

CA - Piscataway

3/13/84

its answers to
interrogatories of Δ twp of Piscataway

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THE STATE UNIVERSITY OF NEW JERSEY
RUTGERS
Campus at Newark

School of Law-Newark • Constitutional Litigation Clinic
S.I. Newhouse Center For Law and Justice
15 Washington Street • Newark • New Jersey 07102 • 201/648-5687

March 13, 1984

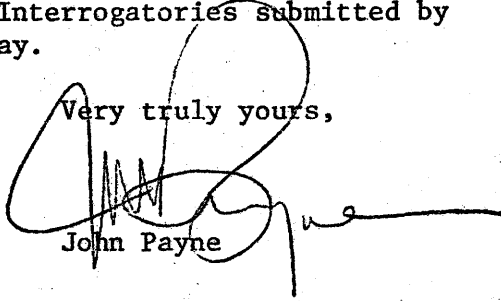
Phillip Paley, Esq.
Steven Pasternak, Esq.
Kirsten, Friedman & Cherin
17 Academy Street
Newark, New Jersey 07102

Re: Urban League of Greater New Brunswick v.
Borough of Carteret, et al.
No. C 4122-73

Dear Phil and Steve:

Enclosed please find the original and two copies
of plaintiffs' answers to the Interrogatories submitted by
defendant Township of Piscataway.

Very truly yours,


John Payne

encls

KIRSTEN, FRIEDMAN & CHERIN
A PROFESSIONAL CORPORATION

17 ACADEMY STREET
NEWARK, NEW JERSEY 07102
(201) 623-3600

ATTORNEYS FOR Defendant

SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION: MIDDLESEX COUNTY
Docket No. C-4122-73

URBAN LEAGUE OF GREATER NEW :
BRUNSWICK, et al., :

Plaintiffs, :

v. :

THE MAYOR AND COUNCIL OF THE :
BOROUGH OF CARTERET, et al., :

Defendants. :

Civil Action

INTERROGATORIES OF DEFENDANT
TOWNSHIP OF PISCATAWAY

TO: Frank Askin, Esq.
Constitutional Litigation Clinic
Rutgers Law School
15 Washington Street
Newark, New Jersey 07102

Bruce S. Gelber, Esq.
National Committee Against
Discrimination in Housing
1425 H Street NW, Suite 410
Washington, D.C. 20005

SIRS:

Demand is hereby made by Plaintiff of this Defendant answers, under oath, or certification, to the following Interrogatories within the time prescribed by the rule of this Court.

These interrogatories shall be deemed to be continuing so as to require this defendant to promptly supply by way of supplemental answers, the additional information that may subsequently become known to this defendant.

DEFINITIONS

A. "Person," as used herein, shall include as the context requires, natural persons, corporations (including present or former agents and employees thereof), and federal, state and local governments and governmental agencies, and their present and former agents and employees.

B. The term "identify" or identification," when used herein means:

(i) With reference to an individual, to state, to the extent known, his or her full name, residence and present or last known position and business affiliation;

(ii) With reference to a company, corporation or other business entity, to state, to the extent known, its full name, address, the type of business in which it is engaged, and the geographic area (by state and/or portions of states) in which it engages in such business;

(iii) With reference to a document, to describe specifically the subject matter of the document, its date, its present location and custodian, the name or names of the writers and recipients, and the manner, reasons, and date of its disposition or subject to your control;

(iv) With reference to a communication, to identify the pertinent document or documents of the communication is written, and to identify the participants and state the date, manner, place and substance of the communication if it is not written.

C. As used herein, the term "document" or "documents" means any papers and writings, including drafts, and any mechanical or electronic recordings or records of any kind, in your possession, custody or control or of which you have knowledge, wherever located, whether an original or a copy, including any book, pamphlet, letter, telegram, memorandum, agreement, financial statement, income tax return, hand-written note, interoffice communication, working paper, chart, paper, graph, index, disc, data sheet or data processing card, and any other written, recorded, transcribed, punched, taped, filmed, photographed or graph matter, however, produced or reproduced.

D. "Identify the source(s)," means to identify all documents and non-written communications upon which you rely in support of the contention, allegation or answer in question, to state the inferences drawn from each such source upon which you rely in support of the such contention, allegation or answer, and to identify all individuals whom you know to be knowledgeable with respect to the subject matter of such contention, allegation or answer.

E. To "state the basis," for an allegation, contention or answer means to identify the sources therefor and to set forth and explain in detail, all the facts upon which you rely for your knowledge, information, or belief that good ground exists to support such allegations, contentions, or answer.

1. State the total number of multi-family dwelling units located in the Township of Piscataway and your source for this information. Of this total, state the number of multi-family dwelling units located in the following categories:

(a) Units located within garden apartment complexes;

(b) Units of group quarter housing for Rutgers University students, other than married student housing.

(c) Married student housing units for Rutgers University students; and

(d) Town houses and duplexes located within a Planned Residential Development (PRD) zone.

ANSWER: This information is not within the peculiar knowledge of the plaintiffs. Without admitting the accuracy or relevance of this information, plaintiffs refer defendant to the data in defendant's Fair Share Housing Study at pp. 18-19.

2. State the total number of multi-family rental units located in the Township of Piscataway and your source of the information. b) State whether that number was included in the projections of the plaintiff's experts, and if not why that number was not used. c) If a different number was used to reflect the number of multi-family rental units, please state what number was used and how it was arrived at.

ANSWER: See (1) above.

b), c) - No number was used since this is not a relevant consideration.

3. State the number of substandard housing units in the Township of Piscataway, identifying the number of over crowded units, units lacking complete plumbing facilities, and units lacking heating facilities. State the source of this information.

ANSWER: 281 overcrowded
95 lacking plumbing
113 deficient heating
489 total substandard units

Source: Lerman, et al., Fair Share Methodology and Allocation for Urban League of Greater New Brunswick v. Carteret, et al., March 1984, Table 3.

4. State the total acreage of the Township of Piscataway.

ANSWER: Without conceding the accuracy of the data, plaintiffs note defendant's answer to Interrogatory No. 27 propounded by plaintiff, which states 12,063 acres.

5. State the net vacant acreage suitable for housing in the Township of Piscataway.

ANSWER: Plaintiffs' experts have not yet completed their survey of vacant land in Piscataway. Upon completion of that survey, plaintiffs will supply this answer.

6. State the number of units per acre which must be developed on the remaining vacant land in Piscataway to satisfy what plaintiff alleges are the requirements of Mount Laurel.

ANSWER: Appropriate densities depend upon the characteristics of each tract. For further analysis see Report of Plaintiffs' Expert, Alan Mallach, at 8-16.

7. State the basis for rejecting the trial court's determination that the Township of Piscataway has fairly met its obligation for its indigenous population.

ANSWER: The Law Division's decision regarding determination of indigenous need was vacated by the Supreme Court in Mount Laurel II, 95 N.J. 158, 350.

8. State the basis for rejecting the trial court's determination that the Township of Piscataway, which includes Rutgers University married student housing, exceeds the county percentage of low and moderate income families.

ANSWER: See No. 7 and 1980 Census of Housing.

9. State the name and address of each expert witness who will testify on behalf of plaintiff at trial.

ANSWER: Alan Mallach, 15 Pine Drive, Roosevelt, New Jersey 08555
John Rogers, Rogers, Golden & Halpern, 1427 Vine Street, Philadelphia, Pa.
19102

10. For each person named in the prior answer:

a) state with specificity his or her area of expertise;

ANSWER: Mr. Mallach is a housing and planning expert with special expertise in the fields of exclusionary zoning, fair share methodology, inclusionary zoning techniques, and housing development.

Mr. Rogers is a licensed professional planner with experience in development of comprehensive land use and resource management plans and planning methodologies, and environmental assessment.

b) attach his or her resume, which should include, but not be limited to: his or her present employment; college and professional education; rank in the class; all professional experience; all experience of consulting to municipality or any other public entity; all experience of consulting to any organization challenging a municipality or any other public entity; the titles, co-authors, dates, and subject matter of any report, study, or other written work he or she reduced in connection with such consultations and publications.

ANSWER: See attached resumes.

c) If he or she has testified under oath in deposition or at trial, presented evidence or submitted a written report or an opinion to any court, legislative body, or administrative agency at any level of government, state:

ANSWER: Mallach: See attached list.

Rogers: Mr. Rogers has been a major contributor to many reports submitted to government agencies, a complete list of which would be overly burdensome to compile. The following is a representative list:

New Jersey Pinelands Commission, New Jersey Pinelands Comprehensive Management Plan, November 1980;

New Jersey Department of Environmental Protection, Division of Coastal Resources, Coastal Development Potential Study, September 1979;

Environmental Assessment for Housing for the Earl Naval Weapons Station, to be submitted to the Naval Facilities Engineering Command, Philadelphia, Pennsylvania;

Natural Resource Inventory and Land Capability Analysis for Environmental Commissions of Chesterfield, N.J., 1976; Hopewell, N.J., 1975; Montgomery Township, N.J., 1984; and Stonybrook-Millstone Watershed Association, Princeton, N.J., 1974.

(1) The nature of the proceeding, the forum, the name of the proceeding, the docket number, and such other information as may be necessary to identify unambiguously the proceeding.

(2) The date on which such testimony, evidence, report, or opinion was given or submitted.

(3) The subject matter of the testimony, evidence, report, or opinion.

(4) The name and address of the attorney retaining his or her services.

11. For each expert witness named in response to interrogatories 1 and 11.

a) State each opinion which he or she will testify to at trial.

ANSWER: Mr. Mallach's opinions are contained in his report which was mailed to the court and all counsel on December 9, 1983. In addition to the opinions contained therein, Mr. Mallach will testify regarding the adequacy of defendant's zoning ordinance #83-45, adopted December 6, 1983.

Mr. Rogers' report has not yet been completed. When it is, plaintiffs will supplement this answer.

b) For each such opinion, state the underlying data and methodology upon which the opinion is based.

ANSWER: See Mallach Report.

c) Identify with specificity each report, map, document, or publication upon which he or she will rely to substantiate any opinions or conclusions, or offer into evidence or refer to on direct or cross-examination.

ANSWER: Mr. Mallach will rely on his report [hereinafter "Mallach Report"] and also will refer to defendant's ordinance #83-45, adopted December 6, 1983.

d) Attach a copy of each such report, map, document, or publication.

ANSWER: See (a) above.

e) Attach a true copy of all reports, maps, or other document prepared by each person named in response to question 11 pertaining in whole or in part to his or her testimony in this case.

ANSWER: See (a) above.

12. (a) State the name, address, title, profession, and relation to defendant or each witness not identified in interrogatories 10 through 11 who will testify on behalf of plaintiff at trial.

(b) State with specificity the substance of his or her testimony.

ANSWER: Plaintiffs have not determined yet whether any other witnesses will testify. If it is determined that other witnesses will appear, plaintiffs will inform defendants.

13. Define "median income". State the basis for your definition, being sure to list all other definitions appearing in other reports and the reason for rejecting each of those definitions.

ANSWER: See Mallach Report, Appendix A.

14. Define housing region and housing market. State the basis for your definition, being sure to list all other definitions appearing in other reports and the reason for rejecting each of those definitions.

ANSWER: "Housing region" is the appropriate region for fair share housing allocation. In this case, plaintiffs contend that the region is made up of Hudson, Bergen, Essex, Middlesex, Morris, Passaic, Somerset and Union Counties. It is determined in part by the "housing market area," which is the area within which units are in competition with one another. See Mallach Report at 2-6, 27-28.

15. State the basis for determining that the Township of Piscataway currently has 253 units available for low income and also for moderate income families.

ANSWER: This figure has been determined to be Piscataway's indigenous need, not the number of available units. For the basis on which it was determined, see Mallach Report at 7-11, 18-26.

16. State the basis for determining that the Township of Piscataway has a present need of 623 low income housing units and 242 moderate income housing units.

ANSWER: See Mallach Report at 18-26.

17. State the basis for determining that the prospective need for low income housing is 1163 and moderate income housing is 776 units in the Township Piscataway.

ANSWER: See Mallach Report at 11-26.

18. State the total number of housing units currently available in the Township of Piscataway.

ANSWER: Without conceding the relevance or accuracy of this information, plaintiffs refer defendant to defendant's Fair Share Housing Study, which states that this figure is 12,991.

19. State the total number of housing units plaintiff claims are required in the Township of Piscataway in order to conform to Mt. Laurel.

ANSWER: Three Thousand One Hundred and Fifty-six (3,156).

20. State whether plaintiff is aware of any other definitions of the appropriate region for fair share housing allocation regarding the Township of Piscataway. State in which report these definitions occur; and the reason why plaintiff has rejected each definitions of region.

ANSWER: The reports prepared by the court-appointed expert in this case, Carla Lerman, and by the Rutgers Center for Urban Policy Research, use different definitions of the appropriate housing region. The three-county region proposed by the Rutgers report has been rejected because it is too small to both identify the full extent of housing need and provide sufficient resources to meet that need. For plaintiffs' reasons for rejecting Ms. Lerman's proposed definition, see Mallach Report at 2-6, 27-28.

21. State whether plaintiff has rejected a journey to work radius analysis. If so, please set forth all reasons for rejecting the analysis.

ANSWER: Yes. This analysis is intrinsically inconsistent with the stated objective of arriving at a consistent regional pattern for each region of the state. See Mallach Report at 3. Secondly, the unavailability of consistent data at a municipal level makes this analysis impossible to implement. Thirdly, since the region would not be consistent from case to case, reallocation of need among municipalities would be impossible.

22. State whether other studies known to plaintiff utilize a journey to work radius factor. Being sure to a) list each study utilizing the factor; b) the amount of weight given in each study to this factor and c) the distance or time allocated for travel by each study in utilizing this factor.

ANSWER: A number of studies have been prepared in this and related litigation which use such an analysis. These studies have utilized either (a) a 45-minute travel time from each municipality, (b) a 30-minute travel time from each municipality, or (3) a 30-minute travel time incorporating the entirety of any county thereby reached. Plaintiffs have not relied on any such studies.

23. a) State whether and to what extent plaintiff has taken into consideration the journey to work radius factor.

ANSWER: See No. 21.

b) State the basis for determining the amount of weight to give the journey to work radius.

24. State the maximum distance required for a worker to travel from the extreme northern tip of plaintiff's defined region to the extreme southern tip.

ANSWER: Plaintiffs have not computed this information, and it is equally available to defendant.

25. State the maximum distance required for a worker to travel from the extreme eastern tip of plaintiff's defined region to the extreme western tip.

ANSWER: Plaintiffs havenot computed this information, and it is equally available to defendant.

26. State whether plaintiff contends that any portion of its residential population will travel from the Township of Piscataway to any location in Bergen County in order to work. If yes, state the basis for this contention and amount of time required for such commuting, the method of communiting, and the costs for each commute.

ANSWER: Immaterial. Plaintiffs make no contention in this regard. See Lerman, Fair Share Allocation Report, November 1983 [hereinafter "Lerman Report"] and Report prepared by Clark & Caton in July 1983.

27. State whether plaintiff contends that any portion of its regional population will travel from Passaic County to any location in Bergen County in order to work. If yes, state the basis for this contention and amount of time required for such commuting, the method of communiting, and the costs for each commute.

ANSWER: Plaintiffs make no contention in this regard. See Lerman Report, Table 1.

28. State the basis for claiming a population decline in Essex, Hudson, Bergen, Passaic and Union Counties.

ANSWER: New Jersey Office of Demographic and Economic Analysis (ODEA). See Mallach Report at 11-12.

29. a) State the basis for determining the vacancy rate to be relied upon by plaintiff at trial.

b) Set forth all other bases for determining the vacancy rate, being sure to state where those bases appear, and the reason for rejecting each of them.

ANSWER: The vacancy rate which plaintiffs consider a reasonable goal is 5% for rental units and 1.5% for sales units. This is a generally accepted standard. Five percent is the "level conventionally assumed to represent an adequate rental market." Sternlieb & Hughes, The Future of Rental Housing, 1981. Other sources use 4% across the board, a standard which plaintiffs also would find acceptable.

30. State the basis for excluding wet lands, steep slope lands, agricultural lands and any other lands from the vacant developable land as utilized in the projections of plaintiff's expert.

ANSWER: Plaintiffs' basis is that set forth in A Revised Statewide Housing Allocation Report for New Jersey published by the Department of Community Affairs in 1978, at 16.

31. State the basis for giving identical weight to the three factors in the expert reports: vacant developable land, total employment, and employment growth.

ANSWER: See Mallach Report at 18.

32. State whether the employment growth factor takes into consideration the changing types of industry in New Jersey, including the augmentational computer and high-technology businesses.

ANSWER: Plaintiffs relied on the data in New Jersey Covered Employment Trends 1981, published by the New Jersey Department of Labor.
See Mallach Report at 16.

33. State whether plaintiff has taken into consideration municipalities with less than 10 acres of vacant developed land. If not, state the reasons why this group of municipalities was deleted from the allocation requirement.

ANSWER: Yes. See Mallach Report at 16.

34. State whether plaintiff has utilized the same procedure with regard to calculating the allocation of prospective need as in the allocation of present housing need. If not, state the reasons for following different procedures, being sure to identify which procedure was used for each calculation.

ANSWER: See Mallach Report at 18-26.

35. State the manner in which plaintiff determines the amount of "development limit". State what factors support any assumptions made.

ANSWER: See Mallach Report at 19.

36. State the number of units per acre which must be developed on the remaining vacant land in each municipality in the proposed region encompassing Piscataway.

ANSWER: This number is impossible to compute at this time.

37. State the total number of multi-family dwelling units located in each municipality in the proposed region encompassing Piscataway and your source for this information. Of this total, state the number of multi-family dwelling units located in the following categories:

ANSWER: Irrelevant; this information is not known to plaintiffs at this time and would be overly burdensome to compute.

(a) Units located within garden apartment complexes;

(b) Town houses and duplexes located within a Planned Residential Development (PRD) zone.

38. State the number of multi-family dwelling units attributed to in each municipality in the proposed region encompassing the Township of Piscataway pursuant to plaintiff's expert reports.

ANSWER: See 1980 Census of Housing.

39. Please state the total number of multi-family rental units located in each municipality in the proposed region encompassing the Township of Piscataway and your source of the information. b) State whether that number was included in the projections of the plaintiff's experts, and if not why that number was not used. c) If a different number was used to reflect the number of multi-family rental units, please state what number was used and how it was arrived at.

ANSWER: See No. 37.

40. Please state the number of substandard housing units in each municipality in the proposed region encompassing the Township of Piscataway, being sure to identify the number of over crowded units, units lacking complete plumbing facilities, and units lacking heating facilities. State the source of this information.

ANSWER: See No. 37.

41. State the total acreage in each municipality in the proposed region encompassing the Township of Piscataway.

ANSWER: See New Jersey Municipal Profiles, published by the Division of State and Regional Planning, 1972.

42. State the net vacant acreage suitable for housing in each municipality in the proposed region encompassing the Township of Piscataway.

ANSWER: This information is not known to plaintiffs at this time and would be overly burdensome to compute.

43. State the number of units per acre which must be developed on the remaining vacant land in each municipality in the proposed region encompassing the Township of Piscataway to satisfy what plaintiff alleges is the requirements of Mount Laurel.

ANSWER: See No. 36.

44. State the percentage of occupied housing stock in the proposed region encompassing the Township of Piscataway.

ANSWER: Incomprehensible.

45. For each municipality in the region encompassing Piscataway as defined by plaintiff state:

ANSWER: See No. 37
(a) The number of occupied dwelling units;

(b) The number of units lacking plumbing;

(c) The number of units lacking adequate heating;

(d) The number of overcrowded units;

(e) The percentage of housing stock; and

(f) The excess over regional average (to reallocate).

46. State the basis for determining the cap on the number of present need units that can be allocated to any municipality. If no such cap is alleged to exist, state the bases for that determination.

ANSWER: See Mallach Report at 21.

47. State the standards and the basis for each, which plaintiff maintains that a municipality must demonstrate for particular housing development to be counted towards the fair share goal.

ANSWER: See Mallach Report at 24. Each of the standards stated therein are mandated by the Supreme Court of New Jersey.

48. State the reason for not using Middlesex, Somerset and Hunterdon Counties as a region, therein conforming to the Bureau of Consensus which puts the three into one area.

ANSWER: See Mallach Report at 2-6. The factors which should be used to determine a region for Mount Laurel purposes are not the same as those which should be used for census purposes.

49. State the reason for not making Middlesex, Somerset and Warren Counties of a region, thereby utilizing income, housing costs, vacant land and community factors.

ANSWER: See Mallach Report at 2-6.

50. State the basis for determining appropriate rent levels for apartments to both low income and moderate income household units.

ANSWER: See Mallach Report, Appendix A, at A7-A8.

51. State the basis for plaintiff's disagreement if any, with the division of the State into 6 regions as done by the center for Urban Policy Research.

ANSWER: See No. 20.

52. State whether the Township of Piscataway's present and proposed multi-family residential zones satisfy its fair share obligation. If not, state the basis for claiming that it does not.

ANSWER: Zones do not satisfy a municipality's fair share obligation. Moreover, unless 3,156 units can be built on the vacant developable land in the multi-family zones, defendant will be unable to meet its fair share obligation solely through development in those zones.

53. State whether Piscataway's density bonus provision is an effective incentive to the development of low and moderate income housing. If not, set forth the reasons for this contention.

ANSWER: Density bonuses can be an effective incentive to the development of low and moderate income housing. To plaintiffs' knowledge, however, defendant's density bonus provision, which has been in effect since 1978, has not yet produced any housing which is affordable by low and moderate income households.

54. State what the minimum gross density units per acre is for Townhouses, Garden Apartments or other forms of multi-family residential development in the Township of Piscataway and in each municipality on the proposed region encompassing the Township of Piscataway.

ANSWER: Plaintiffs will rely on the gross density requirements provided in defendant's zoning ordinance. The density requirements of other municipalities would be too burdensome to compile.

55. State the number of acres presently zoned in the Township of Piscataway for PRD development.

ANSWER: Plaintiffs have no knowledge of this information at this time.

56. State the number of acres plaintiff would require the Township of Piscataway to zone as PRD development, identifying which additional zones must be changed to meet this requirement.

ANSWER: Defendant will be required to zone as many acres as necessary to meet its fair share obligation as determined by the court-appointed master in conjunction with the parties.

57. State to what extent, if any, plaintiff has given weight to the following factors in its determination of fair share allocation, being sure to state the reason for determining the amount of weight given to each factor:

- a) price of housing unit;

ANSWER: Fair share allocation is based on housing need and the ability of particular municipalities to meet that need rather than on the factors enumerated below.

b) type of housing unit;

c) size of housing unit;

d) tenure of housing unit;

e) construction of housing unit;

f) design of housing unit;

g) neighborhood quality;

h) municipal taxes and services;

i) schools;

j) aesthetic;

l) social status;

m) lifestyle consideration;

58. State the basis for plaintiff's failure to consider past performance as factor in determining appropriate allocation?

ANSWER: Plaintiffs do not fail to consider past performance. The factor of developable land and the calculation of indigenous need both reflect a municipality's past performance.

KIRSTEN, FRIEDMAN & CHERIN
A Professional Corporation
Attorneys for Defendant, Township
of Piscataway

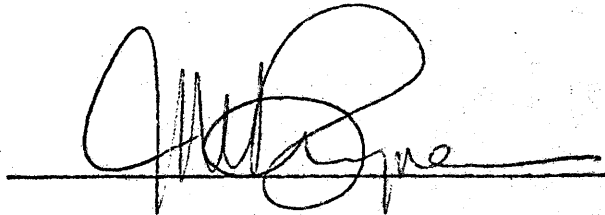
By: Steven Pasternak
STEVEN PASTERNAK

Dated: 1/13/84

CERTIFICATION

I hereby certify that the copies of the written reports or complete summaries of any oral reports of treating physicians or expert witnesses, annexed hereto, are exact copies of the entire written report or reports or complete summaries of any oral report or reports rendered by them; that the existence of any other reports of treating physicians or expert witnesses, either written or oral, are unknown to me; and that if such reports become later known or available, I shall serve them promptly upon the propounding party, but in no case later than the time prescribed by the Court rules.

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

A handwritten signature in black ink, appearing to read "J. M. Byrne", is written over a horizontal line. The signature is stylized with large loops and a long horizontal stroke at the end.

Dated: March 13, 1984

JOHN W. ROGERS

John Rogers is a principal in Rogers, Golden & Halpern. In this capacity, he has directed projects for and consulted with industrial clients and private developers, as well as government clients at the federal, state, and local levels.

Projects for which Mr. Rogers has been responsible encompass a range of efforts, from large-budget, multi-year projects dealing with siting industrial facilities, to comprehensive land use and resource management plans, to different levels of environmental and economic studies. Mr. Rogers has directed or had a major involvement in over 60 RG&H projects.

Recently, Mr. Rogers directed the New Jersey Coastal Development Project, which analyzed the potential requirement for industrial, commercial, recreational, and residential development in New Jersey's coastal areas. Mr. Rogers also directed a study to assist in developing incentives for industrial development in a major midwestern city.

John Rogers has a considerable background in the development of planning methodologies. He has directed or played a major role in many site selection projects undertaken by the firm, helping to develop siting procedures for clients such as the Maryland Environmental Service, Power Plant Siting Program, and Coastal Zone Unit, the American Petroleum Institute, and the New Jersey Department of Environmental Protection, Division of Coastal Resources and the Minnesota Waste Management Board. Mr. Rogers also worked on the siting of the new Washington Metropolitan Area Transit Authority subway alignments in Washington, D.C.

Environmental assessment is another of Mr. Rogers' areas of expertise. He has directed environmental inventories, ecological studies, and environmental assessment guides and handbooks for clients in Maryland, New Jersey, West Virginia, and Ohio, as well as doing environmental work for federal and state agencies.

John Rogers was recently principal-in-charge of the scientific and planning coordination for the New Jersey Pinelands Commission. He developed the criteria and method for critical area delineation and played a major role in helping to generate the Pinelands Comprehensive Management Plan. Other recent planning projects Mr. Rogers has directed and worked on include a nationwide life care community development and master planning study, recreation and transportation projects, and hurricane evacuation and hazard mitigation studies.

An active contributor to management, supervision, and direct work on projects, Mr. Rogers has strong skills in problem identification, policy analysis, and method development. Mr. Rogers has played a major role in policy analysis, program evaluation, and planning strategy for both public and private clients. In this role, Mr. Rogers has directed the development of implementation strategies and regulatory and public involvement programs. Mr. Rogers has delivered papers on hazardous waste and energy facility siting, land use planning, resource management, and data base management to such groups as the American Planning Association, Coastal Zone 80 Conference, Federal Emergency Management Agency, the American Institute of Civil Engineers, American Institute of Industrial Engineers, American Society of Public Administrators, American Institute of Planners Energy Workshop, and the international training course on power plant siting at Argonne National Laboratory.

He has been an Adjunct Professor at the Department of Landscape Architecture and Regional Planning, University of Pennsylvania, where he teaches planning studios in land use decisionmaking, siting and public involvement.

Prior to forming the company with Fritts Golden, John Rogers worked with Wallace, McHarg, Roberts and Todd, Philadelphia; the Middlesex-Somerset-Mercer Regional Study Council, Princeton; and Jack McCormick and Associates, Devon.

Mr. Rogers studied at Western Michigan University, the University of Michigan, and the University of Pennsylvania. He holds a B.A. in Biology and Psychology and an M.A. in Biology and Plant Ecology from Western Michigan University, and an M.R.P. (Master of Regional Planning) from the University of Pennsylvania, Department of Landscape Architecture and Regional Planning.

Publications

Rogers, J.W., and Stevens, N. The urban industrial renaissance. American Institute of Industrial Engineers Conference 1982.

Rogers, J.W., and Golden, B.F. Issues of value and choice in facility siting. Presented to the Coastal Zone 80 Conference, Hollywood, Florida.

Rogers, J.W., and Schoenhofer, R. 1980. Resource recovery facility siting: a case study. In American Society of Civil Engineers, Energy in the man-built environment; the next decade, proceedings of a specialty conference in Vail, Colorado.

Rogers, J.W., and Elliott, F. 1980. Sociological and environmental considerations in location and design of American senior adult health care communities. Presented to the Ninth Annual Conference of Social Gerontology, Quebec, Canada.

Rogers, J.W., and Golden, B.F. 1978. Policies and conflicts of major facility siting: a Maryland case study. Presented at the Annual Conference of the American Institute of Planners.

Rogers, J.W., and Kennedy, P.A. 1977. A regional screening method for major facility siting. In American Institute of Planners, Energy Task Force, Proceedings of the Third Annual Energy Planning Workshop.

Rogers, J.W., Golden, B.F., Chaney, T., and Maxwell, L. 1974. The Stony Brook Watershed: an environmental and land use planning study. Philadelphia: University of Pennsylvania.

Rogers, J.W. 1971. Vegetation and land management analysis of sanitary landfills. Kalamazoo, Michigan: Western Michigan University.

Affiliations

American Planning Association
Urban Land Institute
American Forestry Association

Certification

Licensed Professional Planner, State of New Jersey

Civic Responsibilities

Cheltenham Township Planning Board
Vice President, National Hemophilia Society,
Delaware Valley Chapter

Alan Mallach
15 Pine Drive
Roosevelt New Jersey 08555
609-448-5474

RESUME

CURRENT POSITION:

Independent consultant in housing and land development

PRIOR EMPLOYMENT:

1/1981 to 4/1983: Executive Director, Atlantic County Improvement Authority: Chief administrative officer of county-level agency, engaged in development of low and moderate income housing, public facilities, transportation facilities, convention facilities, and the administration of programs designed to meet community housing needs in Atlantic County. Major accomplishments included initiating a large-sale program for construction of affordable housing (84 units in occupancy, and 937 under construction or in planning); development of a \$50 million+ city/county government center complex in Atlantic City (now under construction); completion of the \$50 million FAA Technical Center; and initiation of planning and design for the new Atlantic City Convention Center.

9/1975 to 12/1980: President, Alan Mallach Associates: President of consulting firm based in Philadelphia, Pa., providing technical services in the fields of housing planning and development, land use and zoning, economic research, and social research. Major projects included extensive involvement in successful exclusionary zoning litigation; conduct of housing market studies, economic feasibility studies, and related projects; development of plans for subsidized housing projects; development of an economic and social impact assessment model for regional planning; and development of neighborhood revitalization and redevelopment plans.

3/1973 to 9/1975 (and part-time to 6/1976): Research Director, New Jersey County & Municipal Government Study Commission: Supervised all research activities of this standing commission of the New Jersey Legislature, including conduct of studies of (1) fiscal and social impact of multifamily development; (2) PUD development; (3) regulation of regional planning in New Jersey; (4) neighborhood preservation; (5) management of social service delivery system.

1/1971 to 3/1973: Assistant Dean, Livingston College of Rutgers University: Held position in academic administration with responsibility for off-campus learning programs, programs for nontraditional students, credit for prior nonacademic experience, governmental grants administration, and related matters. Also gave courses in college department of community development.

ALAN MALLACH RESUME (2)

10/1967 to 1/1971: New Jersey Department of Community Affairs: Held various positions in state agency, including (1) to mid-1968, as Special Assistant to the Executive Director of the New Jersey Housing Finance Agency, assisted in setting up that agency, including development of policies and procedures, forms and regulations, etc.; (2) to mid-1970, was head of the Community Development Planning Program in the Division of State & Regional Planning, and was responsible for state planning relating to housing, economic development, and urban problems; and (3) from mid-1970 was director of the Office of Program Development, responsible for innovative and pilot programs initiated by the Department.

12/1964 to 10/1967 (part time until 6/1966): Community Progress, Inc., New Haven, Connecticut: From mid-1966 was Manpower Evaluation Coordinator, responsible for program evaluation, statistics, follow-up of program participants, etc., for citywide manpower training and placement program. Also directed conduct of largescale inner-city survey, including 7,000 resident interviews.

ACADEMIC EXPERIENCE:

- 1979-1980 Adjunct Professor of Planning, New Jersey School of Architecture, Newark, New Jersey
- 1979-1980 Adjunct Lecturer in Urban Policy, Antioch Graduate Center, Philadelphia, Pa.
- 1973-1974 Assistant Professor of Administrative and Urban Studies (full-time) Stockton State College, Pomona, New Jersey
- 1971-1973 Instructor in Community Development, Livingston College of Rutgers University, New Brunswick, New Jersey
- 1970-1971 Adjunct Assistant Professor, College of Engineering, Fairleigh Dickinson University, Teaneck, New Jersey

Has also lectured at the Harvard Graduate School of Design, Woodrow Wilson School of Princeton University, Princeton Theological Seminary, Rutgers School of Law - Newark, Rutgers School of Law - Camden, Loyola Law School (Los Angeles, CA), University of Maine Law School, and elsewhere.

OTHER ACTIVITIES:

- Board Member and Immediate Past President, Abrams Hebrew Academy, Yardley, Pa.
- Board Member, Federation of Jewish Agencies of Atlantic County, New Jersey
- Board Member, Jewish Family Service Agency of Atlantic County, New Jersey
- Former member, Urban Design and Planning Committee, American Institute of Architects, Washington, D.C.

ALAN MALLACH RESUME (3)

EDUCATION:

B.A. in Sociology (cum laude) from Yale College, New Haven, Connecticut (1966)

PUBLICATIONS:

The Housing Crisis in New Jersey. Trenton, N.J.: New Jersey Department of Community Affairs (1970)

"Changing Governmental Roles in Housing & Urban Development" in Federal/State Aid and the Local Fiscal Crisis. Trenton, N.J.: County & Municipal Government Study Commission (C&MGSC) (1971)

Housing & Suburbs: Fiscal and Social Impacts of Multifamily Development. Trenton, N.J.: C&MGSC in connection with U.S. Department of Housing & Urban Development (1974)

"Implications of Multifamily Development for Local Government", New Jersey Municipalities, Vol. 52, no. 4, April 1975

"Do Lawsuits Build Housing: The Implications of Exclusionary Zoning Litigation" Rutgers-Camden Law Journal, Vol. 6, no. 4, Spring 1975

"Local Government in New Jersey: Beyond the Bicentennial" New Jersey Municipalities Vol. 53, no. 7, July 1976

"Zoning Litigation and Housing Production", in After Mt. Laurel: The New Suburban Zoning, ed. J. Rose and R. Rothman. New Brunswick, N.J.: Rutgers Center for Urban Policy Research (1977)

Economic, Fiscal and Social Assessment Handbook (principal author) (Vol. 3 of the Maryland Major Facilities Study). Annapolis, Md.; Maryland Energy & Coastal Zone Administration (1978)

"Pretrial Strategy in Exclusionary Zoning Litigation: Defining the Scope of the Plaintiff's Case" in Land Use Litigation: Critical Issues for Attorneys, Developers, and Public Officials. Philadelphia, Pa.; ALI-ABA Committee on Continuing Professional Education (1978)

"Urban Rebirth in New Jersey: Myth and Reality", New Jersey Architecture, Vol. 13, no. 1, Jan/Feb/Mar 1979

"Exclusionary Zoning Litigation: Setting the Record Straight" Real Estate Law Journal, Vol. 9, no. 4, Spring 1981

Inclusionary Housing Programs: Policies and Practices. New Brunswick, N.J.; Rutgers Center for Urban Policy Research (forthcoming summer 1984)

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EXPERT TESTIMONY

1. Welfare Rights Organization v. Cahill (Federal District Court, Trenton, New Jersey) 1971. Testified on economic effects of modifications in welfare shelter allowance procedures.
2. Southern Burlington NAACP v. Township of Mount Laurel (Superior Court, Burlington County) 1972 and 1979. Testified on housing needs, demographic and economic statistics, and on fair share allocation and methodology. Attorneys: Carl Bisgaier and Peter O'Connor, Cherry Hill.
3. Cieswick v. Township of Bedminster (Superior Court, Somerset County) 1974. Testified on housing needs, ordinance provisions, and remedy. Attorney: Peter Buchsbaum (ACLU); Allan-Deane v. Bedminster (Superior Court, Somerset County) remand, 1979. Testified on ordinance provisions and remedy. Attorney: Henry Hill, Princeton.
4. Camden National Realty v. Township of Cinnaminson (Superior Court, Burlington County) 1974. Testified on housing needs and ordinance provisions. Attorney: Gregory Saputelli, Haddonfield.
5. Urban League v. Carteret et al. (Superior Court, Middlesex County) 1976. Testified on ordinance provisions, vacant land, and remedy. Attorneys: Martin Sloane & Dan Searing, NCDH, Marilyn Morheuser, ACLU.
6. Lorenc v. Bernards Township (Superior Court, Somerset County). Testified on ordinance provisions. Attorney: William Lanigan, Basking Ridge.
7. South Jersey Homebuilders League v. Township of Berlin et al. (Superior Court, Camden County) 1977. Testified on demographic trends, housing programs, and ordinance provisions. Attorneys: Carl Bisgaier & Linda Pancotto (Public Advocate)
8. Round Valley, Inc. v. Township of Clinton (Superior Court, Hunterdon County). Testified on fair share and ordinance provisions. Attorney: Michael Herbert & Joel Sterns, Trenton.
9. Field v. Township of Franklin (Superior Court, Somerset County). Testified on housing needs, ordinance provisions and remedy. Attorney: David Frizell, Metuchen.

EXPERT TESTIMONY (2)

10. Pozycki v. Township of Manalapan (Superior Court, Monmouth County) 1979. Testified on ordinance provisions. Attorney: David Frizell, Metuchen.
11. Urban League of Essex County v. Township of Mahwah (Superior Court, Bergen County). Testified on housing needs, fair share, ordinance provisions, and remedy. Attorney: Richard Bellman, New York City.
12. City of Newark v. Township of West Milford (Superior Court, Passaic County) Testified on housing needs, ordinance provisions, and remedy. Attorney: Philip Elberg, Newark.
13. Suffolk Housing Services v. Town of Brookhaven (State Supreme Court, Suffolk County, New York). Testified on housing needs, ordinance provisions, development feasibility, and remedy. Attorney: Richard Bellman, New York City. 1980.
14. Van Dalen v. Township of Washington (Hon. Stephen Skillman, North Jersey 'Mt. Laurel judge'). Testimony on State Development Guide Plan issues. 1984. Attorney: Carl Bisgaier.

CASES IN WHICH DEPOSED BUT NOT (YET) PRESENTED TRIAL TESTIMONY

1. Cypress Construction v. Borough of North Caldwell. Case settled 1976. Attorney: William Brach, Roseland.
2. Morris County Fair Housing Council v. Township of Boonton et al. Case pending before Judge Skillman 1984. Attorneys: Steven Eisdorfer and Kenneth Meiser, Public Advocate.
3. Davis v. Newport Beach (Orange County Superior Court, California) Case pending. Attorneys: Crystal Sims, Santa Ana; Jonathan Lehrer-Graiwier, Los Angeles.

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REPRESENTATIVE PUBLIC SECTOR CLIENTS

New Jersey Department of the Public Advocate

New Jersey County & Municipal Government Study Commission

Maryland Department of Natural Resources

Maryland Department of Economic & Community Development

County of Atlantic, New Jersey

County of Essex, New Jersey

Township of Hamilton (Atlantic)

Township of Princeton

City of Newark

City of Trenton

City of New Haven, Connecticut Housing Authority

City of Sarasota, Florida

REPRESENTATIVE CLIENTS CHALLENGING LOCAL ZONING ORDINANCES

New Jersey Department of the Public Advocate (on own behalf and on behalf of Southern Burlington NAACP, Morris County Fair Housing Council, etc.)

City of Newark

National Committee against Discrimination in Housing (on behalf of Urban League)

ACLU of New Jersey (on behalf of lower income plaintiffs in Beminster litigation)

Suburban Action Institute

Suffolk Housing Services (New York)

Housing Help, Inc. (New York)

Western Center on Law & Poverty (California)

Legal Aid Society of Orange County (California)

REPRESENTATIVE CLIENTS CHALLENGING LOCAL ZONING ORDINANCES (CONT.)

Johns-Manville Properties Corporation

Centex Homes Corporation of New Jersey

Jack Field

Round Valley, Inc.

Harry Pozycki, Sr.