

Discataway 1983

Inquiries desired to be posed to Carla Lerman
by Paley

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December 15, 1983

Honorable Eugene D. Serpentelli
Judge, Superior Court of New Jersey
Ocean County Court House
CN 2191
Toms River, New Jersey 08754

Re: Urban League of New Jersey
vs. Piscataway et al.

My dear Judge Serpentelli:

As you know, the undersigned served as counsel in the above matter. It is my understanding that the Court has permitted counsel to request of Carla Larman that she provide answers to certain questions concerning her methodology used in the report filed by her with the Court in this matter. The Township of Piscataway respectfully wishes to avail itself of that opportunity by posing the following inquiries:

(a) With respect to the fair share allocation attributable to Piscataway Township, what is the basis for the exclusion of existing multi-family privately owned apartment dwellings?

(b) With respect to the fair share allocation attributable to Piscataway Township, what is the basis for the exclusion of multi-dwelling units owned by Rutgers, the State University, and consisting of either dormitories or married student housing?

(c) With respect to the determination of indigenous need attributable to the Township of Piscataway, what is the basis for use of census data as determining those dwelling units considered to be overcrowded?

(d) With respect to the factors employed by Ms. Larman in determining Piscataway's fair share allocation:

(1) Why does Ms. Larman not consider past performance as a factor to be weighed in determining the appropriate allocation?

(2) With respect to the factors used by Ms. Larman in determining Piscataway's fair share allocation, what is the basis for the equal weighting of the three factors employed in her formulaic approach?

(3) With respect to the use of employment statistics as a factor in determining Piscataway's fair share allocation, what is the basis for the use of a percentage increase in employment, as opposed to the use of a factor representing the percentage of employment at a point in time?

(4) With respect to Ms. Larman's use of employment statistics, what is the basis for her selection of the period 1972 through 1981, rather than a longer period?

(5) With respect to the employment statistics used by Ms. Larman, what is the basis for her selection of "covered employment", rather than other employment indicia?

(6) With respect to Ms. Larman's use of employment statistics, what is the basis for the omission of any consideration of the type of employment created in the municipality? Put another way, why has Ms. Larman not reviewed the nature of the employment created and the kinds of jobs (high technology or otherwise) which may account for the increase which she reflects?

(e) What is the basis for Ms. Larman's omission of the conclusion reached by the trial court in the within litigation that the Township of Piscataway had fully satisfied the need for low and moderate income housing for its indigenous population at the time of trial? As a correlary, what is the basis for Ms. Larman's inference that no consideration should be given to the trial court's determination that Piscataway had fairly met its obligation for its indigenous population?

(f) Assuming the validity of Ms. Larman's conclusion that Piscataway lacks sufficient vacant land to meet its obligations under Mt. Laurel II, as she views it, what specific remedy would she propose regarding the excess?

I note from your letter dated November 28, 1983 that you have requested that all questions for Ms. Larman's consideration be submitted directly to the Court. Accordingly, I have not forwarded a copy of these questions to Ms. Larman, or to other counsel, pending your receipt of this letter. If you would prefer that I forward a copy of this letter direct to all other parties, I will be pleased to do so upon your advisement of that preference.

Your Honor's usual courtesy and cooperation in this matter will be greatly appreciated.

Respectfully and sincerely yours,

PHILLIP LEWIS PALEY

PLP:Pmm