope you realize that ballooning is not an airport-licensed activity; that a balloonist can take off, and usually does, from any location where he can get licensed from the State, or, in the past -- right up to only a year ago -- where a landowner would give him permission. They may land anywhere where someone gives them the permission to land. Most airports don't even refer to balloonists as pilots. They get in the traffic pattern. They are dangerous to active flight school programs.

Secondly, I can remember three instances in my 48-year career of life here, where people have come to our airport in tears, or with baskets of fruit, or champagne bottles to thank us because the helicopter pilot, or the helicopter involved in going to Route 78 to save their child or wife's life, learned to fly at our facility. I am sure that people in Vietnam, sitting there when they heard that helicopter coming, felt it was the most God-sent sound they ever heard in their lives.

So I suggest that people look back a little bit on how you train those people to fly. The service does not do that any longer to the extent that it did 20 years ago. So if you are talking about quality of life, those people are saving lives. They are not up there just flying around for the fun of it. They are doing it because they are looking for a career, and the career paths are around medical services. Medevacs are big activities.

I would ask you this question: Do you think there is a place in the State of New Jersey for privately owned, public use airports? You clarified that rural is what you would say is around Somerset and the Solberg Airport. If there is not a place for an airport there where it is rural, where is there a place for a privately owned, public use airport in the State of New Jersey?

MS. NERGAARD: I think your question about, "Is there a place for it--" All I am saying to you is that each community's needs and each community's uses, as a community has expressed in its master plan, may well be different.

MS. CASTNER: I know they are different, and where I feel--

MS. NERGAARD: They are radically different. For example, there are facilities in Lincoln Park, there are a number of facilities in South Jersey, and in Sussex County that are, I know, supported by their adjacent communities pretty aggressively. Some of those uses may be very different from some of the adjacent uses.

I mean, we have had, on a local level-- For example, I have been told, although not recently, but in the past I was told by proponents of the aviation industry as a municipal representative, "You should not have put that high density residential development next to the airport. What were you thinking of?" Well, frankly, we were sued by Mount Laurel developers. It is not like we had a choice. A lot of times what happens on a local level is not even within the municipality's control because of that type of incident.

MS. CASTNER: Would you not agree that what the State is trying to do is make some type of arrangement, the same as we have with the highway situation, where those types of things that might happen 20 years

from now could be regulated? Ten years from now, airports may not even have to be longer than 1000 feet. How do we know what the next manufacturing of an airplane is going to take to land and take off? It could go straight up. So runway length, to me, is a short-term or short-sighted look at the airport system, the transportation system in the State of New Jersey.

I think it was a huge error to do this safety/hazard zone. I mean, however that got thought up and went out there, it was not the correct approach. The right approach still did involve, though, planning around the ends of runways, so that people like us and the Solbergs, who own 700 acres-- How many acres do they have to own to operate an airport, a million?

There are rights of airport owners as well as there are rights of the people who decided to come to that community because they want to see that sunset.

MR. McNAMARA: Linda, is this a question?

MS. CASTNER: Yes, and I have one other.

Is the community aware of the economic impact of those special events when you are talking about transportation? Do you have any idea how much money the New Jersey Festival of Ballooning or the Magic of Alexandria Balloon Festival have put back into the community or given to charity?

MS. NERGAARD: They may very often not be in the community that provides the services.

MS. CASTNER: I know Howard isn't, but I know the Solbergs live there. Their promoter does not live--

MS. NERGAARD: The Solbergs live in Readington. What I am saying to you is--

MS. CASTNER: Not all of us. Some of us live in Branchburg.

MS. NERGAARD: Some of you live in Branchburg, that's true.

MS. CASTNER: I am just saying, do you know, as a municipality that has seen the traffic increase there-- Is that something the constituents do not want to handle for three days? Do you feel that three days is not worth-- I don't know, Thor or Susie, how much money is put back, but I can tell you that the Magic of Alexandria has given back over \$137,000 to our local community.

MS. NERGAARD: Well, I would tell you that Solberg Airport is not in Branchburg Township, so I cannot address whether any of that money goes directly back to Branchburg Township. But to my knowledge, it does not.

MR. McNAMARA: Are there other questions for Ms. Nergaard?

(no response) Okay.

One point: I would like to ask the Commission, because we are running a little late, to limit their comments, especially the questions to the witnesses. We can deliberate on their answers at a later time.

MS. NAGLE: Just one point: I want to reiterate what Mr. Penn has said, that the airports-- You keep talking about airports in a community and the needs of the community, what they need from the airport. But the airport does not just serve the community. The airport has a regional impact. That is part of the intermodal transportation system of the State.

I think it is important that these municipalities which host airports consider that. I mean, you have to take the blinders off and see beyond that, that there is an impact there for the whole State and the nation.

The other point I want to make is, you were talking about the airport safety zone, that airports such as privately owned airports are taking something from the local property owners. If, in effect, that does happen -- and I don't know that it does -- it is not because of anything these airports have lobbied for. This was an Act that came about in 1983 with Arlene Feldman. It has nothing to do with the airports. I mean, this is something where the State saw that there was a need for planning and to notify, you know, people.

I would like to just digress here.

MR. McNAMARA: Is this a question?

MS. NAGLE: Okay.

One other thing. I think this is very important. I don't know how you would do this, and I know you are a fair person. We have been to many meetings together, and I appreciate all the input you have given us. But I think it is important if somehow the League of Municipalities that host airports, if they could do a poll, or if they could really see how many people are negatively impacted by airports. I think there is a small group that is very organized and very vocal. They give the perception that it is the majority of the people. I just wonder if there is some way you could actually investigate that and see if, in fact, it is 95 percent, 50 percent, or is really only 10 percent or 5 percent?

MS. NERGAARD: I think it does vary. I think there are certain parts of the State that you and I are very familiar with where there is vocal opposition. But I do know there are communities which actively seek to have those facilities expand.

I can certainly do whatever I can to try to do that. I am not sure it would tell you anything, though. What it would tell this body and what it would tell the Legislature is that every community is different.

Just as there are groups of communities in which you have residential opposition, there are communities in which you don't. I think our concern is strictly that there be some mechanism for that type of indication to come forward and for people to know about it.

Picking up on your comment about the safety zones, though, perhaps one thing to look at is the abolition or revision of that 1983 legislation, because I think it may have come about at the same time that we experienced a major construction boom in New Jersey, in the 1980s, but that legislation seems to have gone a long way toward harming relationships between municipalities and the aviation facilities, local aviation facilities specifically. Perhaps some changes in that legislation, dramatic changes, and I look to those zones. If it is possible to eliminate them, that might go a long way toward changing at least some of them, taking the wind out of the sails of some of the opposition.

MS. NAGLE: Thank you.

MR. McNAMARA: Other questions?

MR. HINES: I would like to ask one.

MR. McNAMARA: Mr. Hines.

MR. HINES: Do I understand from your comments that the League of Municipalities has taken the position that the local community in which the airport is located should control the activities at that airport?

MS. CASTNER: Our concerns are that the local community have-  
- Well, I will give you an example.

MR. HINES: I would like to have the question answered directly,  
please.

Is that the position of the League of Municipalities?

MS. CASTNER: I don't know how to answer that question, I  
really don't, sir. I am not able to answer that question yes or no.

MR. HINES: Well, all right then.

You mentioned the Solberg Airport. I have one question regarding  
that, and I'm gone. You mentioned runway expansion and the effect it would  
have on some people in the clear zone. Would it be possible that such  
expansion would offer economic benefits to far more people than the few  
people who would be displaced, or made uncomfortable because of that  
expansion?

MS. NERGAARD: It is certainly possible.

MR. HINES: It is certainly possible.

MS. NERGAARD: I think the question, then--

MR. HINES: So we are concerned about the few who might be at  
the end of that clear zone, as opposed to the greater economic benefit to the  
entire region?

MS. NERGAARD: If I create an impact directly on a property  
owner, then maybe the way to deal with that is to compensate.

MR. HINES: To compensate the property owner?

MS. NERGAARD: Yes. That may be one way of dealing with it.

MR. HINES: Thank you, ma'am.

MR. McNAMARA: Other questions for Ms. Nergaard? Mr. Penn?

MR. PENN: Just one, more of a comment, Mr. Chairman. In South Jersey, which you mentioned before when you talked about the compensation, they got into a transfer of development rights, and also the purchase of the development rights of the properties. Therefore, the property owner did not have to go through the horrendous problem of subdivision. For the property owner to buy the property, he bought their development rights in the clear zone. I think that is something that--

They would still, then, have the use of the property for, for instance, farming. If they wanted to farm it or they wanted to raise some trees on it, they would still have the use of that, but they would not be able to build any buildings on it.

MS. NERGAARD: That may be one way of dealing with it, Jack.

MR. PENN: So that is one way it was addressed down there with South Jersey Regional.

MS. NERGAARD: Well, there are provisions in the municipal land use law for some experimental transfer development rights -- procedures. They are not broadly accepted in this State, but perhaps that would be one way of addressing some of these issues.

MR. PENN: That's all.

MR. McNAMARA: I just have some final, hopefully quick, questions.

Ms. Nergaard, in your capacity representing the League of Municipalities, are there several municipalities in the State which are pleased to have the airport facilities they have?

MS. NERGAARD: To my knowledge, there are, yes. I had asked the League representatives -- I am a private attorney in private practice -- to do some polling before I came here today. I think, because of the holiday season and because of difficulties generally in reaching membership, we were not able to come back with anything specific.

I can tell you that in the several years I have been aware of this concern there are a number of communities that are, yes. It is always difficult to get people to come out and testify during the daytime, though, as I am sure you know.

MR. McNAMARA: Let me just say that we appreciate the difficulties of compiling that type of information, but we will hold open your invitation to come back to us and/or submit to us for our record any results of any polling you have done. That would be very helpful to us.

Following along that line, a number of communities that you are aware of that are having serious problems -- emphasizing the words "serious problems" -- with airports -- that host airports, as distinguished from Branchburg, which would neighbor an airport -- who I would like to get to next-- How many are there in the State that you are aware of?

MS. NERGAARD: Honestly, Mr. McNamara, I can't give you a number that would be other than a guesstimate. I really can't even begin to tell you. I think there are probably -- that I am particularly familiar with in Somerset or Hunterdon Counties -- some serious problems at one or two.

There are some not-so-serious problems at some others. But can I give you any statistic figures, no, I can't, sir.

MR. McNAMARA: Then would your answer be the same for communities neighboring airports, as opposed to hosting them?

MS. NERGAARD: I think the problems of communities neighboring are a little different. That is to say that the communities adjacent to any development in any other town always feel that their rights are being trampled on, even if they have the opportunity -- the Assemblyman is nodding with a grin on his face -- to comment, even if they have the opportunity to participate in the planning decisions. They always feel that the tax ratable is going to the other community, and the negative impacts are felt by them more severely. Whether or not that is true, I think, depends upon individual circumstances.

The neighboring community concerns, however, I think are ones of "My master plan, my development procedures in my community are impacted by--" something that not only the neighboring community is doing, but the neighboring private property owner, even though that private property owner provides a public facility that is used statewide.

So my zoning decisions in Community "B" are directly impacted not only by the zoning decisions made in Community "A," but by the types of decisions made by an airport facility, as assisted by the State or Federal government. That may mean that that particular pocket of my community -- community being Branchburg, let's say-- If we have zoned for a particular use in that area, that zoning might have been for no good reason, because perhaps we are going to be dictated to by something that comes into us from the

adjacent community or from on high. Those are always matters that create problems.

MR. McNAMARA: Do these airports across the State provide significant tax revenues for their host communities, or is it not so significant?

MS. NERGAARD: I think there are tax revenues. I will say that most of the facilities that I am familiar with have some of their land in farmland assessment. Now, that provides-- I think we made a decision on a State basis that farmland assessment preserves open space and there are some general beneficial uses to that type of assessment procedure. But most of the aviation facilities I am familiar with have a combination of assessments, meaning commercial assessments on a portion of their property and farmland assessment on--

MR. McNAMARA: The tax revenues are not a significant consideration?

MS. NERGAARD: I would not think they are, but I can't really say that. I don't know, for example, how much Readington would derive from Solberg's facility. I don't know how much Bedminster derives from Somerset Airport. I used to, but I just don't know it. Branchburg, obviously, derives none, because the facility is not within its borders.

MR. McNAMARA: What about economic impact -- this is my last question -- with the area, economic impact which would, of course, cross the municipal boundary? Is that significant or insignificant?

MS. NERGAARD: I think there is-- In some of the semirural communities, the economic impact is probably less substantial from the standpoint-- There are some facilities-- For example, Merck is in Readington

Township, and there is, I would imagine -- I do not know this for a fact, but I would imagine -- there is some corporate use of that facility for adjacent business in Hunterdon and Somerset Counties. It would make sense. I know there are some adjacent uses of Somerset Airport in surrounding Bedminster, Bridgewater, Somerset, and Morris County.

I think in terms of direct economic impact-- I don't think you are going to see the kind of impact you would see, either negatively or positively, from a Newark Airport, or a Morristown Airport, or a Teterboro Airport. That could be negative as well as positive. I just don't think the communities see it as having that much of a direct impact on the economy.

In Branchburg, at least, there is some question as to whether or not the airport facility services that many businesses in the immediate area, or whether or not it provides a facility which primarily benefits the entire State economically. I can't really answer that question.

MR. McNAMARA: I want to thank you very much for taking the time.

MR. ABUCHOWSKI: Mr. Chairman?

MR. McNAMARA: We have one more. Mr. Abuchowski?

MR. ABUCHOWSKI: It seems to me that this issue could be quantified very quickly. There is a limited number of airports in this State. There is a limited number of airports that are close to other communities, and a limited number of those runways which, if expanded, would impact those communities. Very quickly, one can assess the land that is going to be compromised, so to speak. The question is just how big that is. Is it something that is as broad as you speak, or is it something that is fairly narrow

and its overall impact on the use, I'll say, within the community is actually minor.

I am trying to get a handle on just how big this issue really is.

MS. NERGAARD: I think it is coincidental, honestly, but it seems to me that in almost every community that I am familiar with, the airport facilities have been constructed on a corner of that community, so it almost seems as though there is an impact on adjacent municipalities. It may be strictly coincidental for most of the facilities that I am familiar with.

MR. ABUCHOWSKI: What I am saying is, it can be quantified.

MS. NERGAARD: I think it probably can, yes. We had run some numbers at one of the TAC meetings recently for Solberg about the numbers of business users who had businesses located in Branchburg who used the Solberg facility. Mr. Solberg had provided some information. So I think that information is quantifiable.

MR. McNAMARA: Are you asking her to do it?

MR. ABUCHOWSKI: I am asking if it is possible for it to be quantified by the League of Municipalities and provided to the Commission, so we can assess the impact.

MS. NERGAARD: I honestly don't know. I say that because I can certainly request it, but I can't represent that we will be able to provide that in any reasonable time frame. Are you asking me the number of communities that are impacted exteriorly by runway expansion specifically?

MR. ABUCHOWSKI: Yes, the land area outside of the community within which the airport resides. So I am talking about land area

outside that community that is impacted. Has that number been quantified, because I can only imagine that there are very few throughout the State?

MS. NERGAARD: I don't honestly know that there are very few, but, to my knowledge, there has been no effort to quantify it. A lot depends upon how those facilities would expand. There may be a myriad of different expansion possibilities. Some could have an impact, and some may not. It depends on how you configure the runways, for example.

MR. ABUCHOWSKI: Okay.

MR. McNAMARA: You will see what the League will do and add that to whatever else you will submit to us.

MS. NERGAARD: I will be glad to do that, yes.

MR. McNAMARA: We would be very glad to receive it.

We are very grateful that you took the time to come to address us today.

MS. NERGAARD: Thank you, Mr. McNamara.

MS. CASTNER: Jack, may I ask if she would ask them to do one other collection of information? (no response)

If sound is one of the big first three, and if traffic is the next, I would suggest that you look at tax revenue, just tax revenue -- because I know what I pay for the Balloon Festival -- that goes back to the State from those large special events.

MS. NERGAARD: But the fact that it goes to the State does not mean that it ever finds its way to the municipality.

MS. CASTNER: Well, we are not talking about one or two people. I think we have all been trying to get that point across, that this is a statewide system to make the State succeed. I think that is an issue that the--

MS. NERGAARD: I don't understand the question, then.

MS. CASTNER: If traffic is a problem in a municipality and traffic might have to be there for three days at a Sussex Air Show or at the Readington Balloon Festival, but the money that comes back to the State from that in just revenue from food sale taxes, revenue from all the vendor taxes, revenue from our ticket taxes-- If that is \$200,000, maybe there is a way that that money can be utilized if there is a proposal on the table for reimbursing people who have property that is affected. You have to find out where the money is coming from.

MS. NERGAARD: I agree with that, but I think the difficulty is always on the local level. Everybody complains about their local property taxes. The types of things that a municipality will provide to that facility are paid for out of local taxes, local property taxes, if I have to fund additional police and fire personnel.

MS. CASTNER: The police are paid extra. The police are paid by the Festival for that. That does not come out of your pocket.

MS. NERGAARD: But if we have adjacent-- If we have people who sit on front lawns in the neighboring community to watch facilities and throw beer cans and things, our local police in the adjacent community may pick up that tab. If the police are impacted by traffic--

MS. CASTNER: I would say the same thing that Abe said. I think this has to be quantified, because I have never even seen that, or even

heard that. What I hear is that the State's second largest revenue-producing business in New Jersey is tourism.

MS. NERGAARD: That may be true, but the impact-- Just as tourism to the Jersey Shore is big business, the communities along the Jersey Shore provide the facilities through their local tax base to pay for the impacts of that tourism. I am not saying it is necessarily one for the other. We do not necessarily see the revenues generated on the local level that we pay for -- the services.

MS. CASTNER: I would agree with that. I would say, "Let's quantify it." Tell us what it is costing. I know what I am paying for my services, so I know it isn't costing them anything. I know it is paying for it.

MR. McNAMARA: Is that quantifiable?

MS. NERGAARD: We could probably quantify--

MR. McNAMARA: I mean, what you're asking-- In the situation of a Balloon Festival, I can see where that could be quantifiable.

MS. CASTNER: Yes, it is.

MR. McNAMARA: But if you are talking about quantifying the cost of traffic control going to Morristown Airport on an annual basis, that--

MS. NERGAARD: I don't know how you could quantify that.

MS. CASTNER: I was talking strictly about tourism, because this all stems from traffic. The first two were noise. The fourth one she said was traffic. I was trying to deal with how traffic to an airport is weighed on the scale of how much benefit are we getting from three days of added traffic versus--

MS. NERGAARD: We used that one example. All I am saying is that as that facility expands, there will be increased traffic demands on that facility, just as there would be for any other use. That has a direct impact on the services provided by the municipality.

MS. CASTNER: One is a forecast, and the other is an actuality thing. There is no way I could tell you how much traffic would increase at little Alexandria field if I added five more planes or five more feet to the runway. I can tell you what a three-day Balloon Festival produces for the fire company, the rescue squad, the Make A Wish Foundation, the State Tax Bureau, the food concessions, the hotels. It is a tremendous asset to the community. That is quantifiable.

MR. McNAMARA: Okay. Thank you, again, Ms. Nergaard.

MS. NERGAARD: Thank you.

MR. McNAMARA: Just for the record, Ms. Nergaard, you are an attorney--

MS. NERGAARD: Yes, I am.

MR. McNAMARA: --admitted to practice in the State of New Jersey.

MS. NERGAARD: Yes.

MR. McNAMARA: Are you not also in municipal service as an elected official.

MS. NERGAARD: Yes, I am. I am an elected official in Morris County. I presently serve as Mayor of Long Hill Township.

MR. McNAMARA: Thank you very much, ma'am.

MS. NERGAARD: Thank you.

MR. McNAMARA: Ms. Kitchener, do you have anything you would like to add on behalf of Branchburg?

MS. KITCHENER: She stole most of my thunder. She took care of all the good parts.

I would like to make just a few comments on things we have touched on briefly. I do not want to drag--

MR. McNAMARA: If those comments have already been made, be advised that they are now a part of our record and they will be considered. But anything else you would like to add, please feel free to do so.

MS. KITCHENER: Okay.

First of all, I want to recognize my friend and colleague, Thor Solberg, in the audience, someone who has been a wonderful gentleman to deal with and who runs a fine business in the community adjacent to Branchburg. Although there are, or there could become deliterious effects upon approximately 24 residential properties if the Solberg Airport is expanded to the outward extent of the projections, Mr. Solberg has been, at all times, a professional and a gentleman in his dealings with Readington and with Branchburg.

MS. NERGAARD: That's correct.

MR. McNAMARA: This is with respect to his plan to expand the Solberg Airport?

MS. KITCHENER: That is correct, yes.

MR. McNAMARA: Is that correct?

MS. KITCHENER: Yes. I have been privileged to serve on the TAC committee, which is part of the requirement, as you know, and to have

read the environmental impact preliminary study for that, and to have reviewed the emerging chapters of the Airport Master Plan as they go along.

MR. McNAMARA: A point of clarification: TAC is the Technical Advisory Committee.

MS. KITCHENER: That is correct.

MR. McNAMARA: And that is made up of members from the airport and the municipality?

MS. KITCHENER: From both municipalities, us as the adjacent municipality, and Readington Township folks also.

MR. McNAMARA: Okay. Thank you.

MS. KITCHENER: Just to clarify that none of what we say should have any negative connotations about or for Mr. Solberg, or his operation, I believe it is a quality of life issue and many constituents who have given us notes to bring to this Commission today, speak out of concern for the quality of life they have purchased at no small cost, and also out of some fear. I don't think it is necessarily NIMBY. There is a legitimate element of fear. However real or however statistically prevalent that might be, it still exists among, especially, the residents in the hazard zone -- in the safety zone. I'm sorry, now you have me doing it.

Witness Nashville yesterday, where an elderly couple and another person in their residence were incinerated when a F-14 crashed into three homes just outside of Nashville. It dropped out of the sky. I am sure we will find out why, but I don't think those three folks had NIMBY on their minds when their lives were snuffed out. They felt they lived in a fairly rural, quiet community where quality of life was an issue, and then they were gone.

Statistically speaking, this happens. There is a fear that it could, that it might happen in Branchburg. The Solberg Airport, in its current iteration, presents no problems to the residents of Branchburg. It is a well-run operation, although you hear an occasional airplane coming out of the Airport, circling overhead, and doing what airplanes do.

The Balloon Festival is indeed magical. It was my first time seeing it last year, and it is something I will never forget, something we certainly welcome. Although it is a little tough on the people immediately around, it is a thrill for our community.

It is the potential for increase to its full capability that disturbs us with the Solberg Master Plan and Solberg's role in the Newark mitigation, that Solberg will take the smaller commercial traffic, along with the other airports in the neighborhood -- Somerset, Alexandria, Kupper, and the other airports within a reasonable traveling distance -- and that instead of having 12,500-pound aircraft coming into Solberg, as we now do, we could have, with an expanded runway, 60,000-pound aircraft coming in. To give you an idea of what a 12,500-pound aircraft is -- correct me if I am wrong, Thor, please -- it is a 10-passenger corporate jet. That would be your max coming into Solberg now, with rare exceptions. If the Airport were expanded to its full potential on its 700 acres, we could be intensifying five times over the size, the noise, and perhaps the threat of the aircraft that would be landing there.

I think those are our principal concerns. I will avoid the emotional issues. We all understand how dear our homes are to us and the sanctity and the respite that those homes provide.

I think that's it.

MR. McNAMARA: Just for our edification, Ms. Kitchener is the Township Administrator for Branchburg.

Are there questions for Ms. Kitchener?

MS. CASTNER: Do you have a solution? Have the groups sat down, because what we heard the League of Municipalities say is that if the airport owners owned all the property, I guess that would be another issue? Well, here the Airport owner does own all the other property, but you are still telling them they can't--

MS. KITCHENER: No, no. If the Airport were expanded to its full potential, the safety zone would extend beyond the borders of Mr. Solberg's property, across the roadway, and into Branchburg Township, and would impact approximately 24 residential properties.

MS. CASTNER: Okay. So you're saying that the clear zones have to all be in their property as well?

MS. KITCHENER: Either all in their property, or, as Ms. Nergaard said, to commensate those existing property owners.

I would like to quote from the Solberg Master Plan itself something I think is the salient point we are making here and something that needs to be addressed:

"Land uses which might lead to the construction of residences, shopping centers, and places of public assembly should be prohibited in the safety zone -- in the clear zones." They go on to list other things, but those were the most significant.

MR. McNAMARA: Would you repeat that, please?

MS. KITCHENER: Yes. "Land uses which might lead to the construction of residences, shopping centers, and places of public assembly should be prohibited." I have paraphrased that quote a little bit, in that I left out stadiums, schools, and a couple of other things, just for brevity here, so I wouldn't have to draw a breath midsentence. But that is an excerpt from the Solberg Master Plan. I believe Chapter 4.

MR. McNAMARA: Is that not just right out of the regulations that were promulgated with the 1983 Safety Zoning Act?

MR. PENN: I believe a lot of it is. I have not seen this myself. I have to look at it, but I believe part of it is.

MR. McNAMARA: That is not airport specific. That is, I think, statewide.

MS. KITCHENER: The problem with that is, this development has already occurred. It predated -- not predated the existence of the Airport, but predated any plan for expansion of Solberg Airport specifically. We have been dealing, for three decades, with the idea that we are going to get an international jetport in western Somerset County or Hunterdon County. We have done battle on the issue before.

MR. McNAMARA: The last question: The weight of the aircraft, is that your primary concern? The reason I ask is that I am not quite sure if the numbers are correct. I believe that an aircraft that would go into Newark Airport would weigh somewhere between 300,000 pounds and 800,000 pounds. The executive jet, or the corporate jet, I believe, has a-- I am sitting

here with people who know much better than I, if you are willing to correct me, Phil. (comment from Mr. Engle indiscernible; speaking over Mr. McNamara)

You could be talking about a 10-passenger jet at somewhere around 67,000 pounds and you would be talking about what is known in the industry as a small aircraft if it were below 12,500 pounds.

Is it the size of the jet that would bother you, or is it the number of passengers that get off, or the waste it would make, or--

MS. KITCHENER: I think it is a combination of all three, as Ms. Nergaard alluded to before. When you fly a small plane low over someone's house, it appears very large. If you fly a larger plane higher, it is going to appear as large. I believe-- If you will allow me to use a brand name as a reference, if you are bopping around in your Piper Cub with your wife or husband over the weekend, I don't think that is anything that Branchburg residents would find intrusive. I think the concept of commercial traffic, which implies a repeat visit in and out, numbers of people, lots of cars transporting the corporate staff back and forth on a daily basis, becomes troublesome. There is a threshold of activity that is acceptable, and we live with an acceptable level now. The potential for that level of based aircraft to nearly double-- Although that is not the projection the planner is going with, it is an outside projection that was offered as a possibility. I think that raises the specter of fear.

MR. McNAMARA: But your primary objection would be commercially scheduled aircraft.

MS. KITCHENER: I believe so. That is what I have been hearing.

MR. McNAMARA: Are there other questions for Ms. Kitchener?

(no response)

I want to thank you very much, both of you, again for coming. If you have further materials that you would like us to consider, please submit them to us.

MS. KITCHENER: We thank you for the opportunity.

MR. McNAMARA: Thanks a lot.

MS. NERGAARD: Thank you, Mr. McNamara.

MR. McNAMARA: Is Mr. Steinberg here?

**FRANKLYN C. STEINBERG III, ESQ.:** Yes, sir.

MR. McNAMARA: Mr. Steinberg, would you please come forward? Mr. Steinberg is representing the Somerset County Chamber of Commerce.

Do you swear that the testimony you are about to give is true, subject to the penalties of perjury in the State of New Jersey?

MR. STEINBERG: I do.

MR. McNAMARA: Thank you.

For the record, the gentlemen with you are?

MR. STEINBERG: To my immediate right, Mr. Chairman, is John McArdle, and to his right is Albert LiCata. I can tell you that we appear here collectively as a large percentage of what is known as the Somerset Chamber of Commerce Airport Task Force. We will tell you about that as we go along.

MR. McNAMARA: Say it again, Mr. McArdle and--

MR. STEINBERG: Mr. LiCata.

MR. McNAMARA: LiCata?

MR. STEINBERG: Yes, sir.

MR. McNAMARA: Thank you. Forgive me.

Please proceed.

MR. STEINBERG: Thank you.

We do have some prepared remarks, but, Mr. Chairman, if you wish to interrupt, we invite that and welcome it.

We would like to thank you for allowing us the privilege of addressing you today on the subject of the importance of general aviation airports to the business community, and specifically in our case, to the business community of Somerset County.

Before we proceed to the substance of our remarks, it might be helpful to you to know something about the group on whose behalf we speak today, and about the nature of the Somerset County business community.

The Somerset County Chamber of Commerce is a 600-member, not-for-profit business organization focused on fostering economic vitality. We in the Chamber like to think of ourselves as the voice of business in Somerset County. Among our purposes is to advocate with all levels of government to enhance the climate for business in Somerset County and surrounding areas, while still maintaining a high quality of life in the region.

Our membership roster is a "Who's Who" of business in central New Jersey. Somerset County is home to local and regional businesses, both large and small, to professional practices of all descriptions and sizes, and to major medical facilities. In addition, Somerset County is home to many Fortune 500 companies and other major enterprises.

Without trying to be exhaustive about this, some of our residents include: AT&T, the Chubb group of insurance companies, Ethicon, Beneficial Management, National Starch & Chemical, Ortho-McNeil Pharmaceuticals, Hoechst-Celanese, the Forbes and Gannett newspaper families, and others too numerous to mention.

MR. McNAMARA: What was the last one?

MR. STEINBERG: Let's see, the Forbes and Gannett newspapers.

MR. McNAMARA: I have heard of that.

MR. STEINBERG: Yes. (laughter)

Some of our neighbors in bordering counties who use our facilities and services include companies like: Merck, Foster-Wheeler, and Johnson & Johnson. We tell you this not just to extol the virtues of a county of which we are all very proud. Rather, our purpose is to help you see that the central New Jersey region served by the Somerset County Chamber is, if not a microcosm of New Jersey, is certainly on the cutting edge of New Jersey's economic growth.

As was alluded to in some earlier testimony, it is also an area that is in the process of making a transition, really, from a primarily rural area to one that is acquiring some decidedly suburban characteristics. Our region is bringing into the contrast the competing concerns of desirable business growth and the residential development that usually comes along with it. As such, Somerset County can be viewed as a laboratory to study and resolve the sometimes conflicting interests of an increasing population, long-established airports, and an active and diverse business community.

Another point needs to be made, and while it is certainly true of Somerset County, it is just as certainly not unique to us. Our businesses now compete in an economy which is decreasingly local in character. The reality of our marketplace is that many, if not most, of our businesses must be able to compete statewide, regionally, nationally, and, often, internationally in order to succeed. With only limited exceptions, the days of the business that could limit its activities to a purely local market have passed. This is a point which we believe has relevance to your study and to which we will return shortly.

Given the roster, I know you folks know Somerset County airports a lot better than we do. We do not need to remind you of the statistics about the loss of airports from New Jersey in the overall, however. Somerset County has only three left: Somerset, Princeton, and Kupper -- and that's it. Despite their scarcity at this point in time, the pressure on our airports is intense. In our part of the State, one need pick up the local newspapers only on a casual basis to know of the handicaps under which our airports operate.

Princeton Airport, which is, of course, located in Montgomery Township, has been the target of active local opposition. Somerset Airport, in Bedminster Township, similarly has been the target of vocal opposition and restrictive zoning practices. Hillsborough Township is looking into the purchase of Kupper, as you know, because of some of the problems that that Airport faces. We have already adverted a number of times to the problems that our near neighbor, Solberg Airport, has had.

In the spring of 1995, out of concern for the plight of our local airports and the pressure they were under, the Board of Directors of the Somerset County Chamber of Commerce formed an Airport Task Force. The

Task Force was formed in recognition of the fact that the financial viability and, indeed, the continued existence of our local airports, were in jeopardy, and that the business community, as a major beneficiary of the airports' services, should try to help.

The Board's charge to us was to investigate the condition of our airports, monitor their status, and make recommendations to preserve them consistent with the Chamber's mission of "fostering economic growth and the quality of life." Since that time, we have spoken with our constituent businesses, met with airport owners and operators, and met with interested government officials on the county and local levels.

We have encouraged our local airports to get the message out about who they are, what they do, and how they contribute to our communities. And when Chairman McNamara offered us the chance to testify today, our Board of Directors, although knowing that emotions run high on different sides of this issue, thought the viability of our remaining airports sufficiently important to the Somerset County business community to accept the invitation.

The crux of our message to you today is simply this: Viable, capable, local airports are important to businesses of many types and descriptions. Let me just go briefly into some of the reasons why we believe that to be the case:

First, the defining trend in contemporary corporate life is efficiency. We see that in a lot of ways, but it seems to hold true across the board. This is certainly true in the realm of transportation generally, and of air transportation in particular. As crucial to our transportation system as large

airports are, air travel efficiency is not defined solely in terms of the availability of major air carrier facilities like Newark Airport. Rather, the time and expense savings that businesses can and do achieve by the use of local airports is substantial. It is, after all, why so many corporations operate their own aircraft.

Let me offer you a brief example -- I will keep it as brief as I can -- from my own recent experience, which perhaps can demonstrate concretely how my local airports, had things worked out a little bit differently, would have contributed to the efficiency of the conduct of my law practice.

I recently needed to make travel plans to go on business with an associate to a Midwestern city. The need arose unexpectedly, and the scheduling time precluded the purchase of a reduced fare ticket on an airline. It was interesting, though, the round trip cost by airline per person was about \$820, so this little junket would have cost the two of us \$1640. The airline schedule dictated a 6:15 a.m. departure to assure me of making my 11:00 appointment in the Midwest. It also required me to allow for a 30-mile taxi ride into the city and, even though my meeting was only going to last a couple of hours at the most, I would not have been able to get out of town until somewhere close to 5:30 that evening. So we checked alternatives.

The alternative was to charter an airplane from a local fixed-base operator. We checked into that. It would have cost us about \$1400. So we were a couple of hundred dollars ahead of the game already. That charter would have begun from either of two airports within a 10-minute drive of my office, and would have taken us to a reliever airport 25 miles closer to our city destination than the airline would have taken us. Our pilot would have waited,

and they would have gotten us home as soon as we were ready to go. Looking at the schedule, the likelihood is that using that charter service, we probably would have been home before we could have even left town on an airline.

In short, the door-to-door time that was promised by our charter flight would have been less than the airline, our flexibility would have been greater, and our costs would have been lower. Now, that particular trip was canceled almost as quickly and as unexpectedly as it came about, but it does serve to illustrate the advantages that viable local airports offer, to businesses like mine at least.

The second thing that we would like to impress upon you today is that businesses do, in fact, use our local airports. Their advantages are not merely theoretical, but practical. We can offer you few hard statistics to support this, but it is validated by our investigation and by our experience. We know that salesmen use our airports to call on customers. Attorneys travel by air to meet with clients and go to court. Construction firms use aircraft to access construction projects. Major corporations bring customers and people from other offices into our local airports all the time, so that they arrive at a place that is only minutes from headquarters, rather than an hour. Our airports are used for patient transport for our local hospitals. They are used for cargo delivery.

All of these things are a function of the fact that we have progressive and aggressive local companies that are conducting business at least on a regional level. But the simple fact is that businesses do use airports. We believe that businesses would use better airports more than they use them now, and that the overall benefit to New Jersey would be substantial.

A third point I would like to bring to your attention as a further demonstration of the fact that businesses use airports is that our sampling of the information available to us suggests that approximately 25 percent of the aircraft based at our county airports are corporately owned.

MR. McNAMARA: Say that number again.

MR. STEINBERG: It is approximately 25 percent, Mr. McNamara.

MR. McNAMARA: Thank you.

MR. STEINBERG: Yes, sir.

Fourth, and another matter of substantial concern to us as businesspeople, is that other states are actively using outstanding airport facilities as enticements to attract business to their areas. It is probably no secret, but I suspect they are actively trying to take at least a portion of our business base away from us. States such as Ohio, Delaware, Pennsylvania, North Carolina, and others have aggressive, publicly funded programs that, to one degree or another, support and encourage the development of new airport facilities and the enhancement of existing facilities. With the recent passage of our legislation dedicating some Transportation Trust Fund moneys to aviation uses, New Jersey has begun to make progress on this front. We are starting from far behind, however.

Qualitatively, we want you to know that we believe good transportation facilities are important to business. So much so that our blue chip companies -- which I mentioned before -- and our small and medium-sized businesses, though based in Somerset County or neighboring regions of central New Jersey, do business on a far greater geographic scale. They gain a

competitive edge from having good local airport facilities available to them. We do not suggest that the quality of airports alone will decide which regions of the country will prosper in the future, and which will lag behind. We do know that Somerset County has lost a business to another state precisely because that other state offered an aviation-dependent company facilities that the company saw as better. We understand that there has been a similar situation, at least in Ocean County.

MR. McNAMARA: Can you tell us the name of that company?

MR. STEINBERG: I can tell you the name of the company in Somerset County, which is Maresco International, yes.

MR. McNAMARA: Nuresco?

MR. STEINBERG: Maresco. I believe it is M-A-R-E-S-C-O.

MR. McNAMARA: Thank you.

MR. STEINBERG: Sure.

Our point: In the overall, however, Mr. Chairman, we cannot afford to lose more. So we do contend that our competition in other states is wise enough to see that outstanding airport facilities are an important piece of the transportation infrastructure puzzle.

The fact that those states are supporting airports enthusiastically -- and financially -- shows that they feel that good facilities may swing a business location decision in their favor. We think they are right about that. While some factors, like land availability and cost, will never favor New Jersey, we need to do the best we can. Since the establishment of new airports in a state as crowded as ours is, perhaps, unrealistic at this time, doing

the best we can means to us preserving and enhancing the airports that we still have.

We would also like to address briefly two issues with which the Commission, based on earlier conversations today, will quite obviously be confronted in formulating your recommendations.

The first is the objection to aircraft noise raised by some neighbors of our airports. As I mentioned at the outset, the mission of the Somerset County Chamber of Commerce is to foster economic growth and the quality of life. Our quality of life, quite frankly, is about as good as it gets. Somerset County, not long ago I am told, won an award as the most livable county in the country. We believe that airports enhance the overall quality of life in Somerset County. I know you have heard from those who claim the opposite, who complained particularly about noise from aircraft as, call it an inhibitor, I suppose, of the quality of life.

We do not discount their views, but we choose to focus elsewhere. According to our figures, there are a total of about 560 aircraft that are based at our three county airports, plus Solberg. Those aircraft are owned by hundreds of families, businesses, partnerships, and individuals. I suggest we ask them whether airports enhance the quality of their lives. There are precious few places left for them, and their interests should weigh just as heavily in the quality of life balance as those who have chosen to live near a general aviation airport.

The second issue to which we would respectfully refer your attention is that of local control. Here, we believe, an overriding principle must be kept in mind. The very thing that gives airplanes and airports value --

and this applies equally to large and small airplanes and large and small airports -- is that they are part of a national transportation system. The businesses of central New Jersey are engaged in regional, national, and international competition, and their transportation needs reflect that fact. More than any other mode of public transportation, airplanes are valuable precisely because they quickly and efficiently travel long distances without regard to geographic and political boundaries.

In order for the national air transportation system to work, it must be susceptible to uniform treatment. It is for this reason, as I am sure you know, that the Federal Aviation Act preempts state law and local law in virtually all areas of aircraft performance and aircraft operation. Congress recognizes that aviation requires consistent and uniform treatment across all 50 states. The courts have consistently rejected the efforts of individual state and local governments to intrude upon the area of aircraft operation, frequently under the guise of local noise ordinances. That, we suggest, is as it should be. Nonetheless, efforts for local control seem to continue, and that, we submit, is not as it should be.

We do think that some of the difficulties that airports, airport neighbors, and local governments sometimes have, really, in getting along, result from a lack of communication and a lack of understanding. Our Chamber of Commerce has, in the past, attempted to bring these groups together to discuss their concerns openly and amicably. We have encouraged them to do so more in the future, because we think that would be to everyone's benefit. We will continue to be available to assist them in that effort, if they

so desire. We suggest that there is a similar role to be played in other parts of New Jersey by organizations similar to ours.

Finally, we wish to note one additional factor which we think is important from the perspective of the business community.

We have spoken, to this point, of the importance of airports to the business community at large in the context of the unique services that airports offer for sale. But airports are significant businesses in and of themselves. Our Somerset County airports, plus Solberg, provide a direct, full-time livelihood for more than 50 families. We found that they have a substantially greater employment when you count seasonal employees. They have annual gross revenues in the aggregate of more than \$6 million per year. Their employees, and the business they spin off, help to support a myriad of other businesses -- local food service establishments, fuel dealers, car rental agencies, and so forth. In an era when the loss of significant corporate jobs to downsizing has sent New Jersey's unemployment rate to 7.3 percent, every job is precious, and every job that is within our power to preserve should be preserved.

Which brings me to the end. We have just a couple of very general recommendations that we would posit to you. It has not been our purpose in speaking to you today, quite obviously, to address specific proposals pertaining to airports and aviation. Rather, what we have attempted to do was convey the general sense of our business community on an issue that we think is important to the future economic viability of our county and our State.

In summary, the Somerset County Chamber of Commerce would urge the Commission to recommend a comprehensive and cohesive policy that includes the following goals:

1) The preservation of our existing airports through appropriate financial and regulatory support, so that airports are preserved as a critical component of New Jersey's transportation infrastructure in perpetuity.

2) The enhancement of our existing aviation facilities to make them safer, more capable, and more attractive to business.

3) The recognition that New Jersey's airports are a part of a national system of transportation, and that their capabilities be marketed actively as a part of New Jersey's overall business retention and development strategy.

4) That airports, local governments, and interested citizens be encouraged to discuss amicably and sensibly issues of mutual concern.

5) That the quality of life -- with all that term truly means -- be considered so that all of the citizens of New Jersey can enjoy and point, with pride, to their airport system.

That concludes what I have to say, Mr. Chairman.

MR. McNAMARA: Thank you very much, Mr. Steinberg.

Now, should we anticipate that Mr. McArdle and Mr. LiCata are going to follow on with comments.

MR. STEINBERG: Unless they have something in particular they want to say, we are certainly all here to respond to questions.

MR. McNAMARA: Okay.

Are there questions for Mr. Steinberg, from the Somerset County Chamber of Commerce?

MR. JOST: I have one, Mr. Chairman.

MR. McNAMARA: Please.

MR. JOST: Mr. Steinberg, have you made this presentation to any of the governmental officials in your communities, the mayors and township councils, to make them aware of the value of an airport?

MR. STEINBERG: At this point, we have not made a formal presentation, sir. We have had at least one meeting that was attended by certain municipal officials of Bedminster, so they certainly know how we feel. We have ongoing contact, on an informal basis, with municipal and governmental officials, but I think the direct answer to your question is, "No."

MR. JOST: It would seem to be a great community project for the Chamber of Commerce to do so, to promote your own interests, as well as the interests of aviation, because all too often the local towns believe that the closing of an airport is of greater financial benefit to them than keeping it open. If you do some simple mathematics on it, an airport covered with houses is going to cost the community a fortune, whereas an airport as an airport is a generator of business and the community is going to generate funds for the town. It is simple finances. You don't have to be an atomic scientist to figure out that it makes sense to keep the airport there.

MR. STEINBERG: We will certainly take that suggestion back, sir.

MR. JOST: Thank you.

MR. ENGLE: Mr. Chairman?

MR. McNAMARA: Mr. Engle.

MR. ENGLE: You mentioned a trip that you were going to take out to the Midwest.

MR. STEINBERG: Yes, sir.

MR. ENGLE: Do you happen to know what kind of airplane you were going to go on?

MR. STEINBERG: Do you mean the charter airplane?

MR. ENGLE: Yes.

MR. STEINBERG: It likely would have been a light twin, yes, sir.

MR. ENGLE: A light twin?

MR. STEINBERG: Yes, sir.

MR. ENGLE: So it wasn't a jet or anything like that?

MR. STEINBERG: Absolutely not.

MR. ENGLE: Okay. Thank you.

MR. STEINBERG: Yes, sir.

MR. McNAMARA: When you canceled that trip, was there a cancellation fee?

MR. STEINBERG: No cancellation fee.

MR. McNAMARA: Okay.

Mr. Penn?

MR. PENN: I thank you for your presentation. I think it was very well done and very well thought out.

Following up on what Mr. Jost said, there is an organization, which you are probably aware of, in Somerset County, called the Somerset County Governing Officials. They meet on a monthly basis. They are always looking for programs. I would suggest that you make your presentation to the Somerset County Governing Officials, because I think each and every town is probably represented there. I was formerly the president of that organization, so I know it fairly well. It is a good organization.

MR. STEINBERG: That is a good suggestion, sir, and I will take that one back as well.

MR. PENN: I am sure Assemblyman Bateman can direct you to the president at this time.

Thank you.

MR. STEINBERG: I'm sure. Thank you.

MR. McNAMARA: Mr. Elliott.

MR. ELLIOTT: Mr. Steinberg, I wonder if you could give us a little more information on Maresco as to how many people they employ, where they went, what type of aircraft they operated?

MR. STEINBERG: I can tell you, Mr. Elliott, that they went to avail themselves of the aviation facilities at Allentown/Bethlehem/Easton Airport in Allentown. I do not have details on precisely what kind of aircraft they operate or how many people they employ, but I will get that for you.

MR. ELLIOTT: All right, and there was another company you mentioned also, I believe.

MR. STEINBERG: That is a company whose name, quite frankly - I know where I can get that information, and I will reach out for it. But that was a company, I believe, down in Ocean County.

MR. ELLIOTT: And they moved out of the State also?

MR. STEINBERG: That is my understanding, yes, sir.

MR. ELLIOTT: Thank you.

**ALBERT LICATA:** Mr. Chairman, may I add something? (speaking from audience)

MR. McNAMARA: Please, Mr. LiCata.

MR. WHITE (Hearing Reporter): Excuse me, Mr. Chairman. Would you request that the witness take one of the black microphones and move it right over there?

MR. LiCATA: This one right here? Sure. All right, I hope my voice carries.

MR. McNAMARA: Is that the microphone for the record?

MR. WHITE: Yes, sir, it is.

MR. McNAMARA: I have been speaking into this one.

MR. WHITE: Well, we will be able to pick you up.

MR. LiCATA: Members of the Commission, Mr. Chairman, there have been numerous studies which are available on public record indicating that airports have been shown to be an important factor in the attraction and siting of new businesses in a community. This is particularly true for businesses with over 100 employees. Given the fact that New Jersey may be losing an average of, what, say, one airport per year, when you look at a company that wants to come in with 100 employees, Delaware, Pennsylvania, North Carolina, Ohio -- those states are going to look a lot more favorable to them than New Jersey.

MR. McNAMARA: I am not sure that I caught the beginning of that, and I don't know how many others did.

What do you see as the significance of a business having 100 employees? That is a business that tends more toward owning its own aircraft. Is that it?

MR. LiCATA: Most corporations, for example, IBM, or even Perdue Chicken, which uses a lot of truck traffic, still need the local airport for

corporate travel or to bring people into their facilities, whether they be salesmen, or whatever -- support staff -- or if they want to fly to other facilities they own around the country. They are not going to look for a site that does not have an airport close by. That is just a fact of the corporate world. I think many of us are educated to that fact.

As long as airports keep closing, other states, such as Delaware, which over 10 years ago aggressively took on the task of identifying this problem and meeting the needs-- Delaware, as a state, has three counties. It is a two-hour drive from point to point. They have 12 airports that they use and, as we know, it is the most incorporated state in the nation. More and more companies are looking favorably on the State of Delaware, and North Carolina now, which is aggressively looking in that same venue. It is taking away business and economy that could be here in New Jersey. We think that is important to bring to the table today, because companies with a size of 100 employees or more look for access to airports, whether for their own commercial interests, for their own jets, or for the utilization of the airport as a general rule of practice.

MR. McNAMARA: Other questions for the Somerset County Chamber of Commerce? (no response)

Thank you very much, gentlemen, for coming. Your comments were cogent, well prepared, and very helpful to us. Thank you very much.

MR. STEINBERG: Thank you for the opportunity.

MR. LiCATA: Thank you.

MR. McNAMARA: I would like to leave the invitation open to you to-- First of all, if you have prepared comments that you could leave with us, please do so.

Secondly, if you gather further evidence that you would like to submit to us, please do so by addressing it to me, and I will see that it is made part of our record. Of course, that pertains to the matters you promised us, and any other matters you think you would like to submit as evidence, we would be willing to accept.

MR. STEINBERG: Very well. We will do that.

MR. McNAMARA: Thank you.

MR. STEINBERG: Thank you, sir.

MR. McNAMARA: I have a question for the Commission members: Is anyone else here cold? (many affirmative responses from members and people in audience) Mr. White, can we do something?

MR. WHITE: I wouldn't know how. I work the tape recorder. I know nothing about heat and air conditioning. (discussion follows regarding cold, with reference to thermostat)

MR. McNAMARA: Is Mr. Iacona here? (no response)

MR. PENN: Do you want to give these-- I have the minutes here. Do you want me to pass them out?

MR. McNAMARA: Why don't we just give that to the-- Will you copy that -- all of these? (indiscernible response) You can hand them out, Jack. They will be copied on the record anyway.

I think what we might do is take a very short recess here, a three-minute recess.

**AFTER RECESS:**

MR. McNAMARA: We would like to call the meeting to order.  
Are you sure you are getting a record there? Are your mikes working? (addressed to Hearing Reporter)

MR. WHITE: Our mikes are independent, Mr. McNamara.

MR. McNAMARA: Okay.

We have two witnesses left. Mr. Iacona is the Executive Director of the New Jersey Aviation Education Council.

Mr. Iacona, do you swear that the testimony you are about to give is true, under the penalty of perjury?

**G E N N A R O “J E R R Y” I A C O N A:** I do.

MR. McNAMARA: Thank you very much.  
With you, Mr. Iacona, is?

MR. IACONA: Mr. Robert Smith, who is a retired Aerospace Director for the Civil Air Patrol, Northeast Region.

MR. McNAMARA: Now, you placed before each one of us, during the break, a manila envelope.

MR. IACONA: Yes, I did, sir.

MR. McNAMARA: That contains?

MR. IACONA: Some information about our Council, and also a New Jersey Aviation Aerospace Education Resource Booklet, which was put together by our Council. What we tried to do this particular year was to put together for educators the aerospace aviation resources that our State of New Jersey has. In doing so -- this is our first attempt at this -- we find that it is

going to be an ongoing process. As we developed the Booklet, more resources seemed to come up.

One thing I want to note for the record is that we have listed each of the airports in the State of New Jersey in this Booklet, because we, as a Council, feel that they are very important to the education of our children.

First of all, I would like to thank you for inviting Bob and myself here to talk about the New Jersey Aviation Council. As you know, my name is Jerry Iacona. I am the Executive Director of the Council. I am also an elementary school teacher, so I come to you with some background in education. I teach in Hamilton Township. I presently serve on the staff of the New Jersey Wing Civil Air Patrol. I also serve as the State Coordinator for the New Jersey Young Astronaut Program. So I come to you with the experience of knowing what excites kids and why aviation is important.

I know this Commission is taking testimony about the impact of general aviation in New Jersey. This afternoon, I would like to talk to you about another aspect of aviation that is often overlooked, and that is the educational impact of general aviation.

It is clear that aviation and aerospace have not lost their excitement and remain today a major attraction to young people. Our goal is to use that excitement as an educational tool, and to create an interest in our youth for future careers in the aviation and aerospace industries.

We have several challenges ahead of us: to train teachers in aerospace-related concepts; to develop outreach strategies for educating the general public in aviation and aerospace; to keep our youth interested enough in school to stay and be provided with not only career awareness in all areas,

but predominantly what we are interested in -- aviation career awareness, orientation, and training.

It is appropriate that we join together to form partnerships which will encourage the general public to become aware of the benefits of the aviation and aerospace industries. This is accomplished by numerous strategies, particularly through the efforts of educators. There are two major impacts: One is the occupational impact an airport has on a community. I am not going to dwell too much on that; I am more interested in the other impact, that is, the educational impact. That is why I am here today to speak to you. We find that airports, as well as just the concept of aviation, are a very effective motivator for kids in all disciplines.

We have put a couple of articles in your packets that refer to some educators who participate in our Council: myself, and there is another person by the name of Rick Trader, who is a pilot who flew an ultralight across the country. He tells his story to kids. He is very motivational. If you ever heard his presentation, he is great with children. To see that excitement when you bring kids to an airport.

I know Mr. Hines, who is on your panel. I am referring to him, because I have brought children to Ronson Aviation, to get kids to walk inside one of his aircraft, sit in the pilot's seat, and understand how an airplane flies. To see that excitement spurs many other disciplines in my classroom. So that Airport-- It is important that it is there.

I would like to go through some of our activities very briefly, tell you what our Council is about, and how airports are very important to us.

Then Mr. Smith has a brief idea about where we would like to go with airports with this Council. Okay?

One of the things that we participate in and support is the Newark Aviation Career Expo, which takes place each year at Newark Airport. We provide manpower and whatever is needed. General Searock, who has spoken before this Commission before, has the Air Victory Museum at South Jersey Regional Airport. We feel that his facility will be an excellent, really fantastic facility once it is finished, to promote the kids. He wants to do teacher workshops. That Airport is a vital, vital spot down in South Jersey.

We also sponsor and work on FAA ACE Camps, which are academies for high school students to go through. They have week-long projects. I understand that the Office of Aviation at the Department of Transportation is putting an ACE Camp together, and we will certainly support that.

We supply teacher workshops on aviation and aerospace wherever needed. The Young Eagles Program -- the EAA Young Eagles Program -- where they will be flying -- I mean, taking young children up on orientation flights. They need airports to put these people up on. This is important to that Program. Their goal is to fly a million children, I think, by the year 2003.

We also work at conventions providing literature to educators on aviation, and to the general public. There is much that we do in this area. We also have an Aviation Magnet School at the Bellhaven Middle School, which is part of Project Soar. That is also supported by the FAA Tech Center, which is down in that region, which we work with. We have also published this Resource Booklet that you have before you. It is the first time it has ever been

attempted in New Jersey, to put resources together for educators. We give these out free of charge. There is no cost to this Booklet. We look for donations and people to print these up. Some airport people have taken part in this.

Before I close on this one area of field trips, I would just like to make mention that one of the most exciting things you can do with children is to take them to an airport for a field trip. I have done this personally, and I have encouraged other educators in my travels across the State who have done this as well, from Newark Airport, to the McGuire Air Force Base, to the Mercer County Airport, to the Trenton/Robbinsville Airport. The size of the airport does not matter. It is that you are taking them to where an airplane is. For many of the schools, because of cost factors, they cannot travel to Newark Airport to see it and do their field trip. So they have to rely on their local airport.

So that is where our next project, which Mr. Smith will talk about, I think, will be very vital and will show you why you should not lose another airport in this State. As an educator, as a person with 25 years experience working with children in this area, I plead with you that airports are important enough.

I bring to you comments from many educators whom I represent, and voice this to you today.

At this time, I would like to introduce Mr. Smith. He would like to tell you about this particular project.

**ROBERT SMITH:** Before I get into the project, I think the word is “motley.” The New Jersey Aviation Education Council is made up of a motley

group. Now, that is almost an unkind phrase, but they come from-- We have people from the Port Authority; we have people from the FAA; we have Jim Baranyak from Jack Penn's Division of Aeronautics; we have educators at all levels, from college all the way down to the elementary schools.

I am still active with this Council, even though I am retired from being a civil servant for the Air Force. I am still active in this. My job was in aerospace education for the Civil Air Patrol in the Northeast Liaison Region, and I was stationed at McGuire. But ever since I learned to fly in World War II I have been excited by aircraft. I have seen that translated into children, and teachers, too.

You know, the funny thing is, you ask teachers, "What is that big number on the runway? It says 36." The kids wonder, and finally we talk about north, east, south, and west, and that is the way the runway points. The teacher comes up, nudges me, and says, "Gee, I didn't know that." There are a lot of things they learn from the kind of things we bring to them in the classroom.

But getting back to motley, these people, I think, are part of the strength of the organization, because they are not all educators, they are not all pilots, they are not all FAA. We even have people from the EAA. By the way, I have been going to some of the meetings of the National Association of State Aviation Officials. They are adopting this idea of a council. They think it is a good idea. They originally started with Jim Baranyak when he worked for the Division of Aeronautics under Arlene Feldman. That is some time ago. Arlene, through a series of jobs, wound up -- not now, but she was New England FAA Director. She decided that she was going to try to get these

councils goings in New England. She sent a lady named Sheila Bower down to interview Jim Baranyak and me. We briefed her on the Council and the organization we had. She took that information back to New England, and now, in each one of the six New England states, there is a council similar to what we have in New Jersey.

Again, it is a motley group, but there is a lot of health and strength in the fact that they are all from diverse backgrounds, but they have one thing in common: They like to promote aviation.

Jerry mentioned ACE academies. That's Aviation Career Education academies. The FAA started those, but the FAA budget was cut severely in the last couple of years. So some of the other organizations have taken these over. I think Mr. Penn will be supportive of at least the beginnings of this kind of thing. General Searock is going to run an ACE academy for senior kids down at his airport in South Jersey.

The program Jerry mentioned that I think is pretty important is the Airport Adopt-A-School Program. I think, having listened to some of the testimony today, that there isn't an airport in the world that doesn't need a pretty good, healthy community relationship -- hopefully a positive relationship with a community. Adopt-A-School doesn't cost an airport anything. It is a matter of making the airport facilities available for tours for kids, alerting them to the fact that you have a lot of competent people in various fields at the airport who would be available to go in and talk to the kids. Bring them out to the airport. Encourage the EAA to come out and do something with their Young Eagles Program.

In other words, get involved with a school in your community. I think it is a very positive way of establishing a firmer ground for a good relationship between you and the community.

Charlie Searock -- General Searock -- was here earlier, but he had to leave. He mentioned to me that he has a teacher program that he runs occasionally, on demand, at his airport down in South Jersey. I helped him out with one for these people who are homeschoolers. We have more homeschoolers each year, I think. The parents and children came down to the airport and we briefed them on how a plane flies, and all kinds of things. We took them on a tour of the airport. They had a very exciting time, apparently. I have heard from several of the parents in the meantime.

Also, General Searock has his Air Fair Day. He has had an annual Air Fair Day for two years in a row, Saturday and Sunday. Thousands of people come. He had a better air show this year than McGuire Air Force Base with the variety of aircraft he had. I can't think of the one he had that was-- It wasn't a helicopter. What was that? What is the other one that came before the helicopter? (no response) Well, he had one of those there. Oh, an autogiro.

MR. McNAMARA: A giroplane.

MR. SMITH: Yes, it was really great.

I always get excited by the prospect of talking to other people about this, because I am an advocate of letting kids know what is in the aviation field for them as a career, and for the teacher to have him or her understand the motivation that is generated from the inclusion of aviation things. Look at the success of the -- what's that cadet program? -- oh, Space

Camp. Kids come back from Space Camp, and they now have-- Jerry has been to an adult Space Camp. He is just a kid at heart. But the Space Camp provision down in Huntsville, Alabama, is going great guns, and it has expanded and expanded. Why? Because of the need. The parents see that the kids are motivated.

I think that is about all I have to say. I am all for what you people are after. I certainly think we are on the same side.

If there are any questions, please feel free.

MR. IACONA: I would like to close with this statement: As you can see, we have a wide variety of methods of reaching the teacher and child in a classroom. I think by reading the material, you will get a feel for what our Council is about and what we are attempting to accomplish.

You may ask, "What is your real purpose in appearing before us today?" I would like to answer that question with this statement: Our purpose is that we, as a Council, want you to include an educational component to your study on general aviation in New Jersey. Our Council would like to be the organization that brings this about. Most importantly, whether we are involved or not, is that education and its impact are part -- are made a part of this study that is going on. As an educator, I am aware every day that New Jersey's dearest and most precious resource are its young people. Together, we must work toward giving them every opportunity for success.

Thank you, again, on behalf of my Council, and on behalf of the children of New Jersey.

Are there any questions?

MR. McNAMARA: Are there any questions for Mr. Iacona? (no response)

I have one, just one, and that is: Over the past 30 to 40 years, we have lost our airport infrastructure in the State of New Jersey. It has gone from 100 down to 50. It is an alarming trend to some, and it is, of course, the reason this Commission sits, because it was such a concern to the Legislature.

If that trend continues, what do you foresee in terms of the benefit of airports to children under programs such as yours?

MR. IACONA: Mr. Chairman, I would say to you that if you ever took a child to an airport and you saw his face light up when he got into that cockpit, or he saw that aircraft, and when he has never been to an airport before, or knew what airplanes did, only saw them in the sky-- Not all children have the luxury of flying today. More and more do, but in many areas that is not the case. You would do everything you could to keep that airport open.

One of the things that we want to do is help these airports develop an educational plan, and help them to know what is out there. They are in the corporate world; we are in the education world with children. It would be a tremendous impact on children, more so than people generally realize about airports. We think of airports as places to fly in and out of, but not as learning institutions. Well, I am here to tell you today that an airport, that local airport, is also a learning institution.

MR. McNAMARA: You are not talking about it strictly in terms of flight training?

MR. IACONA: No, sir.

MR. McNAMARA: You are talking about it in terms of--

MR. IACONA: We are talking in terms of--

MR. McNAMARA: --more traditional courses than are taught in the grammar schools and high schools.

MR. IACONA: From grammar school way on up.

There is a little thing that I put in your packets about the disciplines and how they affect aviation.

MR. McNAMARA: That was just what I was going to ask. What disciplines are aided by exposure to aviation? If you could just give us a quick list of them.

MR. IACONA: Well, definitely at the elementary level, you can encompass all disciplines.

MR. SMITH: Well, one person may-- I will try to paraphrase what I have read several times. Who used to fly in the wind is history. What they flew through is meteorology. What they fly over is geography. What makes them fly is physics. How the planes are manufactured is general aviation. That's economics; it's government, too. How are they controlled? By the government. The effect on the human body, well, in air, but particularly in space-- There is some biology in there. Almost every discipline you could name, there is a relationship to it.

When I was a kid and they gave rate, time, and distance problems, we always had Mr. Smith -- and, of course, they would -- on a motorcycle, or in a boat, or something, never in a plane. It is just those little things like that that--

MR. McNAMARA: Thank you. That was even a better answer than I hoped for. Thank you very much.

MR. ENGLE: Jack?

MR. McNAMARA: Mr. Engle.

MR. ENGLE: Bob, just for the Commission here, why don't you go over the program they did at Oakland as part of the Challenger? I think that could explain a lot of the--

MR. SMITH: Well, Dr. -- the name escapes me -- he was a speaker at the Young Astronauts. The Young Astronauts, over the-- Excuse me. The Challenger disaster was going to be simulated in the same time frame as the Challenger went up in 1986. This superintendent of schools got his teachers together to get the kids all involved. They had a mission control center, and they had kids who were simulated on the albuter, on the shuttle.

What they are going to do is try to pace it along with the actual firing, or very shortly thereafter. They had a big program all set up.

MR. McNAMARA: Was that here in New Jersey?

MR. SMITH: That is in Oakland, yes.

MR. McNAMARA: Oakland, California?

MR. ENGLE: No, Oakland, New Jersey. They went to all the disciplines, Jack, in training for this. They went through the biology, the physics, the math.

MR. SMITH: The whole bit, yes. They used it as a whole project, months in advance, knowing that the teacher was going to be up in space, because the teacher was going to do a lot of relaying to the kids on the ground. Then it blew up, and they didn't know what to do.

They thought, "Well, you know, we better cancel it." But where was so much momentum and interest by the parents and the kids that I think

a couple of days later they went through it. It was on television. Larry Ksanznak, that's the guy, the Superintendent of Schools -- Larry Ksanznak. It was quite a success but, of course, it was a little bit ironic. But they were all built up to do this, and then they decided, "Well, we will go ahead with it anyway in honor of those people who perished."

Well, Phil, you did something at your Airport with that a couple of years ago.

MR. ENGLE: The Dare to Fly Program.

MR. SMITH: Yes.

MR. IACONA: The Dare to Fly. I did a project very similar to what Mr. Smith is talking about that went on in Oakland, because I received a grant at my school from the State of New Jersey, and it was to simulate a launch and a NASA mission. I did not see it to its conclusion, because of the change in Governor, but we got some very good feedback from where we did get to in our project. It was multidisciplinary.

The idea was, we took the existing curriculum and infused aviation and aerospace into that curriculum.

MR. McNAMARA: Mr. Iacona, you have been an educator, I believe you said, for 25 years?

MR. IACONA: This is my 25th.

MR. McNAMARA: How would you rate, on a scale of 1 to 10, aviation as a motivator to children, motivating them toward education?

MR. IACONA: Twelve.

MR. McNAMARA: A 12? Okay.

Thank you very much, both of you gentlemen, for coming and giving us the benefit of your testimony.

MR. IACONA: Thank you for having us.

MR. SMITH: Thank you.

MR. McNAMARA: Is Mr. Walker here? (affirmative response)  
Good afternoon, Mr. Walker.

**G. DANIEL WALKER:** This is my sister, Ellen.

MR. McNAMARA: Sorry we have delayed you for so long today. We had a longer schedule than we had anticipated.

Do you swear that the comments you are about to give are true, according to the penalty of perjury under the laws of the State of New Jersey?

MR. WALKER: I do.

MR. McNAMARA: Welcome.

MR. WALKER: Thank you.

Mr. Chairman, members of the Commission, thank you for this opportunity to speak before you today. This is a subject that is very important to us -- my family -- as we run the Somerset Airport in Bedminster, New Jersey.

MR. McNAMARA: Mr. Walker, I see you are accompanied by a young lady. Would you introduce her, please?

MR. WALKER: This is Ellen Parker. She is my sister.

MR. McNAMARA: And you are co-owners of the Somerset Airport?

MS. PARKER: Right.

MR. WALKER: Yes, my family owns the Somerset Airport. My father still works every day there.

MR. McNAMARA: Your family owns it. Okay.

MR. WALKER: Again, I appreciate the opportunity to talk to you about this very important subject. You can tell it is a very important subject, because I would rather have a root canal without novacaine than speak in public. So I hope you will bear with me.

Just a brief history about Somerset: We are located in Bedminster Township. We are located on a parcel of land that numbers 200 acres. My father developed the Airport. He began construction of it in 1946 -- May of 1946 -- so we are going to enjoy our 50th anniversary this year.

The runway layout: We have three existing runways. The runway layout was laid out by Gilrob Wilson, the First Director of Aviation for the State of New Jersey.

We have approximately 178 aircraft on the field currently. This number does vary. We have 38 corporate aircraft based on the field. We have over 150,000 operations, an operation being a takeoff or a landing, per year. We have 16 full-time employees, and a payroll for the local community of over \$560,000 per year. We pay in taxes \$1200 per week. I am just giving you these figures so you can see what an impact we have on the local community and the local economy.

MR. McNAMARA: Is that in property taxes?

MR. WALKER: That is just in property taxes.

MR. McNAMARA: Twelve hundred dollars per week.

MR. WALKER: Per week.

We are a family-owned operation. We improve the facility only when we have the money to do so, and the money has been very lacking lately.

But we are making improvements, and we hope to continue to make these improvements.

We live in the community that we are hosted by. We have lived in harmony and cooperation with that community for probably 45 out of the 50 years that we have existed. As part of the community, we are currently -- and this gentleman was just speaking on education -- undertaking an educational program in the local elementary school, the fifth and sixth graders, to try to get them -- to encourage them toward an aviation career. We are teaching a ground school on a month-long basis, and are culminating that ground school with a visit to the Airport for a ride in an aircraft. We hope that will provide fruit in the near future and in the distant future with new pilots, with new people who have not thought about aviation careers. They may think of it. We are just putting the seed in their minds to think about aviation as a source of a career and vocation.

We have, for the past several years, provided a scholarship to two high schools in the local community, the Bridgewater High School and the Bernards High School, \$1000 scholarships on a yearly basis to each of the high schools. That has been very successful.

So we do try to work with the community we live in. We are a part of that community, and we consider it our duty to be a contributor. I hope we have been.

I would like to tell you about an application we made -- we undertook several years ago -- just so you can get an idea of how this atmosphere has changed. In 1993, we undertook to make an application before the local Township of Bedminster to provide 42 hanger bay units to the

customers and clientele that there was a demand for. A hanger bay unit is -- I don't know if they are all aviation oriented -- one building which is subdivided into various units to house one airplane per unit.

To do that, we proposed to the local community to eliminate 44 existing tie-down spaces and 8 -- excuse me, not 44, 36 existing tie-down units and 8 existing hangers -- replacing an old hanger bay unit with new ones. We thought this was a win/win situation. Hangers were needed. The airplanes would be put into shelters, thereby out of the elements, which is a safer operation for the pilots operating those aircraft, the owners owning those aircraft, the people those airplanes fly over, and ground pollution would have been less. We thought this was a win/win situation.

We were zoned as a permitted use, and under that zoning we were allowed to do so. We thought the process would be pretty straightforward and simple. That was not to be the case. Immediately, opponents -- and there were only three local opponents, so you can see how little the number of people it takes to put a stick in the spoke of the wheel-- The opponents immediately raised the emotions of the community by saying that this was an Airport expansion, and that expansion, even though it was a net loss of two spaces -- that expansion would increase the traffic, increase the noise, and increase all of those things that were inherently negative for the Airport. The local community fathers listened to them more than they listened to us.

The application process went for 11 months, and at the end of the 11 months, we were voted -- there is a 7-man panel on the Planning Board -- we were voted 4 to 3 to have the lawyer, the Township Planning Board lawyer, draw up a resolution of approval. At the next meeting, that same 7 people, we

think illegally -- but that is another point -- voted to turn down the issue, changing their vote. This meant that we were denied the application for the hanger improvements.

MR. McNAMARA: Let me just see if I understood that, a point of clarification: In your community, is there a double reading of an ordinance? Is that what it is?

MR. WALKER: Well, the process, as I understand it -- and, again, I am not a legal person -- but the process as it was explained to me was that the Township Planning Board voted 4 to 3 to authorize the Township attorney to draw up a resolution of approval for our hanger project.

MR. McNAMARA: They approved the drafting of the resolution to grant you--

MR. WALKER: They approved the drafting of the resolution. At the next meeting -- again, according to what I have been told and, again, I am not a legal expert -- I understood that only the four people who approved the original granting of the writing of the resolution were to vote on the resolution. That did not occur. The whole Planning Board voted on it. One of the persons who originally approved it reversed his vote and, therefore, it was disapproved. Once it was disapproved, it was shot for good.

MR. McNAMARA: Was there a discussion on the motion at the time it was disapproved?

MR. WALKER: Yes, but the discussion was cut short and the issue was moved on.

MR. McNAMARA: Were there any public hearings or meetings in between these two meetings?

MR. WALKER: No. If I remember correctly, the voting to draw up the resolution happened in November, and the vote that ultimately turned it down happened in December, so it was at the next meeting.

MR. McNAMARA: Were you ever given a reason? I mean, was there any discussion -- public discussion -- of why that happened?

MR. WALKER: There was no public discussion as to why that happened.

MR. McNAMARA: I'm sorry to interrupt. I just needed to clarify that.

MR. WALKER: Under the current State law, I could have taken that disapproval and gone to the Division of Aeronautics and provided -- or told them that this was a disapproved application, and thereby gone through the process of continuing with the application on the State level.

I chose not to do that. I chose not to do that for one very good reason. My family has, for years-- Again, thinking that if we cooperated with the community, they would be reasonable and the end result would be positive for us. In an effort to try to continue to win our community's support for this project -- which seemed so reasonable to me -- I altered my application somewhat. The altering I did was, I offered them a larger easement over an undeveloped portion of my property, which they were requiring from me as a product for their approval. Instead of 4 acres of land, I gave them 15 acres of land. This happened, and I reapplied.

MR. McNAMARA: What sort of an easement would that be?

MR. WALKER: A developmental easement, which meant that on this currently now 15 acres of land, I could not develop it in perpetuity. But

it was their requirement that they get this easement in order for me to get this approval.

The second application for the same project took about eight months, and ultimately was granted with greater restrictions. Immediately, one of the vocal neighbors sued us to have that application approval overturned.

Now, I tell you this story for only one reason: to show you that airports do not have the power that the communities think they have.

We have to go before the same boards as everybody else. We have to go through the same scrutiny, the same public meetings as everybody else. It is not true that we have the power of condemnation. A municipal airport has the power of condemnation, but a private airport does not. If we do not own the land, we cannot improve it. If we own the land, we should be able to improve it.

Along the same lines and during the same period while these applications were in process -- and, again, this was a two-year period -- the Township changed my zoning from a permitted use -- and I had been a permitted use for the 50 years of our existence, well, 48 years -- to a conditional use, with conditions that are tantamount to making me a nonconforming use.

MR. McNAMARA: What year was this?

MR. WALKER: This was two years ago.

MR. McNAMARA: Do you mean 1994?

MR. WALKER: Yes, I believe it was 1994, approximately.

MR. McNAMARA: Why was that not in contravention of the Safety Zoning Act?

MR. WALKER: Well, in my mind, it was. But, again, we are--

MR. McNAMARA: Mr. Penn?

MR. PENN: Mr. Chairman, it is. Bedminster Township has continually refused to adopt the Airport Safety Zone. Again, it is going to end up in court. We are enforcing it. They have been put on notice. They did not include themselves in it and, therefore, they said they did not obey it. That was their excuse.

MR. WALKER: They have ignored the law since its inception in 1983 and up to this day they have not instigated it -- instituted it.

So they changed our zoning from a conditional use -- from a permitted use to a conditional use, with conditions that basically make us a nonconforming use.

The reason I am telling you this story is to show you that, number one, we have to go through a vigorous public input process, as does anyone else, and as we should. I am not saying that we should not do this. I think we should. We are not having anything given to us. This process has cost me close to \$178,000, and I have not yet turned a spade. I have not yet even begun a footing. If we begin construction this year, I will be very grateful, but that may not be likely.

This money, in my mind, is wasted. This money should have gone to safety improvements. This money should have gone to pavement. This money should have gone to improvements to our facility that now we may not

be able to do because of having to pay attorneys' fees over and above what we should have done.

Let me go back and give you a couple of examples: In 1985, I had a hanger project, almost an exact duplication of what I have right now. It cost me \$2500 and two meetings to get an approval. This one has cost me \$178,000, and I have yet to turn a spade.

Let's see. I have to put my glasses on. My arms aren't long enough.

MR. McNAMARA: Take your time, Mr. Walker. We are here for as long as you would like.

Airports have to be allowed to improve themselves. If you do not allow an airport to improve itself, you are basically telling it to go away, because it will. Airports are not like any other business. If they do not improve themselves and improve their facilities, they will go away. Maybe that is what the Township wants. Make us spend money, refuse our small improvements, and maybe we will go away.

I think in New Jersey, if you look at the majority of the privately owned airports, they are owned and operated by families -- the Solbergs, the Fritsches, the Walkers, the Stangels. It is a group that is devoted to aviation not to make a profit, but because of their love of aviation more than that profit motivation. We certainly could have done a lot of other things with 200 acres. The Nagels and the Solbergs certainly could do a lot more with 700 acres. But we have chosen to dedicate our facilities to the State and to the traveling public for the betterment of aviation, and, hopefully, we will continue to do that.

The airports have to be considered as in the broad National Air Space Plan that they are within -- they have to be. We, as a reliever Airport, provide a service. We cannot discriminate. There was a young lady here this afternoon who said that we should not be allowed to do certain things, such as helicopter training, or ballooning, or things. We cannot discriminate. By Federal law, we cannot discriminate. Therefore, we cannot tell certain groups that they can fly there and then tell other groups that they can't. We cannot--

MR. McNAMARA: Almost any business can discriminate if it wants to. What is the reason why you cannot discriminate?

MR. WALKER: Well, we can discriminate against operators of individual airports for safety violations, let's say, or something of that nature. But because of the fact that we are designated a reliever Airport and have, in fact, taken Federal funding for certain projects, that makes it impossible for us to discriminate beyond that.

MR. McNAMARA: Once you receive Federal funding, Federal law prohibits discrimination?

MR. WALKER: Of any kind.

MR. ENGLE: Mr. Chairman?

MR. McNAMARA: Mr. Engle.

MR. ENGLE: You sign certain grant assurances whenever you get a Federal grant out of the Airport Improvement Program. Those Federal assurances provide for nondiscriminatory action on the part of the person who receives the grant.

MR. McNAMARA: That's an undertaking that the grant recipient must make. Is that right?

MR. LAWRENCE: It lasts for 20 years as well.

MR. McNAMARA: And it lasts for 20 years. Okay.

MR. WALKER: It was said before, but I would like to reiterate it. I think airports have to be treated in the broad spectrum of transportation. We have to be treated like the interstate highways of the air. We have to be treated like the railroads of the air. We have to be treated like the harbors of the air. It would be negative for world progress if we were not allowed to improve and provide better facilities. It is like saying, "Don't add a third lane to Route 22," or, "Don't add a deeper channel in New York Harbor," or, "Don't add another tract onto the Metroliner."

You add those facilities when it is economically feasible to do so and because of the demand that is generated. Unfortunately, in the State of New Jersey, this State, particularly the central and northern parts of it, has grown such that our facilities are not allowed to expand because of the people who have moved into our backyards. I say "our backyards" because that is the phrase that is used by the other people on the other side of the fence most of the time. But, in fact, it is the people who are encroaching on the airports who are causing all the problems.

This is due to the lack of foresight by the town fathers, not last year, not 5 years ago, but 10, 15, and 20 years ago when they saw this coming. It would have been very easy for them, at that time -- and in 1983 when the Air Safety Act was incorporated -- to protect those areas off the end of the runways in particular, which are prone to development. We have examples today in Flanders Valley. Flanders Valley Airport does not exist anymore. It existed six or seven years ago. Ten years ago, it was operational. Six or seven

years ago, they started to dig the runway up, because the township allowed development to within 150 feet of the end of the runway. People were flying 50 feet over the tops of the houses.

That is not a safe situation, but the town fathers allowed that to occur. Well, what is the natural progression from that point on? The natural progression is for pressure to be brought on the airport to close, and finally it becomes economically not feasible for it to operate, and it does close.

Hackettstown is in the same situation right now, with a development directly right off the end of the runway. Things of that nature should not have been allowed, but they have been due to poor planning by the town fathers, not yesterday, but years ago.

If my Airport was developed today under the previous zoning -- not the current zoning -- which allowed three-acre lots, I could have 65 to 70 homes on that piece of property. Now, that is 65 or 70 families with children going to school, requiring services, requiring fire protection, police, garbage removal; 65 or 70 septic tanks polluting the aquifer. But it is an Airport, and those services are not required. All that is required is that I pay my \$1200 a week in property taxes. I require little in services -- the police, the fire, and other municipal services that are available.

What better space to protect the open environment than to have an airport? I have wildlife coming out the wazoo at my Airport -- deer, fox, turkeys. All the wildlife that would normally be in an open area are located on our Airport. What better way to purify an aquifer if not to have an airport, because most of the land on an airport is undeveloped. That is where you get your pure water from. To me, an airport is a win/win situation. It provides a

good for the public need and it provides open space and protection of the local aquifer, unlike the arguments that some opponents make, I hate to tell you.

What have other states done to help airports? When I was growing up, I went to school at Clemson University in South Carolina. It was at that time the direction of the State Division of Aeronautics -- the authority of the State of South Carolina -- to put a 3000-foot runway in every county in the State of South Carolina, and they successfully did that.

MR. McNAMARA: Say the dimensions again.

MR. WALKER: A 3000-foot runway with a ramp and lit 24 hours a day. The only other facility they provided was a phone booth. Now, today, those airports have grown and support the communities that have grown up around them. I thought it was an extremely wise thing to do. Ohio has done the same thing. Pennsylvania sought tax relief for public portions of the airports that were not revenue producing. I am talking about taxiways, areas in between taxiways and runways, the runways themselves, parking lots. They have sought tax relief and given that to private airports as a subsidy and an impetus to make them more financially viable. The State of Pennsylvania also provides-- If you open your airport to the public, they will give you a set of lights, things such as that.

There are good state organizations in the country that provide direction to their public use airport facilities. At this time, I would like to tell you that just this past month, I have experienced something that I have never experienced before, and that was during the blizzard of 1996. I made a call to the State, and I said, "I cannot cope with this snow." Within hours, I had three trucks on my runways out there.

Now, I paid for those trucks, but it was the State's direction, their access to equipment like that, that saved me at a very, very critical moment, because I had customers who needed to get out. I had hospitals calling me saying, "When are you going to be open?" I had other people calling me from out of State saying, "When is your Airport going to be open? We need to come in." And I was able to get that Airport opened and operational before Newark Airport opened, because of the cooperation in the State that our Office of Aviation gave.

It was an incredible example of what the State can and should do, and I appreciated that very, very much.

MR. McNAMARA: Did you say you had to pay for those trucks?

MR. LAWRENCE: You didn't have to pay for those trucks.

**ELLEN PARKER:** I thought we had to. We were quoted a price.

MR. LAWRENCE: No. You don't pay. That's all paid.

MR. WALKER: Well, that's good to know. I'm a happy guy.

MS. PARKER: That's even better.

MR. LAWRENCE: Nobody gave you a bill.

MR. WALKER: They told us what the price was.

MS. PARKER: They quoted us the price per hour.

MR. LAWRENCE: Yes, but you won't get a bill on it.

MS. PARKER: Thank you.

MR. WALKER: Thank you very much.

MR. PENN: I sent a notice out a year ago that if you got so much snow that you couldn't handle it, you were to call and we would plow the runways. I convinced everyone down there that it was exactly the same as the

road going in front of our building. It was a road and it should be plowed by us. We agreed to do it. I think we did about 10 airports this year.

MS. PARKER: It was a big help.

MR. WALKER: You would not believe the difference that made. I'll tell you, I was beyond myself about how I was going to cope with it. But one call to the State Division of Aeronautics and the problem was taken care of. That is an example of how government should operate and how they can operate. I very, very much appreciated that.

I wrote a couple of things down while listening to the people here this afternoon. You know, the State ought to be able to operate for at least a week on the money they saved on the heat in this building.

MR. PENN: They ought to turn the air-conditioning off.

MR. McNAMARA: Somebody has to pay for those trucks.  
(laughter)

MR. WALKER: That's true.

The young lady, Ms. Nergaard, from the League of Municipalities, talked about flight training, ballooning, helicopters, and that all those types of operations should be controlled and restricted. Well, they are controlled. They are licensed -- they are all licensed -- and controlled by the Federal government. I believe the Federal government preempts the State and the local municipalities.

Housing values: I get sick of this, because everybody says their houses were devalued by an airport. That's ridiculous. That is the most ridiculous statement I ever heard. Yes, a house costs less that is located 50 feet underneath an approaching path to an airport. It will cost less than that

comparable house on that comparable piece of land located someplace else. It costs less because it is near the airport. But the rate at which that house appreciates is not affected one iota, and the appreciation is what they are talking about, not the value of the house.

MR. McNAMARA: Dan, in your case, were the houses there first, or was the Airport there first?

MS. PARKER: I can tell you that the--

MR. WALKER: In our case, the Airport was there before 99.9 percent of the houses. When I went to work with my father in the early 1950s, I passed maybe five or six houses. Now I pass 5000 houses.

MR. McNAMARA: So what you're saying is, the houses that are said to decrease in value are houses that were built next to the Airport. It was not that the Airport was built next to the houses. It was almost an election by the home owner to have the house decrease in value if that, indeed, does happen. Is that correct? Is that what you're saying?

MR. WALKER: That is correct. I would say that the house located next to the Airport has a certain value and, in some cases, let me tell you, that value may be greater, if it is sold to the right person, because I know of several aviation communities that are flourishing. The values of those houses are higher than the surrounding areas because they are located on an airport. But they sell to a different clientele. They sell to people who are interested.

MR. McNAMARA: An aviation community would be, for the record-- What is an aviation community?

MR. WALKER: An aviation community is a community like a golf community that has access to a golf course, but an aviation community would be a community that has access to a local airport.

MR. McNAMARA: The houses have access to the runway, is that it?

MR. WALKER: In some cases, the houses have direct access to a runway. In our case, we had an opportunity to do just such a community. In 1989, we proposed to lengthen our runway from 2730 feet to 3500 feet. It would have meant no increase in traffic. It would not have meant a change in the type of aircraft we have operating in and out of there now. The developer we were going to work with was going to give us the land necessary to extend the runway, in turn for our allowing him access to the homes that he was going to develop in an aviation community. Again, a win/win situation.

I thought we would have a community next to the Airport that would be compatible with the Airport's operation. We would have a longer runway, which would make a safer operation, which would make a less noisy operation, because the aircraft taking off from that extended runway would be at a higher altitude over the homes they were affecting. I thought it was a win/win situation. The town took a different view.

The town took the view that it would be an expansion. Therefore, they held the developer up. They made him spend hundreds of thousands of dollars on an application that was totally within his then current zoning, to a point where he went bankrupt. It went to the RTC, and the RTC-- One of my neighbors who was more influential and powerful than I bought it up, just to keep it away from our hands.

I talked about the values of homes and how I don't think the values are affected as much -- or I don't think the appreciation in those homes is affected at all. In any case, an example that Mr. Elliott gave, where a gentleman bought a home right off the end of the runway-- He bought it for \$585,000, and sold it within a year for a \$100,000 profit. Certainly, there was no effect on the value of that home.

MR. McNAMARA: Was that at your Airport?

MR. WALKER: That was at our Airport.

MR. McNAMARA: Right off the end of your runway?

MR. WALKER: Right off the end of our north/south runway.

That is correct.

MR. McNAMARA: What was the name of the man who bought that house?

MR. WALKER: Cohen.

MR. McNAMARA: He is the current owner?

MR. WALKER: He is not the current owner, no.

MR. McNAMARA: The current owner is?

MR. WALKER: The current owner is--

MS. PARKER: I can't think of his name.

MR. McNAMARA: That's all right. If you don't know, it is not that important. Okay.

MR. PENN: I think Cohen bought the house from Jack Mullin.

MR. WALKER: That's correct. Jack Mullin sold it to Mr. Cohen.

MR. McNAMARA: And within one year, he earned \$100,000 profit which, in this case, was about a 15 percent profit.

MR. ENGLE: Not a bad investment.

MR. PENN: He was also one of the biggest troublemakers.

MR. WALKER: Yes, he was.

MS. PARKER: He was the one who started the--

MR. McNAMARA: Are there any more houses at the end of the runway?

MS. PARKER: His.

MR. WALKER: Ms. Nergaard was talking about compensation for home owners in the safety zone or in the clear zone. I don't know how that would work, although I think it is possible, under the existing State law today, to buy areas of land off the end of a runway with safety funds. If purchase of the land is necessary and the money is available, it certainly would eliminate a strong problem the airports face.

I would not give subsidies to home owners for perceived loss of value, because if you give it to one and he sells the house, that means you are going to have to give it to the next owner, and the next owner, and the next owner, and it is never going to end. You are never going to make people happy who choose to purchase a home right off the end of a runway. I don't know why they choose to purchase a home off the end of a runway, but a lot of them do. However, they do so with their own knowledge and expertise that the airport is there.

Very often, when people purchase homes off the end of a runway, or think about purchasing homes, they come to the Airport and they say, "We are thinking about purchasing a home on Love Road" -- which is the road that is right on my final approach -- and I talk to them about it. Not only do I talk

to them about it, but I say, "Okay, let's get in an aircraft and I will fly you around my traffic pattern and let you decide what effect I am going to have on your home." They very much appreciate it. I do that in every case.

I have three municipalities bordering my Airport. I have two bordering it and I am in Bedminster. I border on Bridgewater and I border on Branchburg. We did an Airport Master Plan Study in 1986. I am going to say 1986, it was somewhere around there. We formed a TAC committee. We invited the-- We had members of the local community involved in the TAC committee. We sent invitations to all three municipalities -- Bedminster, Bridgewater, and Branchburg. Bedminster was the only one that chose to participate. We are now undertaking a review of that Master Plan and an updating of the Master Plan, and we are making a new Master Plan. Again, we have established a TAC committee with several members of the community. We have extended invitations to Branchburg, Bridgewater, and Bedminster. Bedminster, again, is the only one that has participated.

So when the local communities say they have not been asked to participate, in my case I can tell you, categorically, that that has not been the case. It has been their choice not to participate, even though we have encouraged them to do so.

There is another point I would like to make: I think noise is an overrated excuse. I think, number one, it is so fleeting. If there is a noise imprint, it goes and comes in a very short period of time. It would disturb you far less than 24 hours of highway noise, which I am certainly subject to with Routes 287 and 78 in my backyard. I don't mind 287 and 78.

Another thing, too--

MR. McNAMARA: Are Routes 287 and 78 close to your Airport?

MR. WALKER: Yes, they are. They intersect--

MR. McNAMARA: When you say your "backyard," do you mean your Airport or your home?

MR. WALKER: Well, both, because I live right across the road from the Airport.

MR. McNAMARA: Okay.

MR. WALKER: The other thing I wanted to bring to this Commission's attention -- and I am sure you know it already -- is that technology is such that noise is becoming less and less. With the new aircraft that are being produced, and with the emphasis on sound and sound suppression, in 10 or 15 years, noise will not be a problem. From that point, in itself, I think the communities have to realize that we are working every day to be good neighbors. We are working every day to address their problems and to live within the community where we belong.

If you have any questions, I would be more than happy to answer them.

MR. McNAMARA: Any questions for Mr. Walker? (no response)

I have a couple myself. Does operating an Airport-- Your family business is to own and operate this Airport. Is this a lucrative business?

MR. WALKER: It could be better. It could be better. It is not as lucrative a business-- When you spend 80 hours a week in the business and you spend 80 hours a week in another business, you can make far more money someplace else.

MR. McNAMARA: You could make a lot more money, given the time that you commit to the business, doing something else?

MR. WALKER: The airport business is a 7-day-a-week, 24-hours-a-day job. When I say that I live across the street from the Airport, I live right next to my father. We have lived there since the early 1950s, and there is not a moment in any hour of the day that my father's mind is not on the Airport. There have been many, many occasions where at 2:00 or 3:00 in the morning, 4:00, 5:00 -- any hour of the day -- we have been asked to go over to the Airport to provide a service, whether it be lights, engine starting, preheating, or whatever. It is a 24-hour, 7-day-a-week job.

MS. PARKER: Or to take somebody in who has gotten stranded.

MR. McNAMARA: The statement you made that in 10 or 15 years with the developing technology noise is going to become less of a factor, what type of technology in sound suppression are we talking about? This is a new concept to this Commission, but it is an important concept, because noise has been the primary complaint we have heard?

MR. WALKER: Exactly. In general aviation airplanes, the greatest emphasis has been on noise suppression. There are new mufflers being created. Jet aircraft in particular, the sound is very, very-- When you cut it-- I am not sure if I am going to give you the correct information, but I believe that if you cut one decimal, it is like cutting it four times. The sound has been decreased from a normal 98 decimal or 95 decimal from an older jet type of operation down to 63 or 65 decimal, a considerable reduction in noise. The reduction is continuing, as it should.

MR. McNAMARA: Today, you say? We have made that reduction or that amount of progress already?

MR. WALKER: Already, and that progress is continuing, and it should continue, and it will continue, because it is such a big issue.

MR. McNAMARA: Are there any other questions?

MR. ENGLE: Mr. Chairman, just a point on that: On the noise monitoring system at Teterboro, the newer generation Gulf Stream, the Gulf Stream 4, and the Challenger 601, do not even register on the noise monitors at the Airport.

MR. McNAMARA: That is astounding, almost as astounding as your story today, Mr. Walker, about the tribulation you have had trying to get an approval, which you still do not have. Is that what I understand?

MR. WALKER: No, I still do not have it, because there is a stipulation in there for two things: Number one, I have to provide off-site drainage for a neighbor who is way down the road. I have to give them \$5000 to provide drainage for this off-site improvement, when the Township engineers have calculated that the runoff of my property is negligible -- is none to negligible.

MR. McNAMARA: The Township engineers have made that determination of record?

MR. WALKER: The Township engineers have made that determination that the runoff from the proposed project I have is none to negligible.

MR. McNAMARA: And your approval is held up because you will not pay for an off-site drainage project?

MR. WALKER: Well, because I have not given them the \$5000 to make that improvement. Somerset County has an approval process-- The County Planning Board has an approval process whereby any project that affects a County road or a County stream has to go before the County Planning Board for an approval. My project of a hanger does not affect any County roads, and the closest County stream is two miles away.

Now, the runoff from my project is none or negligible. They had assessed me \$9800 to get their approval. Now, this is not a fee. It is a donation. It is a donation that I must pay in order to get the County Planning Board's approval.

MR. McNAMARA: What does that donation do?

MR. WALKER: It is to the Chambers Brook Watershed Authority. They claim to make any developer pay the same thing, but I have not been able to find another developer that has paid this "donation."

Now, we were able to negotiate the donation down to \$6600, but I still have to make that donation in order to get the approval of the Somerset County Planning Board.

MR. McNAMARA: Once again, thank you both very much for taking the time to come down here to give us this testimony. It has been very enlightening.

MR. WALKER: Thank you.

MR. McNAMARA: One other comment I should make is--

MR. LAWRENCE: Mr. Chairman, I have just one point I wanted to ask Mr. Walker about, if I may.

The \$178,000 estimate of your expenses, does that include the value of the proposed easement for your property?

MR. WALKER: Does that include--

MR. LAWRENCE: The value of the proposed easement that you will have to exchange?

MR. WALKER: No, it does not. That just includes attorneys' fees, application fees, engineering fees, professional-- I have to pay for the municipal professionals to review it also. So that was the escrow fee that I had to provide them and then replenish in order for them to review the application.

MR. LAWRENCE: Okay.

MR. McNAMARA: There is-- I'm sorry. Mr. Penn, did you want to--

MR. PENN: I was just going to make a comment that you ought to get a copy of the latest "New Jersey Business," which just came out. One company wanted to do some work, and they had to get 123 permits in order to get the project, plus the fees that they had to pay on each one of these permit processes. It's scary.

MR. WALKER: If you wish to make an improvement, my biggest recommendation would be to allow airports to go to one entity and have that entity handle all the necessary approvals and liaisons between the State government officials, but have them go there -- have one place to go to have it either approved or disapproved on its merits.

MR. McNAMARA: Are you talking about a regulatory entity?

MR. WALKER: I'm talking about going to a State entity with the expertise to review an airport-related project. When you have a municipality

reviewing it, you are having people who are totally not knowledgeable about aviation needs or requirements. They are putting their stamp of approval or nonapproval on something that they know nothing about.

MR. McNAMARA: That, by the way -- and I don't know if you caught this-- I kind of gleaned that as a threat that ran through today's testimony. The League of Municipalities was in here and they said, "You know, airports serve their purposes and they have their problems, but the biggest problem we have is that we cannot regulate the airport in the town next door." Then the airport owner comes in and says, "When we go to our town--"

First of all, in this gentleman's case, he is in a town where for 13 years they have not lived in accord with the laws of the State of New Jersey about adopting the Safety Zoning Act. He said, "We need to be able to take our application to a State agency, rather than to a town agency." That is sort of what the municipalities are saying, too.

That is just my gratuitous comment.

MR. PENN: There should be the same approval process as when you build a road.

MR. McNAMARA: What's that?

MR. PENN: It should be the same approval process as when you build a road. It is a public use.

MR. McNAMARA: Let me just comment, for the record, that there is a gentleman who called me up in response to the article that Mr. Elliott published with respect to this Commission. He was one of several who called me. His name is Robert Matthews. He is on the Somerset County Planning Board.

He called and demanded that he have an opportunity to come and testify before this Commission. I called him back and told him that we would be pleased to have him come and testify. I scheduled him to do so, I believe it was at the end of November. I called to confirm his appearance, and he asked to cancel. He did not have time to prepare.

The same thing happened the following month. I rescheduled him for this month, and he called again to cancel for the third consecutive time. Again, he did not have time to prepare. I guess he was commenting about the commodities market or something, it having a lot of activity.

I raised it to him that he should prepare himself first and then call me. Then, we would try to get him on the schedule at that time. But I advised him that that was pretty much his request, and that it was okay with us. We are concerned about concluding our deliberations, and he takes the chance that we will not be able -- that we will do that, that we will conclude prior to the time he calls me. He said that he understood that.

I just wanted to make that part of this record.

Is there any other business to come before this Commission tonight?

MR. HINES: Jack?

MR. McNAMARA: Mr. Hines.

MR. HINES: Mr. Chairman, we had one witness before us here who represented to be from the League of Municipalities. You apparently scheduled her for this meeting. Was she here, in fact, representing the League of Municipalities, or was she representing some other entity?

MR. McNAMARA: Well, she came and said she was representing the League of Municipalities. Then she explained that she was also the attorney for Branchburg.

MR. HINES: The reason I ask--

MR. McNAMARA: I believe her comments have to be read in light of those two responsibilities.

MR. HINES: Frankly, I would like to have someone from the League of Municipalities affirm that they approved her presence before us and her comments before us.

MR. McNAMARA: Well, I have to tell you how she came to us. I had contacted William G. Dressel, Executive Director of the League of Municipalities, and, having spoken with him, he referred me to Maryann Nergaard, who is with the firm of Woolson Sutphen Anderson & Nergaard. I guess that is the law firm that represents the League. So we have to accept her testimony as the testimony of the League.

Is there any other business? (no response)  
We stand adjourned.

**(MEETING CONCLUDED)**