

CA - Ascotaway

25-May-84

Affidavit of Alan Malbach in support of motion forwarded to
judge

pp. §

CA 002456 V

NCDH

National Committee Against Discrimination in Housing

733 15th Street, N.W., Washington, D.C. 20005 • (202) 783-8150

rec'd 5/29
May 25, 1984

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Bruce S. Gelber

Honorable Eugene D. Serpentelli
Superior Court of New Jersey
Ocean County Court House
CN 2191
Toms River, New Jersey 08753


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

Dear Judge Serpentelli:

Pursuant to your ruling on our motion for a temporary restraining order, please find enclosed a supplemental affidavit of Alan Mallach which we are submitting in support of our motion for an interlocutory injunction.

By copy of this letter, I have served copies of the supplemental affidavit on counsel for the Township, the Planning Board, and the three affected developers.

Sincerely,



Bruce S. Gelber
General Counsel

BSG:vb

Enclosure

cc: Eric Neisser, Esq.
Philip Paley, Esq.
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Daniel Bernstein, Esq.
Glenn S. Pantel, Esq.
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ATTORNEYS FOR PLAINTIFFS

SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION - MIDDLESEX COUNTY

URBAN LEAGUE OF GREATER
NEW BRUNSWICK, et al.,

Plaintiffs

vs.

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

Defendants

Docket No. C 4122-73

Civil Action

AFFIDAVIT OF ALAN MALLACH

OCEAN COUNTY)
NEW JERSEY) :ss:

ALAN MALLACH, of full age, being duly sworn according
to law, deposes and says:

1. Officials of the Township of Piscataway have submitted
the results of a vacant land survey they have conducted, which
is represented by the document referred to as Exhibit A to the
affidavit of Bruce S. Gelber, Esq, dated May 1, 1984. This doc-

ument purports to list all vacant land parcels remaining within the Township of Piscataway.

2. I have reviewed this document as well as the map keyed to this document provided by the Township of Piscataway, and carried out a physical and visual inspection of the sites listed on this document. Based on that review and inspection, I have classified all of these sites (with certain limited exceptions, noted below) into three categories with regard to their suitability for residential development.

3. Category I represents sites which are not suitable for residential development by virtue of their geographic location and surroundings. This category includes a substantial number of parcels which are completely surrounded by existing industrial or other non-residential uses.

4. Category II represents sites which are apparently not suitable for residential development by virtue of environmental or other constraints. These include sites subject to noxious influences; e.g., toxic waste disposal areas, as well as sites located largely or entirely within floodplain areas.

5. Category III represents sites which are potentially suitable for residential development of multifamily housing, although the appropriate density of development may vary substantially from site to site within this category.

6. I have prepared a table of sites divided into the three categories set forth above, which is attached to this affidavit as Exhibit A. I have prepared a summary of the information contained

in my Exhibit A as follows:

Category I	453.18 Acres
Category II	156.65 Acres
Category III	1256.93 Acres
TOTAL (including one unclassified parcel)	1866.76 Acres

Assuming that all of the sites that are potentially suitable for residential development are developed for multifamily housing at a gross density of 8 to 10 units per acre, the total number of multifamily units that will ensue will be between 10,055 and 12,569 units. Assuming further that 20 percent of those units are low and moderate income housing, the number of such units that will ensue will be 2,011 to 2,514 low and moderate income units.

7. I have projected a gross density range of 8 to 10 units per acre for the projected development capacity for a number of reasons, notwithstanding the fact that net development density for certain types of multifamily housing can be substantially higher than that figure. My reasons for so doing are as follows:

(a) Many of the sites listed on my Exhibit A, although generally suitable for residential development, contain substantial acreage which is not appropriate for development. Such acreage includes floodplain lands, other environmentally sensitive lands, power line rights-of-way, and areas that must be set aside to buffer residential development from highways, non-residential uses, and other potentially deleterious factors. For this reason, the gross density of development of these sites must by necessity be substantially lower than the net density feasible and appropriate on the buildable portions of these sites.

(b) In looking at a community as a whole, it is not necessarily appropriate to maximize density on all sites that are suitable for multifamily development. It is appropriate to seek a mixture of housing types, including townhouses and two to four family houses, which are customarily developed at lower density than garden apartments. Similarly, in order to maximize the ability of a developer to respond to market demand (and thereby provide the basis for a mandatory setaside) a mixture of densities may be appropriate. In addition, certain of the sites in question are very large, and may lend themselves to a planned unit development approach, in which open space and nonresidential facilities may be appropriate (although nonresidential facilities should not be required).

In view of the considerations set forth in (a) and (b) above, the setting of specific densities, and the determination of the maximum appropriate density for each individual site, is only possible after an in-depth analysis has been done of each site, including traffic, environmental, market, and other planning considerations. Such an in-depth study would require an extended period of time to conduct, and is clearly not feasible at this time, in view of the time constraints affecting the present litigation.

8. Finally, the gap between the projected unit yield of these sites, as set forth above, and the Township of Piscataway's fair share housing allocation, as presented in the court-appointed

expert's report of April 1984, is so great that no reasonable upward adjustment of density can realistically bridge that gap.


ALAN MALLACH

Sworn to before me this 25th day
of May, 1984.


Attorney at Law, State of New Jersey

CLASSIFICATION OF VACANT PARCELS IN TOWNSHIP OF PISCATAWAY

CATEGORY	SITE NUMBER	ACREAGE
CATEGORY I	9 (part)	7.4 ¹
	11	26.7
	18	7.83
	19	7.79
	20	25.0
	21	14.54
	22	5.0
	23	28.79
	24	10.74
	25	8.0
	26	40.98
	27	31.0
	36	2.17 ¹
	41 (part)	48.76 ¹
	50	2.88
	55	105.9
	56	16.0
	58	0.62
	59	29.27
	64	1.65
70	9.1	
71	5.0	
72	5.1	
73	6.99	
74	3.8	
CATEGORY II	5	40.0 ¹
	9 (part)	47.6 ¹
	13	26.0
	15	6.5
	39	7.8
	61	10.42
	62	6.63
	65	4.8
	66	3.5
67	3.4	
CATEGORY III	1	10.7
	2	125.1
	3	24.9
	4	10.0
	6	55.62
	7	88.0
	8	35.6
	10	34.0
12	34.0	

CATEGORY	SITE NUMBER	ACREAGE
CATEGORY III (CONT.)	14	66.25
	16	14.29
	17	17.21
	28	6.35
	29	1.09
	30	50.58
	31	10.9
	32	43.62
	33	63.85
	34	14.3
	35	74.65
	37	7.82
	38	48.0
	40	29.18
	41 (part)	7.2 ¹
	42	32.4
	43	14.7
	44	20.0
	45	40.94
	46	55.64
	47	9.4
	48	6.16
	49	17.29
	51	4.3 ²
	52	12.77 ²
	53	9.4
	54	6.2
	57	40.0 ²
	60A	49.7 ²
	60B	18.69 ²
	60C	13.29 ²
	63	2.85
	68	2.81
	75	4.0 ²
	76	6.54 ²
	77	6.45
	78	2.99
	79	7.2

NOTES:

¹Site has been divided between two categories and acreage in each category has been estimated.

²Site is made up of multiple separate parcels. Not all separate parcels have been inspected.

Site 69 has not been inspected, and cannot be classified on the basis of available map/table data.