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Boonton

18-~~Jan~~^{Jan}-1980

Morris Cty. Fair Housing v. Boonton

Deposition of Carl Lindbloom -
re: fair share housing analysis

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MORRIS CDUNT FAIR HDU3ING t
OO0HCIL, ot als,

Plaintiffs,

Deposition oft

CARL LINDBLPOM

•S.

BOONION TOWNSHIP, ot als, t

Defendants. t

TRANSCRIPT of deposition talnn by and before
DOt>HX M. EDMIB, G>rtill<d Shertluind R>p>rt<r and Notary Public
of the Stats of Now Jerooj, on Janoary 18, 1980 at tho Morris
Ibvn^ip Municipal Btttldiag, Mbodland Avonwi, Morris Township,
Unr Jorooy eiiiindag at 10 A.M.

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For tho Plaintiffs.

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~~Representing~~ Himmwr Township.

PKTHR S. LBS, ESQ.
Royrtaontlng Nanovor Township,

MESSRS, MATTS DN, MADDEN & POLITO
BYt MART LYHWB McDSRMDTT, ESQ.
RepFosonting Pa>sale Township*

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West Orango, Now Jersoy 07052

PENGAD CO., BAYONNE, N.J. 07002 FORM 2046

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MESSRS. SHANLBY A FISHER
 Bit GLSNN S. PANTS., BSQ.
Representing Harding Township.

MESSRS. JAMSS, WYCBDFE, VBCCHIO & FITMAN
 BTi JOSSfi J, VECCHIO. BSQ.
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MESSRS, WILBT, JULEBORN A SIBOTA
 Bit JAMES P. VISE, BSQ.
Representing Boekaway Township.

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I N D E X

WITNESS

DIRECT

CARL LINDBL00M

BY MR. BISCAIRE

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I N D E X O P E X H I B I T S

<u>NUMBER</u>	<u>DESCRIPTION</u> ^	<u>IDEOT.</u>
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1 CARL LINDEBLOOM,

2 156 Laurel Road, Princeton, New Jersey,

3 having been duly sworn by the reporter, testified

4 as follows:

5 DIRECT EXAMINATION BY MR. BISGAIRE:

6 Q Carl, I understand from reading your
7 expert reports and the like that you've given testi-
8 mony before?

9 A Yes.

10 Q You're familiar with the nature of
11 this kind of a proceeding?

12 A Yes.

13 Q I want to show you a document previously
14 marked L-1 for purposes of identification. Could
15 you very briefly identify what that is?

16 A This is a memorandum from me to Fred Sirota,
17 the attorney for Rockaway Township, and it describes
18 the Rockaway Township housing region.

19 Q Have you done any other report for
20 Rockaway Township?

21 A Well, they asked me to do the housing region
22 and a fair share and I started the fair share housing
23 analysis, but they decided not to use it, not to
24 continue it, so I didn't complete it.

25 Q Do you know why they decided not to

1 use it?

2 A NO.

3 Q Did you produce for them any drafts
4 of that document?

5 A I had some initial - I did some initial work,
6 some initial investigations, but -

7 Q Did you reach any preliminary conclusions?

8 A No.

9 Q Do you have that work product in
10 your possession?

11 A No, I do not.

12 Q Are they here or in your office?

13 A I have access to the initial work that was
14 done.

15 MR. BISOAIRE: Bb you have any objection
16 to his producing that?

17 MR. WYSE: Yes, I do.

18 MR. BISGAIRE: What's your objection?

19 MR. WYSE: It's not conclusory,
20 It's of no value. They don't plan to have
21 it at the trial.

22 MR. BISGAIRE: So I have to file a
23 motion to get that?

24 MR. WYSE: Yes.

25 Q Mr. Lindebloom, L-1 refers to another

1 document, a Nationwide Transportation Study Report
2 Number 8, Department of Transportation.

3 Do you have copies of that document with you?

4 A Yes, I do.

5 Q Would you produce that?

6 A Sure.

7 Q Do you mind if we have this marked
8 for identification?

9 A That's my only copy. I don't mind. You're
10 not going to keep it?

11 Q No.

12 (Report by the U.S. Department of
13 Transportation dated August 1973 marked
14 L-2 for identification.)

15 Q I show you a document marked L-2 for
16 identification. Could you identify that briefly?

17 A This is a report that was produced by the
18 U.S. Department of Transportation dated August of
19 1973 and it's a study of transportation, modes of
20 transportation, travel time, distance.

21 Q Is that a national study?

22 A Yes, it's - title of Nationwide and it's
23 '70 Census data and it's throughout the whole
24 country.

25 Q Would you be able to make a copy for

1 me if I reimburse you for that, send it to my office,
2 this document?

3 A Sure.

4 Q Now, the document, L-2, is there any
5 reason to believe that the conclusions drawn from
6 that study would apply to all Metropolitan areas
7 in the United States equally?

8 A No.

9 Q How would you be able to draw conclusions
10 from that document as to the appropriateness of
11 the use of some of the data contained within it
12 and the conclusions drawn from it for a particular
13 metropolitan area?

14 MR. VECCHIO: Would you read that
15 question back? I'm sorry. I didn't get it.

16 (Whereupon, the reporter reads back
17 the last question.)

18 MR. VECCHIO: I object to the question.
19 I think the primary question should be whether
20 he did in fact draw any conclusions from that
21 particular study, if you can answer it.

22 Answer it, if you want.

23 Q I'll answer your question. Did you in
24 fact draw any conclusions from the information
25 contained in L-1 for purposes of your report?

1 A I didn't base my regional determination on
2 this report number 8 alone. That was just - that's
3 part of the supporting documentation in developing
4 ray methodology for regional determination .

5 I began with the concept that I felt that
6 it was appropriate to base the regional determination
7 on travel time, on commuting time.

8 Q How did L-2 support any of your
9 conclusions?

10 A L-2 helped support it in that it discusses
11 the travel time based on '70 Census which is similar
12 to the time that I finally used, which is 30-minute
13 travel time.

14 Q How did you reach the conclusion that
15 the information contained in L-2 was appropriate
16 for you for use in areas in and around Morris
17 County, and basically, areas around the New York-Newark
18 metropolitan area?

19 MR. VECCHIO: I again object to
20 the question because I think the witness at
21 no time stated that L-2 was appropriate for use
22 for the areas in Morris County. I think his
23 testimony was that it was supported - supportive
24 of his general methodology.

25 Q Do you remember the question asked?

1 A Yes.

2 Q Could you answer it?

3 A The answer is that L-2 wasn't the sole
4 reason for my travel time concept in coming up with
5 the regional determination.

6 Q I didn't ask you if it was. You believe
7 it supports your analysis with regard to the regional
8 determination in this regional area; is that
9 correct?

10 A Yes.

11 Q Why do you believe that nationally
12 derived data is supportive for conclusions that
13 you have drawn with regard to the New York metropolitan
14 area?

15 A Well, when you have a chance to go through a
16 copy of the report, you'll see that in it it points
17 out that it doesn't make much difference whether
18 it's metropolitan area or nonmetropolitan area. The
19 difference in the average travel time was very little.
20 The average travel time was something like - well,
21 the difference between like 22 and 25 minutes,
22 something like that, between Metropolitan time -
23 it made very little difference - the area of the
24 United States made very little difference in commuting
25 travel time.

1 Q What would have been a substantial
2 enough difference for you to have believed that
3 the information contained in L-2 might not be
4 appropriate for this Metropolitan area in and
5 around Morris County?

6 A Well, if there were - if, for example, L-2
7 said that northeastern New Jersey was a different
8 pattern, then I would consider adopting that pattern
9 or something else, or something similar, or would
10 adjust my half hour, but it didn't.

11 Q Is it your personal belief that **residents**
12 in the New York metropolitan area -- by that I mean,
13 inclusive of residents of Morris County, essentially
14 are involved in similar commutation patterns to
15 residents of virtually all metropolitan and non-
16 metropolitan areas of the United States?

17 MR. VECCHIO: Again I object to the
18 question since, unless you define what you
19 mean by the New York metropolitan area, because
20 I don't think that the entirety of the New
21 York metropolitan area is involved in this
22 litigation.

23 It would seem to me that it would have
24 to be directed to the - directed to the
25 parties to this litigation or at least what

1 you contend to be the region, that being
2 region 11.

3 Q Can you answer the question?

4 A Well, I think there is a factor in the
5 community that you're doing the original determination
6 for and the general area of that community is a
7 factor in the methodology that you're going to use.

8 I think the methodology, regional determination
9 for an essential city with a highly developed
10 mass transportation system, the commuting time
11 method would be somewhat different than for **the**
12 community; say in Morris County.

13 Q What would you find that to be
14 different?

15 A Well, the mode of transportation would be
16 different. The mode of transportation for a central
17 city with a highly developed mass transportation
18 system-- the percentage of reliance on the automobile
19 could be quite at variance to that of let's say
20 suburban communities.

21 Q How substantial would the reliance
22 on other modes of commutation other than the automobile
23 have to be for you to change your opinion as to the
24 appropriateness of your methodology?

25 A I haven't done that kind of a - I haven't,

1 you know, made that determination.

2 The reliance on the automobile is around
3 80 percent. It would have to be considerably less
4 than 80 percent for me to make an adjustment in
5 my methodology.

6 Q So even though 20 percent of those
7 persons who commute would use means of commutation
8 other than the automobile, that wouldn't affect
9 your methodology of establishing the region based
10 on a 30-minute automobile commutation?

11 A Correct.

12 Q Why did you use 30 minutes?

13 A Well, there was several reasons why we used
14 30 minutes. All of the reasons I could give you.
15 You could say why didn't you use 31 minutes or 32
16 minutes or 30 minutes and 30 seconds,

17 Q Why don't you give me the reasons
18 and then we'll see what my questions are.

19 A Okay. Well, one of the reasons was from
20 all the Research I've done, 30 minutes is a desirable
21 driving time for a commuter whose trip travel time is
22 a half hour. You get beyond a half hour, now it's
23 an onerous trip and it's not a desirable situation.

24 A person lives - from all the literature
25 I have read, when you're living beyond the half hour

1 travel, ideal travel time, dependency would be to
2 move within a closer commuting time; so the logical
3 region is, I think, is within a half-hour travel
4 time distance.

5 Obviously, there are people who travel more
6 than a half hour to work. Some might travel more
7 than an hour, but, you know, the percentages are
8 very low. We found that most people travel half
9 hour or less to work.

10 Q What literature and research are you
11 referring to? Could you be specific?

12 A I did a regional determination for Bridgewater
13 TownsUp and theplanner there did a study, interview
14 type study of the employed residents in the Township
15 and found that 90 percent worked, traveled within a
16 half hour of their homes; so that was a direct
17 support.

18 Q Were there any other direct or indirect
19 supports?

20 A In George Sternlieb's reports on development
21 costs - I don't recall the title -- he talks about
22 an idea travel time. Their Middlesex County Master
23 plan report number 13, that-was May 1970, states that
24 the average trip from residents whose jobs run
25 about 20 to 30 minutes.

1 MR. DORSEY: George Sternlieb's report?

2 THE WITNESS: Sternlieb's report was
3 entitled Housing Development and Municipal
4 Costs.

5 Q What do you recall were the conclusions
6 in that report that you relied upon?

7 A I'm sorry. The Robert Strong study for Bridgewater
8 was 1971* and it found that 91.1 percent of the persons
9 employed in Bridgewater lived within 30 minutes of
10 work and 82.1 percent of Bridgewater residents
11 worked within 30 minutes of their home.

12 Q Do you have a copy of the report?

13 A No, I don't.

14 Q How would I be able to obtain a
15 copy?

16 A Either from the Township or from Mr. Strong.

17 Q Now, you refer to the Sternlieb book,
18 I believe. What conclusions in that book did you
19 rely upon?

20 A I don't have my notes on that. All I have is a
21 **note here** that in their study they talk about
22 commuting distance for - they were analyzing different
23 types of housing, types of townhouses, garden apartments
24 and so forth; and in that it was an interview type
25 with residents of these different housing types and

1 they found that the travel time varied a little bit
2 from one housing type to another; and they, as I
3 recall, they were within my half hour travel time.
4 I think garden apartments, as I recall, was a 20-
5 minute travel time average.

6 Q Middlesex County Master plan report
7 number 13 that you referred to, what conclusions in
8 that document did you rely upon?

9 A The report states **that** the average trip for
10 residents to jobs runs about 20 to 30 minutes.

11 Q Is there any other reports or literature
12 that you relied upon, any other research in **drawing**
13 the conclusion that 30 minutes was appropriate for
14 establishing the fair share region?

15 A Well, you know, there's a number of studies
16 and I haven't documented them all but there is a-
17 another report, the Land Use Digest of March, 1976
18 states that townhouse -- this is a report of a
19 study that was done by Apartment Construction News
20 dated November 1975; and it states that townhouse
21 occupants are more interested in living close to
22 their place of employment. Preferably within one
23 half hour travel time.

24 Q Did you read the report that that was
25 based on?

1 A No.

2 Q You relied solely on what you read
3 from the Land Use Digest?

4 A Yes.

5 Q What date is the Land Use Digest
6 document?

7 A That's dated March 1976,

8 Q Would you be able to supply me with a
9 copy of that?

10 A With the land use digest?

11 Q Yes.

12 A Sure.

13 Q Would you believe it would be unreasonable
14 or just a difference of opinion among planners for a
15 planner to choose a 45-minute commutation difference?

16 A No.

17 Harvey Moskowitz and I authored a chapter
18 in a book called After Mount Laurel, and in it we
19 describe various methodologies of developing regions
20 and **the** travel time is described in there as one
21 **teethod**; and it suggests the half hour and talks
22 about anywhere from a half hour to 45 minutes.

23 Q You would accept 45 minutes as a
24 reasonable alternative?

25 A No.

1 Q You would not?

2 A No.

3 Q How would you characterize it?

4 A Well, I think-- see, the 45 minutes is going
5 to include a higher percentage of the persons who
6 are either traveling from Municipalities or to the
7 municipality, but I think it would involve an
8 unduly large reason and if you were to draft travel
9 times of the commuters, I think you would -- I mean,
10 the graph would level off at the 30 minutes, and
11 I think 30 minutes is more reasonable.

12 Q Do you think that the 45 minutes
13 is unreasonable?

14 A Well, I felt that 30 minutes was appropriate,
15 and with the energy crisis, I think it is becoming
16 more appropriate, obviously. There's going to be
17 more and more, I think, van pooling and car pooling
18 because of the energy crunch, but that isn't going
19 to change the travel time.

20 Q Do you think using 45 minutes would be
21 unreasonable if a planner chose to do that?

22 MR. VECCHIO: I object. I think the
23 question was asked and answered,

24 MR. BISGAIRE: Some question was answered,
25 that's true, could you answer it, whether it would

1 be unreasonable in your opinion?

2 A For —

3 Q For a planner to use 45 minutes instead
4 of 30 minutes?

5 MR. VECCHIO: Additional objection to
6 the question based upon that. Is that for
7 what particular area and under what circum-
8 stances would it be unreasonable for the area
9 we're talking about or somewhere in the Midwest
10 or South or —

11 MR. BISGAIRE: I think we determined that
12 regardless, whether it's in the Midwest,
13 it's all the same to us.

14 Q Do you think a planner using your
15 methodology for the very communities that you've
16 used it for, if that planner chose to use 45 minutes
17 instead of 30 minutes for commutation purposes and
18 for establishing a region, whether it was for Rockaway,
19 Passaic, Harding or Roxbury, do you think that
20 planner would be acting unreasonably?

21 A I don't think he'd be necessarily acting
22 unreasonably. I think the 30 minutes would be the
23 more appropriate travel time and it's the one I would
24 use; but it wouldn't be — I mean, I would have trouble
25 with the 45 minutes but I wouldn't say it was necessarily

1 unreasonable.

2 You know, as I said at the outset, I say
3 30 minutes- well, you know, it could be 35 minutes
4 and it wnl'dn't be unreasonable because in some
5 days that commuter to travel that same distance
6 is going to take him 35 minutes. Maybe some days
7 it might take him 45 minutes to travel that same
8 distance, maybe 25 minutes.

9 Q What about 60 minutes? Same question.

10 Do you think that would be unreasonable?

11 A Yes. I do, quite unreasonable. v Ilk..

12 Q On L-2, I'm curious. You have a map --
13 or L-1.

14 a I'm not saying - I just want to expand my
15 answer. I don't say -- as I said earlier, someone
16 may not travel 60 minutes. The majority are going
17 to travel within the 30-minute travel time and
18 that would be the most reasonable time frame to use.

19 Q In a map which is part of L-1 entlted
20 Rockaway Township Hsouing Region, could you just
21 describe basically what that map portrays?

22 A That portrays tie municipalities that fall
23 within the 30 minute travel time from Rockaway
24 Township.

25 Q You use essentially the center of the

1 Township, not the border; is that correct?

2 A As I recall, for Rockaway we used - I'd have
3 to look at the report but I'm not the planning
4 consultant in Rockaway and I referred to the planning
5 consultant.

6 MR. VECCHIO: Why don't you look at
7 the report if you have to.

8 A To determine where the most appropriate
9 point is? I think it was the lower part of the
10 Township that we used,

11 Q You did not use the border?

12 A Oh, no.

13 Q Why is that?

14 A The border?

15 Q Why didn't you use the border to deter-
16 mine?

17 A Oh, you mean a continuous line around the
18 border?

19 Q Yes.

20 A Well, I go - that would be one way to do
21 it. I choose to go from the, normally from the center
22 of the town. Rockaway is an unusual - Rockaway is
23 unusual because of its shape.

24 Q Would you think it unreasonable?

25 A If you're doing a town like Morristown,

1 say would be easier to do, take from a center point
2 because of its size and shape.

3 Q Do you think it would be unreasonable
4 to do it from the border for the communities that
5 you did it for?

6 A No, but I might reduce the travel time.

7 Q Why?

8 A Well, as you're going to the border of the
9 town, not to a point somewhere in the town.

10 Q So what?

11 A Well, people live within the town and they;
12 don't all live in the border. You're striking an
13 average and going to the border is not striking an
14 average.

15 Q What do you mean you're striking an
16 average? What does that mean?

17 A You know, you're talking about commuting
18 time from the town outward and you're not - it's
19 not a precise measurement, because some towns like
20 Rockaway are very large and someone commuting in the
21 Jobs may be located -- the job, because of the land
22 use patterns to the community, may be located all
23 in one section of that community and not in another.

24 When you're determining the travel time of
25 residents out of the township, I mean, they may live

1 all over the Township or they may live in one section
2 of the township; so I don't think it would be appropriate
3 to go from the border. I think it's more appropriate
4 to go from some central point in the community and
5 that's what I've done.

6 Further, as you travel out, the half hour,
7 sometimes that half hour is going to end up at
8 the border of a community or partly into a community,
9 and in my methodology, what I do, because it's
10 necessary for data gathering- purposes that you take
11 a whole community and not a portion of the community.
12 If that travel time takes you - covers more than
13 half of the community, I include the whole community;
14 and where travel time takes you into less than
15 half the community, I exclude the community from
16 the particular region, so that's also striking an
17 average. I mean, it's not a precise measurement,
18 obviously, any more than 30 minutes as against 32
19 minutes is precise measurement.

20 Q I'm curious as to why various munici-
21 palities, at least certain ones, which are contiguous
22 to Rockaway isn't included in Rockaway's region,
23 which is West Milford, various others which appear
24 very close to Rockaway, Bloomingdale is not in the
25 region.

1 A That is unusual. Most of the other regions
2 I've drawn, many of the other regions I've drawn,
3 the community is in the center of that region.
4 It all depends, obviously, on the road network; and
5 if you're familiar with that area and the size of
6 West Milford, you know, from the point where I started
7 from, you can't cover more than half of West Milford
8 in a half hour. The roads are just not of a nature
9 that's going to get you there in that time frame.

10 Q Do you have worksheets on these commutat^{lorn}
11 on the 30 minute travel time as to which municipalit^{is}
12 you included and which you excluded?

13 A In the report all the municipalities that are
14 included are listed.

15 Q You misunderstood my question.

16 Do ^DU have worksheets where you reflect on
17 paper-your computation of travel time from a point
18 in Rockaway to a point on the 30 minute periphery?

19 A No, it was done on paper, tracing paper overlaid
20 on a map with the roads, and I drove the roads, so
21 to speak, at the speeds indicated.

22 Q So you do not know what percentage
23 of certain municipalities which you have not included
24 might have been within the 30 minute travel time?

25 A No. I couldn't say, you know, what town I

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was comparing that got in or what town got in by a third or something like that,

Q How about Paterson and Clifton, Orange and Newark?

A I would have to rework it.

Q You don't recall whether part of those municipalities are in the Rockaway Region?

A No, not offhand.

Q Was your basis for whether or not to include a municipality within the region solely whether it was within this 30 minute commutation?

A That's correct.

Q You used no other factor whatsoever?

A No.

Q And solely -

A And obviously, it can change. If a new road is built, making it then possible to go further or to go to an area. Rockaway is a good example. If a new highway is built to connect to West Milford to make it easy to get up there, West Milford would ttenbe included.

Q What if only one percent of the people from Rockaway used that highway? Would you still include it?

A Of course.

1 Q What if five percent of the people from
2 Rockaway?

3 A It has nothing to do with it.

4 Q So it doesn't matter what percentage
5 of the people would use a particular highway going
6 in a particular direction? You would include it
7 if it was within 30 minutes?

8 A Of course. That's the whole basis of the
9 regional determination.

10 Q Even if it was one percent?

11 A Right. If it was zero percent.

12 Q As long as the highway was there?

13 A As long as it's possible to get there.

14 Q Even if nobody exercised that
15 opportunity?

16 A Yes.

17 Q Was the sole basis for your determination
18 that it was reasonable or it is reasonable to
19 include a municipality or to exclude a municipality
20 **from the** particular region whether or not it was
21 **within** 30 minutes commutation time? Any other
22 basis for believing it was reasonable to include or
23 exclude a municipality?

24 A My methodology - for my methodology, that
25 is the sole basis.

1 Q Once having derived the particular
2 region and the municipalities which were included
3 were excluded, did you use your methodology to
4 double-check the reasonableness of those municipalities
5 which are included as opposed to those which were
6 excluded?

7 A No. I can't think of what other means you
8 would use as a check, because the only means of
9 determining the region is the travel time.

10 Miss McDermott just reminded me that I do
11 point out in the regional determination in the
12 1970 Census on their work trip data indicates
13 for 1970 were the residents of the community worked,
14 and by county and so - in some cases by city or
15 a part of a major city.

16 Q Did you use that to double-check?

17 A That is listed in all my regional determination's
18 and it's a form of a check; because of the reporting
19 of the data and the age now of the data, it's
20 not a complete check,

21 Q How did it -

22 A I say form of data. I mean, you know,
23 it's some of the -- I point out that in one of the
24 municipalities 86 percent in 1970 of the residents
25 of the municipality traveled to work within the

1 counties included in my region, but my region doesn't
2 include whole counties*

3 Q There's no way to know since your
4 region doesn't include whole counties whether that
5 information supports your thesis or doesn't.

6 All of those employees may be working in areas
7 of the county that you did not include; isn't that
8 correct, as far as you know?

9 A Yes, but obviously, unlikely.

10 Q Why?

11 A Well, because my area of -- that portion of
12 that county is closest to the community in question,

13 Q Suppose I prove to you that it's in at
14 least one of the counties the largest proportion
15 of people from the Township who work in that county
16 actually work in municipalities which are not
17 included in your region. Would that bother you
18 as to the validity of your analysis?

19 MR. VECCIO: Again I object to the
20 question because it's based on a supposition
21 that it's entirely theoretical unless you want
22 to plug in some factors indicating the particular
23 county upon which it's going to prove, or
24 you're going to plug in the basis for asking
25 him a hypothetical question instead of just

1 indicating "Suppose I prove that they work
2 elsewhere,¹ I think there should be a bit
3 more of a foundation for it.

4 Q Do you understand the question?

5 A I didn't quite understand the question, but
6 this methodology I've developed over a number of
7 years and I haven't found any other methodology that's
8 better than it, and I haven't seen anything anywhere
9 that would - comes up with better means of regional
10 determination .

11 Q Can you answer the question **that** I
12 asked, the hypothetical question that I asked?

13 A What was the question? Can you read it?

14 (Whereupon, the reporter reads back the
15 last question.)

16 A A hypothetical answer to that, in the first
17 place do you want to make a bet that you can come
18 up with such a situation. I'm willing to bet you.

19 The second thing is that it wouldn't change
20 my determination because that situation, if it did
21 exist, can change.

22 I mean, as those people who are -- I mean,
23 they're commuting further than my half hour because
24 that's where **their** jobs are and overtime under my
25 methodology, they're going to move closer and the

1 region isn't going to change.

2 Q Actually, what's probably going to
3 happen, the jobs are going to move out,

4 A Either way, the jobs move out or they will
5 move into the jobs. You know, but I challenge you
6 to come up with that situation. I am willing to
7 put my money where my mouth is.

8 Q You're willing to put your report
9 there too?

10 A Absolutely. I understand. I stand by everything
11 I write.

12 Q Have you done any other work for
13 Rockaway besides the report, L-1, that you completed
14 and the report that you did not complete?

15 A No.

16 MR. WYSE: I object to your characterizing
17 it as a report, this is the only report.
18 Whatever else, he does not constitute a
19 report.

20 A I haven't done anything else.

21 Q You never then calculated a fair share
22 actual number for Rockaway as you did for some of
23 the other municipalities?

24 A As I say, we did some data gathering and some,
25 you know, wage income. Things like that.

1 Q But you never completed that?

2 A Right.

3 Q Did you ever come up with a number for
4 Rockaway?

5 A A number, fair share? No.

6 Q Never did. Are you familiar with any
7 calculation projections for Rockaway Township, any
8 that you in particular might rely upon or not
9 rely upon?

10 A Well, the projections that I would - the
11 most recent projections are those done by the
12 Department of Labor and Industry. I think it **was**[^]
13 April of this year.

14 Q You rely on those?

15 A Yes. Well, they're the most recent that we
16 have.

17 Q Which particular methodology of theirs
18 would you rely upon? They did four, I believe.

19 A Well, I don't recall -

20 Q On the ODEA model, you would rely upon
21 that?

22 A ODEA?

23 Q Are you familiar with the population
24 projections which have been produced by the State
25 in which are now being utilized by the Department

1 of Environmental Protection for its water sewer
2 II resources¹ plan?

3 II A I am aware of them. The 208?

4 II Q Righth.

5 II A Yes, I am aware of them but I don't -

6 II Q They're using calculation projections --
7 11 population projections, is that not correct?

8 A Yes, and I understand that they are, I believe,
9 II somewhat higher overall. I don't know how it affects
10 || individual municipalities, but they're higher overall.

11 || MR. VECCHIO: If you don't know the
12 II answer to the question, please don't give it.

13 II Q I want to ask you really, since those
14 || are the population projections used for State Policy
15 II with regard to water and sewer infra-structure con-
16 II struction, sir, do you also think that those might
17 || be reliable population projections for this metro-
18 || politan area, Morris County?

19 II A Well, you know, a planner uses - doesn't rely
20 || on just one set of data. I mean, if there are other
21 || sets^ you consider all sets, the data, and how
22 they're derived, and you know, really for me to answer
23 that question I would have to -- I would have to say
24 it depends on how I'm going to use it, whether it's
25 II appropriate for -- for the particular application.

1 I mean, certainly the 208 study population
2 projections were done by - they were recent and
3 they're done by a State agency and they certainly
4 should be considered. Whether I would use them or
5 not as against something else, I don't know. It
6 would depend on the application.

7 Q Do you know, or have you ever evaluated
8 the ODEA methodology?

9 A No, I haven't,

10 Q Do you know whether it's the opinion
11 of those who did the methodology that it was intended
12 to be used as a population forecast as opposed to 'Just
13 an input?

14 A No, I don't have knowledge of that.

15 Q Would you believe that population
16 projections which are being utilized for water and
17 sewer infra-structure are reasonable to use as
18 population forecasts?

19 A Again, I had to answer that -- I would have
20 to see how they were prepared and whether it is
21 appropriate to my application. I might refer
22 to them and use my own projections. It depends
23 on the kind of study I'm doing for the community.

24 You know, if I were doing a master plan for a
25 particular community, my projections might be quite

1 different than what some regional agency determined
2 for it on a regional basis. I might have the input
3 of policy for that particular municipality which would
4 affect my projections,

5 Q What is your familiarity with the
6 employment growth in Rockaway Township? Any?

7 A Well, my methodology uses data that's provided
8 for the State Department of Labor and Industry on
9 covered job growth. That's what we use.

10 Q So your knowledge in the employment
11 growth in the municipality would be limited to
12 what appears in the covered?

13 A That's right.

14 Q Do you have any familiarity with the
15 Rockaway Mall?

16 A I know it exists, but I have never been there,

17 Q Do you have any idea how many employees
18 it generated and is proposed to generate?

19 A No.

20 Q Do you have any knowledge as to the
21 type of employees who, by income, who would normally
22 be employed by a mall?

23 A By a mall?

24 Q Generally speaking.
25

1 A Generally speaking, they use a large shopping
2 center, use a lot of part-time people; but I haven't
3 done any specific study.

4 Q As to whether-

5 A You know, my methodology isn't really that
6 concerned with the type of Job. It's more concerned
7 with the creation of a new job, period.

8 Q So you would have no knowledge as
9 to the proportion of employees generated by a mall?

10 MR. WYSE: I object to this whole line
11 of questioning unless you can tie it into
12 region studies, and I don't think it has
13 anything to do with methodology as to the
14 region, as of Rockaway Township.

15 MR. BISCAIRE: It might be entirely
16 Irrelevant.

17 Q Do you have any knowledge as to the
18 proportion of employees and employment center such
19 as a mall, which would employ moderate income employees?

20 A No.

21 Q Do you have any knowledge as to where
22 the present residents of Rockaway Township have come
23 from, where they have moved from into Rockaway
24 Township?

25 A No.

1 Q Does that have any significance to
2 you at all?

3 A No.

4 Q It wouldn't bear the least bit on
5 your methodology in ascertaining the reason?

6 A No.

7 Q Do you have any knowledge as to
8 where the employment that has been generated in
9 Rockaway Township, the employers, where they have
10 come from?

11 A No.

12 Q Would that have any bearing or
13 significance on your opinion as to the region for
14 Rockaay Township?

15 A No.

16 Q Would that be true of your methodology
17 and your analysis as to all the municipalities
18 that you've done these studies for?

19 A Yes.

20 Q Why is that? Why wouldn't it matter
21 where residents have moved from or employers have
22 come from?

23 A My concern is with Jobs and with housing,
24 not where they come from; but the existence and
25 cfeation of a job.

1 Q If a substantial number of the jobs that
2 are now in Rockaway Township or in any municipality
3 any of the defendant municipalities would have come
4 from Newark recently, would you consider it irrelevant,
5 as to whether Newark is part of the region of that
6 particular municipality?

7 A Well, if it's a transfer of a job from one
8 municipality in my region to another, it doesn't
9 affect - it doesn't create a new job in the region.
10 If the job comes - is transferred from out of the
11 region, that's a new job in the region. It's a
12 factor in my analysis.

13 Q That's a factor in the sense that
14 you have increased covered employment?

15 A Yes.

16 Q That's not what I meant,
17 What I meant was, if we're finding --

18 A If it comes from a municipality outside of
19 the region?

20 Q I hesitate to call it a region.
21 If this area of the world, if we find that there's a
22 substantial number of employers who are moving from
23 Newark into this other area of the world known as
24 defendant municipalities in this case, does that have
25 any bearing on whether you conclude that Newark and

1 these defendant municipalities seem to be in the
2 same region?

3 A No.

4 Q What is a computer shed?

5 A A computer shed is the region that's based
6 on the half hour driving time from the center of
7 the municipality to the area surrounding, theoretically,
8 the municipality.

9 Q Since it's exactly what you have
10 done is you've ascertained a 30 minute commuter
11 shed for Rockaway Township and for the other
12 municipalities?

13 A 30 minutes based on all driving time.

14 Q That you've identified as the housing
15 region for fair share purposes?

16 A Yes.

17 Q Where did you get the notion that it was
18 appropriate to utilize a computer shed for housing
19 allocation purposes?

20 MR. VECCHIO: I object to the character--
21 ization and the question as to the fact that
22 it is a notion. I think it would be more
23 appropriately characterized as what he
24 based his professional opinion on.

25 MR. BISCAIRE: I didn't mean that fria

1 perjorative way at all. I accept Mr. Vecchio's
2 recharacterization of what you did. Can you
3 answer the question?

4 A You want to rephrase it?

5 Q Okay. I didn't know you were that
6 sensitive,

7 MR. VECCHIO: I'm sure he isn't.

8 I am.

9 A I will answer the question.

10 Q From where did you derive the conclusion
11 that it was appropriate as a planner to utilize
12 a 30 minute automobile commuter shed as the basis
13 of a region for fair share housing allocation
14 purposes?

15 A From my notion, if you will, that the housing
16 need -- it's a direct relationship between housing
17 and jobs. I don't have to tell you that. It's
18 in Mt. Laurel and so forth, and then if a community is
19 going to generate jobs, it has an obligation to provide
20 housing; so there is a relationship between Jobs
21 and housing*,

22 Q What's that relationship if the community
23 is going to generate jobs?

24 What's your opinion as to the housing it should
25 generate?

1 A Well, the first thing to do is to determine
2 the region and that's how I come up with the
3 commuting time. I mean, it's based on a commuting time,
4 theoretically, for jobs. Obviously, you could look
5 at it as an arbitrary 3.0 minute travel time. But
6 it's a commuting time and the basis for the travel
7 speeds and so forth are long roads, and that would
8 average speeds that can be achieved during
9 commuter hours and so forth; and that's the relationship.

10 Q Do you know of any other fair share
11 study or plan which you - which utilizes a commuter
12 shed for purposes of ascertaining the region?

13 A No.

14 Q Have you done an evaluation of
15 fair share studies and plans done by persons
16 other than yours?

17 A I have looked at a lot of fair share studies
18 and their means of determining the region, yes.

19 Q How many would you say you've looked
20 at?

21 A Well, in looking at regions, different regions,
22 the DCfi study included an analysis of different.
23 In their means of coming up with their regions,
24 they looked into all different types of regions and
25 they discussed them in the report; and when they're

1 natural regions like the Pinelands -

2 Q I am referring specifically to fair
3 share housing regions.

4 A Most of the fair share housing regions
5 use and - administrative jobs. They use counties
6 or groups of counties.

7 Q Do you know any that doesn't besides
8 your own?

9 A Not offhand, no.

10 Q Have you reviewed the various fair
11 share plans that have been done nationally, the
12 Dayton Plan, the San Francisco Plan?

13 A I'm aware of them. Those plans are sort
14 of super region plans and they multiply 600 square
15 miles -- maybe not 600, but in the hundred of square
16 miles for, I think, the Dayton plan and the Miami Valley
17 covers the whole Miami Valley, huge area, which would
18 be much larger than could be achieved in my commuter
19 shed concept.

20 Q It couldn't be achieved in your
21 commuter shed concept? They would have been doing
22 something unreasonable according to you?

23 A They are - don't forget, they're using a
24 different approach. They are saying that that region
25 is appropriate for housing purposes for all the

1 municipalities in that region, the difference is,
2 and this is an important difference: That my region,
3 for example, my Passaic Township Housing region
4 appropriate only for Passaic Township. Harding
5 Township, which adjoins Passaic, would have a
6 different housing region than Passaic does, and yet,
7 they're abutting communities.

8 Q Well, do you think -

9 A The difference wouldn't be a major difference
10 but there would be a difference.

11 Q Do you think the Dayton plan and vu
12 that methodology and that approach is unreasonable?
13 I had thought that your opinion was it was unreasonable
14 since it was not based on the 30 minute commuter
15 shed.

16 MR. VECCHIO: Again I object to the
17 question because I think the question would have
18 to be more precise and unreasonable as to
19 what end.

20 MR. BISCAIRE: And to the end that
21 they've ascertained a methodology. In ascertainin
22 a region, do you think the Dayton Pian -

23 MR VECCHIO: The point is my objection
24 is not with reference to their methodology in
25 determining the region.

1 The point of my question is whether the
2 plan is unreasonable in applying it to a particular
3 purpose and what that purpose is that the plan
4 is being in fact used for, but if you understand
5 the question, please answer it.

6 Q I will rephrase it, I'd like to rephrase
7 it.

8 Do you believe that the planning methodology
9 in the Dayton plan, how they ascertained specific
10 regions was unreasonable for purposes of which they
11 were deriving it?

12 A I really can't answer that question, because
13 I am not that familiar with the plan. It may be
14 appropriate for their purposes, but it wouldn't
15 be appropriate for mine.

16 Q Do you believe that the regional
17 methodology used by the Department of Community
18 affairs for purposes that they intended to use the
19 region was unreasonable and inappropriate?

20 A I think it was. I think it was,

21 Q Why?

22 A Well, in the first place, I would hedge a
23 little bit in that they had a problem there applying
24 their regions to all the communities in those
25 particular regions. In other words, let's take

1 Cape May City in Cape May County.

2 Now, it might be appropriate for that region,
3 might be appropriate for Cape May City, but you talk
4 about other upper township or one of the townships
5 in the northern part of Cape May. Cape May county
6 is too small, or alone, is not appropriate for
7 that municipality on the northern portion of Cape
8 May County; so I don't think you can apply the
9 same region for all the municipalities in that region;
10 because you're always going to have some municipalities
11 that are on the edge periphery of the region that
12 have a different housing region.

13 Q Do you know of any fair share plan
14 other than your own which does not do that?

15 A No.

16 Q So everyone does it except for you?

17 A Everyone is wrong.

18 Q Everyone is wrong except for Carl
19 Lindbloom?

20 A Yes.

21 Q You might be happy to know Malcolm
22 Cassler is also another person who is right, the
23 two of you.

24 A I wasn't aware he uses the travel time.

25 Q Yes.

1 A Good for Malcolm.

2 Let me just expand on the answer in that I
3 recognize, as I think I said, the State has a problem.
4 They were doing, trying to come up with an analysis
5 of 567 municipalities. I'm doing it for one or
6 two or three or four at a time.

7 Q Really, Carl, in this day of computer
8 programming, your methodology, it wouldn't have been
9 that hard to program it and just put it in churned
10 out numbers just like yours.

11 A No. I mean, you can't drive the roads up
12 by a computer. It has to be done by hand on a
13 drawing board.

14 Q How long did it take you?

15 A Well, it takes a good hour and a half or
16 two hours to do it for each municipality just to drive
17 those roads.

18 MR. DORSEY: What's the name you said
19 before?

20 THE WITNESS: Malcolm Cassler.

21 Q Is the sole reason you believe that the
22 DCA plan as far as the region is because it does not
23 meet the 30 minute commuter shed for each municipality?
24 Is that the sole reason?

25 A Not the sole reason. I think I just explained

1 earlier that it tries to apply - it says that all
2 municipalities in that region have that same housing
3 region and that's not true. The community at
4 the edge of the region relates as a different housing
5 region than the community at the other end of the
6 region. Passaic Township has a different housing
7 region than -- well, let's take -

8 Q Let's take Rockaway. Do you think
9 it's a different housing region than Rockaway?

10 A I think I said before that every - Passaic
11 has a housing region that's unique to Passaic. No
12 other municipality has the same housing region,
13 There are overlaps, though.

14 Q Do you think Passaic is different from
15 Rockaway?

16 A Yes.

17 Q How would you know the difference, just
18 because it's the 30 minute commuter sheds or different?

19 A Yes.

20 Q Suppose the employment?

21 A Obviously, there is degrees of difference.
22 I mean, I gave the example of Harding and Passaic
23 before and they're going to be very similar, obviously,
24 but I started to give the example. Take Passaic and
25 Rockaway are going to be a lot more different.

1 Passaic and Mahwah are going to be very different,
2 but DCA says they're the same. They're not.

3 Q They say, Lindbloom says they're
4 different and they are not.

5 You have a different perspective. Are you
6 going to do any other testimony regarding Rockaway
7 Township other than -

8 A Just the region.

9 Q Is it your opinion that the present
10 residences of any of these municipalities that
11 you've utilized 30 minute commuter shed moved **into**
12 the municipality from within their 30 minute commuter
13 shedj the prior residence was within the 30 minute
14 commuter shed?

15 A Do I know of any that have?

16 Q Do you believe that that is true, that
17 the present residents of say Rockaway or Hanover
18 or Roxbury or Passaic are persons or families or
19 households that moved into Rockaway from a prior
20 **residence** or Passaic, or whatever, which was within
21 that 30 minute commuter shed?

22 A I have no way of knowing. I'm sure.

23 Q That would have no bearing on -

24 A No, none at all.

25 Q Do you have any idea as a planner as to

1 whether that would be true or not?

2 A I'm sure it's true. I'm sure people who live,
3 you know - I'm sure there are movements of people
4 within the - my housing regions from one area
5 of the region to the community whose region it
6 is,

7 Q Do you think in a substantial part
8 of the future population of these municipalities
9 will fee households who will be moving into municipalities
10 from within the 30 minute commuter shed?

11 A That doesn't have anything to do with it,

12 Q It may not have anything to do with it,
13 I'm just curious.

14 A I wouldn't know.

15 Q It would have nothing to do with it?

16 A It would have nothing to do with it.

17 Q You basically did the same report,
18 did you not, for each of the other municipalities,
19 Passaic, Hanover and Roxbury?

20 A Yes.

21 (Memo from Mr. Lindbloom to Mr. Vecchio
22 marked L-3 for identification.)

23 Q Let me show you a document marked
24 L3 for purposes of identification. Could you identify
25 that briefly?

1 A This is a memo from me to Mr. Vecchio regarding
2 the Roxbury Township housing region.

3 Q And is that in terms of methodology
4 identical to the document marked L-1?

5 A Yes, it is

6 Q Other than the numbers that might
7 have been plugged in for Roxbury, it's the same
8 analysis?

9 A Yes, absolutely.

10 Q What was the basis for your
11 determination to use in these reports the various
12 speed times on interstate highways and county roads
13 of 50, 40 and 30?

14 A Well, it was somewhat subjective, but
15 as you know, the speed limit on the interstates
16 is 55. It doesn't mean you might not drive at
17 60, but in commuting times- which is not as critical
18 on the interstates as on the other roads, we felt
19 that it was appropriate to use a somewhat less
20 speed than the maximum; and so we chose 50 miles
21 an hour on the interstates. On the U.S. and state
22 highways where the speed limits vary, 50, 40 and 45,
23 we felt it was appropriate to use 40 miles an hour
24 to account for delays encountered during rush hour.
25 The same way for county and local roads. It was

1 somewhat arbitrary.

2 Q The effect, though, is to have a smaller
3 commuter shed the less miles per hour you use?

4 A Yes, that's true.

5 Q It's obvious. You say it was subjective.
6 What went into this opinion that you should use
7 50, 40 and 30, anything other than what you've
8 said so far? I mean, now, analysis, any reports,
9 any studies?

10 A Well, I considered using the speed limits.
11 Well, you could say that's the speed limit and
12 that is the theoretical maximum that you can
13 travel and we should use that, but that considered
14 that someone might say, "Well, you're talking about
15 commuting trip time and commuting periods very often
16 you can't meet the maximum speed and you're talking
17 about an average speed in any case which you may not
18 be able to achieve without going over the limit.^{rf}

19 It's somewhat subjective decision to use a
20 speed less than the maximum.

21 Q Well, do you have any authority, any
22 study or report which would substantiate your
23 use of these miles per hour?

24 A No,

25 (Memo from Mr. Lindbloom to Mr. Vecchio

1 regarding DCA allocation study marked
2 L-4 for identification.)

3 Q I show you a document marked L-4.
4 Could you identify that?

5 A Yes. This is a copy of a memo from myself
6 to Mr. Vacchio regarding some additional comments
7 on the basis from my Bgional determination and comment s
8 regarding the DCA allocation study.

9 Q Other than the documents marked L-3
10 and L-4, did you produce any other report for this
11 case for Roxbury Township?

12 A There are -- no, wait a minute. Yes, **there**
13 have been some other memos and there's been -- **I've**
14 forgotten what the L numbers are. The housing
15 allocation study.

16 MR. VECCHIO: That is correct.

17 Q Do you have copies of those with
18 you?

19 MR VECCHIO: I have copies of them
20 and you should have copies of them also,
21 because they were sent to you. Do you want
22 them?

23 MR. BISCAIRE: Could you produce them
24 now?

25 MR. VECCHIO: Sure.

1 MR. BISCAIRE: I'm just trjtng to
2 get the four corners of what you produced.
3 I don't have it with me.

4 THE WITNESS- This is it.

5 MR. VECCHIO: It was that subsequent
6 report that you did for me, Carl.

7 THE WITNESS- There was some memos
8 to you and I think the report you picked
9 up some typo errors in the report which you
10 sent to the State, and I see those aren't
11 marked up there, but that's it.

12 MR. BISCAIRE: Off the record for a
13 moment.

14 (Whereupon, there is a discussion off
15 the record.)

16 Q Could you look at the document marked
17 L-5 for identification and state what that is?

18 A This is a housing allocation analysis prepared
19 for Rpxbury Township.

20 iQt Other than the documents marked
21 L-3_s, I*-4 and L-5> have you done any other work for
22 Roxbury Townshf) in this case?

23 A Well, I've submitted some memos to Mr. Vecchio,
24 but they weren't on the question of regional deter-
25 mination or my fair share study.

1 Q What did they concern?

2 A Mr. Vecchio asked my opinion on various things
3 and I've sent him memos regarding them,

4 Q What were the things that your opinion
5 was sought on?

6 A Do you have some of those? Well, this is the
7 one that's been introduced, the basis for the
8 regional determination and the comments on the
9 DCA Housing allocations.

10 Q I'm not referring to the documents
11 L-3, ^ and 5. I'm asking you what further studies
12 that you did in this case for Roxbury Township.

13 A They weren't studies. Mr. Vecchio sent
14 <
15 me a report from Mr. Malloch and a report from
16 Mary Brooks in answering my comments.

17 Q So you've done comments on Mr. Malloch's
18 report and Miss Brooks' report?

19 A The Malloch report was a recent one in
20 December on additional work that would have to be
21 done Regarding something to do with jobs; a remedy, a
22 remedy:Issue and something about additional determination
23 of jobs,

24 Q And the Brooks' report -

25 A As I recall, it was the type of wages, people
who are unemployed, that sort of thing.

1 Q -And you also did a comment on a report
2 of Mary Brooks?

3 A Yes.

4 Q Do you recall which one that was?

5 A It was also a December report and it was
6 regarding her comments on the implications of the
7 new population projections that we talked about
8 earlier, the 208 Study and the ODEA projections,

9 Q Did you do any other reports or
10 critiques or give any other opinions to Mr. Vecchio
11 other than what was contained in those two additional
12 critiques-, the Brooks¹ one and the Malloch **one**, or -

13 A Did I? I don't recall. I think that was
14 it.

15 MR. VECCHIO: As far as I recall,
16 he did not.

17 A There was - the assessor did some work
18 and Mr. Vecchio asked me my opinion on this - just
19 comments on some of the work that he did, and I
20 suggested*! additional things that might be done.
21 It wasn't a critique of the work or anything like
22 that.

23 Q Was that a letter or --

24 A It was a memo.

25 Q It was in written form?

1 A Just suggestions of things he might do.

2 MR, BISCAIRE: So it's your opininn
3 that I can't see those without a court order?

4 MR. VECCHIO: The letter to the assessor
5 you can certainly see. As far as the items
6 dealing with the matters of rebuttal, no,
7 unless -- my feeling, even if it is my
8 understanding is we're not supposed to present
9 the rebuttal or we have no obligation to;
10 and if you want to see my rebuttal, I want
11 to see yours, including your environmentalist¹'s
12 rebuttal and my environmentalist's.

13 I don't know how the Judge will rule
14 on it.

15 MR. EISCAIRE: You're not going to object
16 to my asking questions about it?

17 MR. VECCHIO- Yes.

18 MR. BISCAIRE: You are?

19 MR. VECCHIO: Yes. As a matter of fact,
20 I'm going to direct him not to answer questions
21 with reference to any rebuttal as to Mallcoh
22 and as to Marry Brooks until such time as
23 there is a ruling as - on those issues,
24 and I would also like to have a chance to
25 depose Miss Brooks on her direct before you

1 get into what his rebuttal is to her direct.

2 MR. BISCAIRE: Well, you know, I can
3 say the same thing about 90 other witnesses
4 that have been listed for other defendants.
5 I understand that you have requested to take
6 or common defense has requested to take
7 the depositions of environmental witnesses
8 whose testimony will be exclusively rebuttal.

9 MR. VECCHIO: I want to depose them,
10 but as I understand it, they don't know -
11 they haven't done any studies yet.

12 I'd just like to sit down and **meet them**
13 and ask them some questions on qualifications,
14 et cetera; but I don't necessarily have
15 to get involved in their rebuttal testimony
16 at that point.

17 I would like to keep my options open
18 just as you want to keep yours open.

19 MR, BISCAIRE: Not that I mind scenario,
20 I'm just thinking about it.

21 I take it then that you won't object
22 if we direct our environmental witnesses not
23 to respond to any questions which may deal with
24 rebtutal testimony?

25 MR. VECCHIO: I think what I will do

1 is take the same position you're taking right
2 now with reference to them. If you can
3 examine my witness on rebuttal, then I want
4 to examine your witnesses on rebuttal.

5 Now₃ whichever way the Court decides,
6 I'm more than happy to abide by; but I do
7 not want to be placed in a position where you
8 cross-examine my people on rebuttal and
9 I can't cross-examine yours on rebuttal.
10 I don't think it is fair.

11 MR. BISCAIRE: Okay. For purposes
12 of the record, you are directing the witness
13 not to respond to any questions I might ask
14 about these critiques of Mary Brooks or Allen
15 Malloch?

16 MR. VECCHIO: That is correct.

17 MR. BISCAIRE: I would like to see
18 a copy of the letter to the assessor.
19 Could you provide me with a copy of that?

20 MR. VECCHIO: Do you have a copy?
21 You can show Mr. Biscaire,

22 (Witness hands document to Mr. Biscaire.)

23 MR. BISCAIRE: Could you mark that L-6?
24 (Memo dated October 30 marked L-6
25 for identification.)

1 MR, DORSEY: In connection with Hanover
2 Township do you have copies?

3 MR. BISCAIRE: I have that for Hanover.

4 Q I show you a document marked L-6 for
5 purposes of identification.

6 Could you state what that is?

7 A This is a memo from myself to Mr. Vecchio
8 dated October 30 and regarding some work on property
9 value analysis done by the Township Tax Assessor
10 and includes my suggestions of additional things
11 that he might do.

12 Q Do you have any other critiques or
13 opinions about what the assessor had done which are
14 not contained in that memo?

15 A Subsequent to this memo, there was a meeting in
16 Roxbury of all the consultants for the community and
17 there was a general discussion, and then I think
18 there was a follow-up memo from me on - or it might
19 have been contained in this - no, there wasn't,
20 **December** 12th. My December 12 memo that you have
21 is the follow up.

22 MR.VECCHIO: Off the record.

23 (Whereupon, an off-the-reeord discussion
24 takes place.)

25 Q Referring to the document that's marked

1 L-4, what would you --

2 A Could we go off the record for a minute?

3 Q Sure.

4 (Whereupon, there is a discussion off
5 the record.)

6 Q Referring to the document marked L-^,
7 Carl, what impact would the availability of public
8 transportation have on your determination of a
9 particular region for housing allocation purposes?

10 A Well, as I think I said earlier, the study
11 we're doing was for a central city where there was
12 already a developed mass transportation system
13 and - there was a chance that there would be a
14 resurgence in its use and a lot of people would use
15 it. That would have an effect, but that doesn't
16 exist in the communities that I have done the
17 regional determination for.

18 Q What doesn't exist?

19 A An existing mass transportation system,
20 or the potential of a mass transportation system
21 development.

22 Q What do you include in your concept
23 of a mass transportation system?

24 A Well, it would be mass transportation.
25 It would include buses as well as trains and subways.

1 Q Are you familiar with the mass trans-
2 portation system which is available to residents
3 of the four municipalities that have been tested?

4 A Generally familiar with it, yes.

5 Q What is your opinion regarding that
6 mass transportation system?

7 A That the predominant mode of transportation
8 is the private automobile and there isn't sufficient
9 developed mass transportation now or potentiality
10 in the future to change my determination at this
11 time.

12 Now, you know, planning is an ongoing affair.
13 If in a particular community that situation changes,
14 why obviously, they should redo their regional
15 determination. I mean, I do - I recommend my fair
16 share studies and regional determination as part of
17 a master plan of preparation; and that, obviously,
18 has a master plan element. Part of the housing
19 element of the master plan when a situation is
20 different, it should be reviewed and revised.

21 Q Well, the fact is you've totally
22 disregarded the existing mass transportation system
23 in evaluating a region for housing allocation purposes
24 in that case. Isn't that true?

25 MR. VECCHIO: I object to the character-

1 ization of the question. I do not think
2 that the witness testified that he totally
3 disregarded the inferior type of mass
4 transportation system that existed. I think
5 that he characterized the system.

6 Q Did you totally disregard the existence
7 of a mass transportation system in and around Morris
8 County in your determination of a region for
9 housing allocatinn purposes for the four townships?

10 A No.

11 Q To what extent did you take it into
12 consideration?

13 A I looked into the situation, realized that
14 it wasn't a fact insofar as the majority or mode
15 of travel, and so I do not use it.

16 Q How much a factor would it have been for
17 you to have used it?

18 A Well it would have - by a factor, at
19 least so double what it presently is.

20 Q What is it presently?

21 A I think it's about 80 percent automobile
22 now, and so approximately 20 percent - this is
23 general terms -- of the commuters are not using
24 the automobile. Some of those, of course, may be
25 using walking or bikes, but others are using buses

1 and trains.

2 It depends on the community, of course.
3 A community that's - well, like Passaic Township.
4 We have three railroad stations within the Township;
5 Millington, Sterling and Gillette, so we have a
6 number of more railroad commuters than some other
7 communities: but it's still a very small amount.
8 I don't have those figures with me, but -•

9 Q But you haven't investigated?
10 Sufficiently small in your opinion to disregard
11 it as a fact in ascertaining what the region is?

12 A It's sufficiently small to use the predominant
13 method, which is the automobile, yes.

14 Q You state in L-4 in a critique you have
15 of the DCA housing allocation study that there is
16 a State figurejNDCA plan of 5,056 acres for Roxbury,
17 and that the Roxbury Township Planning consultant
18 only finds 1,103 Vacant and developable areas. Is
19 that not correct?

20 A Yes, that's correct.

21 Q Who is the Planning Consultant that
22 you are referring to?

23 A Robert Catlin & Associates.

24 Q What study of his are you referring
25 to?

1 A The Russ Motney, the planning consultant
2 to the Township for Robert Catlin & Associates undertook
3 a study of vacant and developable land in the Township;
4 and according to Russ, only 1.103 acres are vacant
5 and developable.

6 Admittedly, that study was done last year
7 and the State study was done - well, it varies
8 between 70 and 74, so it's a later study, but still a
9 significant difference.

10 Q Did you review the Motney study or
11 did you - or were you simply told what the conclusions
12 of the study were?

13 A I was told.

14 Q So you have no personal opinion yourself
15 as to the accuracy of that study other than it was
16 done by Mr. Motney?

17 A Yes, that's correct, but I consider Mr. Motney
18 a very reliable source.

19 Q You did not review his methodology?

20 A No.

21 Q Do you know if he used the same definitions
22 for vacant and developable land that the State used?

23 A I assume he did, but I don't know that for
24 sure,

25 Q On page 2 of L-4 you referred to the

1 State housing need projection as being based on a
2 1975 population projection. Is that not correct?

3 A Yes.

4 Q Then you state that more recent
5 State population projections for that region show a
6 net loss of population. Is that not correct?

7 A Yes.

8 Q Is the more recent State population
9 projection that you were referring to the ODEA
10 model?

11 A Yes.

12 Q Do you know whether or not the persons
13 in the State who designed that model believed it
14 to be a more appropriate model than the 1975 projection
15 that ms used?

16 MR. VECCHIO: Objection to the question
17 because I believe the question was already
18 asked and answered.

19 MR. BISCAIRE: No, it really wasn't.

20 A I thought it was too, and I did say I wasn't
21 aware - I haven't talked to anyone in the State
22 and I don't know what their conclusions as to the
23 relationship between that and the 75 study were.

24 Q Have you drawn a conclusion that
25 because it's a later produced population projection

1 in fact, therefore, it must also be a more authoritative
2 one?

3 A That was my conclusion since it was done
4 by the same people, but now I will have to go back
5 after today and discuss it with them.

6 Q You say here that the ODEA model
7 shows a net loss of population for the region;
8 is that correct?

9 A Yes.

10 Q What region are you referring to?

11 A The eight county - I believe that would be
12 the eight county region for Region 11 and that was --
13 and I would have to look at the figures to refresh
14 my memory, but I believe it was a net loss of about
15 1M,000 people between 1970 - 1970 Census population
16 for eight county region and the 1990 projection of
17 the ODEA study.

18 Q What conclusion do you draw from that?

19 A I didn't draw any. I was just providing
20 Mr. Vecchio with some comments on some - this was
21 information for him.

22 Q What population projections would you rely
23 upon for Roxbury? Do you rely on any?

24 A Well, as I said before, it would depend on
25 how I was to use the projections. If I were doing

1 a master plan revision for the Township, I would
2 review all of the recent available projections
3 by various agencies and groups and so forth,
4 and either select what I felt was an appropriate
5 one for purposes of the master plan revision or
6 develop my own as a projection; and further, on
7 completion of the plan would develop one based
8 on the plan proposals.

9 Q You haven't done that for Roxbury,
10 have you?

11 A No.

12 Q Do you have an opinion as to the ..
13 reliability of any of the State or county population
14 projections for Roxbury?

15 A Yes. For Roxbury?

16 Q Yes.

17 A No. The problem is that when you take something
18 like ODEA - I mean, it was done for the whole state
19 and when you start to apply it to its useful - its
20 most useful for whole state or regions of the
21 state, but when you try to apply it to a specific
22 municipality, I mean, there may be certain factors
23 dealing with that municipality or that particular
24 projection may not quite be valid, and you could
25 be more specific in your own studies, develop your

1 own or adjust the regional or statewide.

2 Q Do you have a rule of thumb that you
3 utilize for household projections for Morris County
4 or the specific municipalities¹ average size house-
5 hid projections"

6 A No,

7 Q You have no opinion as to what it might
8 be now or in 1990 for Morris County as a whole
9 for the specific municipalities?

10 A Only that all - as we know, all the data,
11 the household size has decreased. The average
12 household size for virtually all the municipalities
13 has decreased overtime with respect to the 1970
14 Census. It has gone down,

15 Q Is there any average household
16 size forecast for Morris County that you use for
17 things that is reliable, say, for 1990?

18 A No, I haven't done anything in that regard.

19 Q Can you explain to me what you mean on
20 ~~-fage~~ 2 of L*J in Subparagraph D, what that paragraph
21 means?

22 A Yes, Well, this paragraph talks about housing
23 in transfers and is not something that I developed,
24 but something that Russ Motney was developing and I was
25 just putting this in as part of the total review of

1 the DCA study that would be -- should be considered
2 by Roxbury Township.

3 Q What does it mean?

4 A Well, Russ was concerned that there may have
5 been a double counting NDCA methodology in that his
6 analysis that it's now ongoing, I believe, is that
7 many of the people who have moved into the Township
8 from, I guess, since 1970, from their data, are
9 from areas like Hudson County.

10 Q Prom what other type of areas?

11 A I'm not familiar with the -- you mean --

12 Q Why was Hudson County chosen? **Are**
13 there other areas that you have ascertained that
14 people have been moving in?

15 A As I say, I haven't done this study. This
16 is Russ Motney, so you really have to talk to Russ
17 about the details of the study. I was just putting
18 this in. This is part of the total package of comments.
19 It's not my work.

20 Q What does this mean? Where's the
21 double count? I don't understand that at all.

22 A Well, in that the DCA study provides for
23 reallocation of units from developed areas such as
24 Hudson County to areas -- other areas that can, because
25 of availability, vacant land or whatever which is not

1 available in Hudson County to take on additional
2 housing units -

3 Q Right.

4 A And it's Russ^T contention that they already
5 have since 1970 - there have been in migration such as
6 in Hudson County.

7 Q Of low and moderate income persons?

8 A In Soxbury.

9 Q Do you believe that to be the case?

10 A From the studies - I don't know how many
11 there are, but so from the studies I've seen of
12 the availability of housing and its cost in Roxbury,
13 yes, I do believe that there has been at least
14 moderate income housing immigrants to Roxbury Township,
15 This is based on -

16 Q Where does the double count come
17 from?

18 A Well, in that the allocation provides for
19 transfer, and it is the contention of Russ is that
20 it **has** occurred already in the past.

21 Q And therefore, what?

22 A Well, you could say it's a double count or
23 you could say that they have- that should be taken
24 into account would be another way.

25 Q As to whether thy are meeting their

1 fair share or -

2 A Yes.

3 Q - oh, I see. So you're not saying
4 the DCA study did a double count? You're saying
5 that Roxbury --

6 A If it's not included, it would be a double
7 count, if you didn't include that,

8 Q The impact of your statement in
9 E would be to help or - let me rephrase that.

10 If what you're saying in E is correct -
11 E of L-1 - wouldn't that result in a lessening
12 of the fair number in the municipality which has
13 not experienced a reduction in covered job growth?

14 A In developing the comment here is that in
15 DCA, in developing its housing need, one of the
16 indexes of uses is job growth and for those munici-
17 palities, whether it was a loss in jobs, it gave
18 zero job housing need for housing. Instead of saying
19 there was less of a need for housing, instead of
20 subtracting the housing, they just said zero.

21 Q Wouldn't that result in a municipality
22 which had not experienced a loss getting less of a
23 fair share number than it would have if they had
24 taken that into consideration?

25 A Yes, they would .

Q So as a result of this aspect -

1 A I should correct that it depends on the
2 methodology you use.

3 Q You're familiar with the DCA methodology.
4 are you not?

5 A Yes.

6 Q Given the DCA methodology, isn't it
7 an impact of this that their failure as you see it
8 to show a loss as opposed to putting Just a zero?

9 A They came up with more developing units than
10 was needed.

11 Q For that municipality?

12 A Well, for the region.

13 Q But it would have, would it not, the
14 effect of lessening a fair share number for a
15 municipality which did not show a reduction in
16 Jobs?

17 A It would have an effect of reducing the fair
18 share for municipalities that using DCA methodology
19 was capable of accommodating housing in the future,

20 Q And that would be true of the four
21 municipalities that you're testified on behalf of?

22 A Yes.

23 Q Do you have any other criticisms of
24 the DCA plan other than that are contained in this
25 document, L-^?

1 MS. McDERMOTT: I object. If it's
2 used in prior rebuttal that this has **been**
3 given, but on behalf of one Township -- and
4 if he's going to be using -- making comments
5 about this at the time of trial from rebuttal
6 testimony, I don't want him limited with
7 respect to Passaic.

8 MR. BISCAIRE: I'm not asking him what
9 his critique is of Mary Brooks¹ report.
10 I'm asking him what his critique is of the
11 DCA report.

12 MS. McDERMOTT: If you have **done any**
13 such critique for this case.

14 Q Righth.

15 A I haven't other than -- I mean, this was done
16 for Roxbury and I haven't done specific critique
17 of the DCA before -- for the other municipalities
18 or in very much detail, other than what's here for
19 Roxbury,

20 Q Essentially, L-4 embodies your present
21 state of mind as to your criticisms of the Department
22 of Community Affairs housing allocation plan?

23 A It doesn't cover everything but it's -- it
24 doesn't cover all my criticisms of the methodology.
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Q What doesn't it cover?

A Well -

MS. McDERMOTT: I object if this is form of rebuttal testimony, because that is part of our rebuttal are his comments upon anything that you might introduce in your case, but I don't see that he has to testify about that today.

MR. BISCAIRE: I'm not asking him questions about Mary Brooks¹ testimony. I'm asking him questions about state documents which he has critiqued.

MS. McDERMOTT: That is a basis of Mary Brooks' report is the DCA.

MR. BISCAIRE: She gives her critique of the-B&A plan. I'm asking for Carl Lindbloom's which he has done here, and I'm entitled to know if he has anything further to day.

MR VECCHIO: I think if he has essentially answered the question, that's the preliminary report that he gave you;

I didn't object to it and he said that he's willing to continue to do the work for the other municipalities in hopes of Foxbury on a critique for rebuttal testimony

1 of it.

2 MR. BISCAIRE: This can't conceivably
3 be rebuttal, or I will not permit any of
4 my witnesses to testify again.

5 All I'm asking for is a State document
6 he has reviewed this State document for
7 purposes of ascertaining.

8 I will start all over again.

9 Q Did you review the Department of
10 Community Affairs' housing allocation plan?

11 A Not for --

12 Q For any purpose whatsoever?

13 A Yes. I have reviewed it for my own
14 purposes.

15 Q For what purposes did you review it?

16 A Well, when it was first -- when they started,
17 DCA started developing it, it was sent draft copies
18 of the preliminary initial concepts and findings
19 to a number of consultants around the State; and
20 my comments, and we have a meeting down in Trenton
21 where we discussed the proposed methodologies;
22 so I mean, I've been involved with it since then.

23 Q It's your determination not to use it
24 when you did a fair share study for the four munici-
25 palities here?

1 MR. BISCAIRE: And you're going to
2 object to my asking why not?

3 MR, VECCHIO: Why don't you ask him
4 that question.

5 Q Why not?

6 A Why didn't I use it?

7 Q Yes,

8 A For a number of reasons and -

9 Q Are they all --

10 A Some we've gone into on the region, and
11 you know, that's part and parcel of the methodology
12 is their regional determination and the fact that
13 each municipality in the region has the same region;
14 so that's very - we've already discussed that;
15 and another aspect would be the criteria that they
16 use___They use four criteria for determining future
17 need and average them, and they give evaluation
18 to each criteria. It seems to me in some communities
19 it might be argued that there should be a weighting
20 average rather than an equal average.

21 Q You would think so as to these
22 four municipalities?

23 A I haven't made that study for these four
24 municipalities? The business of using for one of
25 the criteria covered growth -- job growth in the

1 past rather than projecting it in the future. I
2 disagree with it. I think it should be future
3 job growth and base future units on that; and
4 basically, the difference I have is that I ttfnk
5 the most important criteria is relationship of job
6 growth to housing; and I think that's the most
7 important and that's the one I use,

8 Q Is there anything else other than
9 what's contained in L-4 and what you've just
10 stated that embody your critique?

11 MS, McDERMOTT: I object again.

12 The way the question is, "Anything else."
13 There may be things that he may be saying
14 on rebuttal and I don't want him limited
15 by this question.

16 Q I want to know, Mr. Lindbloom, if you
17 have any other- critique as a planner of the Department
18 of Community Affairs housing allocation plan other
19 than you presently stated or as is contained in L-M.

20 A At this time those are the major ones,
21 and I didn't mention vacant land because we've
22 already discussed that.

23 I think the vacant land, at least from
24 my most -- the Township I'm most familiar with,
25 Passaic is in error because I have done that study.

1 MR. BISCAIRE: I'd like to put on
2 the record that I do not consider this opinion
3 about the Department of Community Affairs
4 housing allocation plan rebuttal, and if
5 his opinion changes or if he has additional
6 information regarding that plan, I believe
7 I'm entitled to it; and I want to know now
8 whether it's your collective or personal
9 opinions that I'm not entitled to it.
10 I will make a motion now. I don't want to be
11 surprised at trial if he comes up with new
12 critiques of the DCA plan.

13 MR. VECCHIO: Well, from my standpoint
14 you know, you're free to make any motion that
15 you want to make.

16 MR. BISCAIRE: I want to know if I have
17 to.

18 MR. VECCHIO: I haven't made a determination
19 yet as to whether I'm going to employ Mr.
20 Lindbloom to make a DTL critique of the DCA
21 plan to go into it.

22 MR, BISCAIRE: Then I just put on the
23 record --

24 MR. VECCHIO: If he does, I have to
25 make a determination as to whether it's a rebuttal

1 of Mary Brooks* rebuttal of the DCA or whatever.

2 MR. BISCAIRE: I would like to know and
3 be informed on any of the attorneys utilizing
4 Mr. Lindbloom, be made aware of the fact that
5 he is critiqued in any manner that he's
6 testified today at the time that that becomes
7 known to you; and that you determine that
8 you will not inform me what that change
9 is; so at that time I can make an appropriate
10 motion. That's all I'm asking. I'll make
11 the motion if I have to. Just tell me if I
12 have to.

13 MR. VECCHIO: Let me ask you a question.

14 I think it's a two-edge sword. Are
15 you going to provide me with any rebuttal
16 that you have as to Mr. Lindbloom's plan
17 prior to the time that we go to trial on that?

18 MR. BISCAIRE: I don't consider the
19 DCA plan Mary Brooks' work product.

20 MS. McDERMOTT- That's part of your
21 affirmative case though. We're rebutting
22 your case regardless of what type of evidence
23 you introduce.

24 MR. BISCAIRE: It's not her work
25 product. It's not her -plan.

1
2 HS. McDERMOTT: You're still using it
3 as a basis, as a starting point In that plan.
4 I don't see how you can say it's not part
5 of the case, of your case.

6 MR, VECCHIO: I mean, the region 11
7 is what **we're** talking about, DCA region.

8 MR, BISCAIRE: If that's **the** opinion,
9 then let's have that on the record. This is
10 considered rebuttal and I will not be provided
11 with it;

12 MR. VECCHIO: That's fine with me.

13 MR. BISCAIRE: And for Passaic?

14 MS. McDERMOTT: I still object to
15 Mr. Lindbloom testifying regarding his
16 opinions of the DCA study which is part,
17 or the basis, of Mary Brooks* report and
18 is also part of the affirmative case of
19 the Public Advocate.

20 We have not, as yet, requested Mr.
21 Lindbloom to make a study or analysis of
22 the DCA report but we may do so prior to trial,
23 and in the event that we do have him then do
24 an analysis of any of the evidence submitted
25 on behalf of the Public Advocate, we maintain
that that is rebuttal testimony and that we

1 do not have to produce either reports or any
2 other discovery-on that testimony.

3 MR, BISCAIRE- Do you agree with that?

4 MR. VECCHIO: If you want to pin me
5 down, yes, I agree with that with one proviso
6 and that is, if I am provided with your rebuttal^{al}
7 to our matters, more than happy to provide you
8 with our rebuttal, which is the same thing
9 that I think I previously stated here in the
10 course of depositions.

11 Also, I have not engaged Mr. Lindbloom
12 at this juncture to do a full critique of
13 the DCA plan.

14 MR, BISCAIRE: You take the same
15 position for Rockaway?

16 MR. WYSE: Yes, I do. We haven't
17 retained him for that purpose at this point
18 in time*

19 MR. DORSEY: We haven't retained him
20 for that purpose.

21 MR. BISCAIRE' Harding hasn't retained
22 him at all.

23 (Proceedings resume after luncheon
24 recess.)

25 MR. BISCAIRE: We will reimburse Mr.

1 Lindbloom for his time taking depositions at
2 the rate that he is charging the individual
3 municipalities which is, assuming it's the
4 same, but do you have a problem with that?

5 MR. VECCHIO: No, fine.

6 Q Okay, Carl. I'm still looking at L-4
7 for purposes of identification on Page two your
8 Subparagraph three, you refer to the use of existing
9 housing turned over in reading Fair Share News.
10 What I'd like to know is what - whether you have
11 the background information for the data that's
12 presented on Page two here.

13 In other words, do you have the worksheets?

14 A No.

15 Q Where was this data derived from?

16 A This was the tax assessor. He prepared
17 this work.

18 Q And provided you with this information?

19 A Yes.

20 Q Do you know if more specific information
21 exists in his possession as to these breakdowns?

22 A Yes, I assume so.

23 Q Do you have any other information
24 regarding the housing units referred to here,
25 their type, their nature?

1 A No. See, I didn't do this study. You
2 understand I was just reviewing this information
3 and commenting on it for Mr. Vecchio's benefit.
4 It doesn't represent any separate work on my part.

5 Q Is it your position that an existing --
6 that every time an existing unit turns over; that
7 is, comes up for sale or for rent in the municipality,
8 which unit is affordable by a person of low or
9 moderate income, that the municipality is providing
10 an opportunity, one opportunity each time one such
11 unit turns over?

12 MR. VECCHIO: I object to the question
13 because I think it calls for a legal conclusion
14 that was addressed and filtering down concept,
15 but go ahead and answer it.

16 A Well, not necessarily. It depends on the
17 community and housing of this type and housing
18 they have, whether it's a relatively significant
19 amount or not; and you know, I haven't done any
20 **studies** of implementing fair share numbers for any
21 of **the** municipalities, and you know, this was just a
22 comment on my part that, you know, this does seem
23 like a very high number of existing units that seem
24 to be turning over from the data at, you know,
25 lower rates -- lower prices than are going in the

1 other municipalities and this is a significant
2 factor for Roxbury Township.

3 Q It does not necessarily -

4 A It's not going to address the total housing
5 need.

6 Q Well, does it necessarily address
7 even the need of one added low or moderate income
8 household? Do you understand the question I am
9 asking?

10 A That was a statement, wasn't it?

11 You say it doesn't address?

12 Q Does it necessarily address **even the**
13 needs of one added low or moderate income **household,**
14 the fact that a unit that's affordable by a low or
15 moderate income person turns over?

16 A It depends if it's - if that person moves
17 into that household is low or moderate income persons,
18 then it is meeting its housing need, is it not?

19 Q Is it your position that **every** time a
20 unit which is affordable by a low or moderate income
21 person turns over be added to the supply of low
22 and moderate income units in the region?

23 A No.

24 Q So that, therefore, we could not assume
25 that every time a low or moderate income unit in

1 Newark turns over we have an increased supply of
2 low and moderate income units?

3 A No.

4 Q Likewise, we could not assume that
5 every time a low and moderate income unit in Eoxbury
6 turns over, we've added to the supply of low and
7 moderate income units?

8 A Correct.

9 Q What conclusions are you drawing in
10 Part 3 of Bge 2 of L-4 with regard to the satisfaction
11 of regional housing obligations, fair share obligations
12 in Roxbury by the fact that one unit in Roxbury
13 might turn over, which is affordable by a low or
14 moderate income person or family?

15 A It just seems to me that in Roxbury it
16 appears to have a significant supply of this type of
17 housing, and that as you say, just because one
18 unit turns over doesn't necessarily mean it's meeting
19 that person -- it is meeting that person's need.
20 Need depends on that person's income, but obviously,
21 it does -- it is providing -- it is a factor that
22 should be considered in the community such as Roxbury
23 as part of their supply of low and moderate income
24 housing,

25 Q Isn't it more a factor or isn't it

1 essentially exclusively a factor as to whether it
2 has in the past met fair share obligations as to
3 whether it will continue to meet them in the future?

4 A' I don't understand the question .

5 Q The existence of units within a
6 municipality which are low and - which are affordable
7 to low and moderate income persons is an indication,
8 is it not, that the municipality has provided those
9 opportunities in the past? It's not necessarily an
10 indication that the municipality will continue to
11 provide such opportunities in the future? "

12 A That's true. The price of the units could go
13 up and out of the reach of low to moderate income
14 families.

15 Q Also, it's true, is it not, that you
16 could have a municipality which presently has a
17 mix of say 35 percent of its current housing stock
18 for affordable low and moderate income persons, but
19 through land use controls or for other reasons, no
20 future residential units which could be built in
21 the municipality could be affordable to a low ad
22 moderate income person; isn't that correct?

23 A Yes, that's possible. Yes.

24 Q Do you know how many units -- well,
25 what's your standard when you say here, use the term

1 a unit affordable by a low or moderate income family
2 or individual? What standard are you using?

3 A Is that in Paragraph 3? Are you still referring
4 to the same document?

5 Q Yes.

6 MR. VECCHIO: Where is that?

7 A Where do I see that, just so I know what
8 the context is?

9 Q Let me ask the question differently.
10 Who could afford a housing unit with a true
11 value of \$50,000?

12 A That would depend on a number of factors.

13 MR. VECCHIO: I object to the form
14 of the question but go ahead if you understand
15 it.

16 Q What income would somebody have to
17 have in order to afford a housing unit of \$50,000?

18 A Well, that would depend on how much money they
19 could put down on deposit and what their mortgage
20 would be. If you consider housing costs to be the
21 mortgage payments, and you know, the maintenance of
22 the unit as their yearly housing costs, the rule of
23 thumb that's generally used is that those costs
24 shouldn't -- your income should be, you know, two
25 and a half times the costs, or the cost of the housing,

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1 shouldn't exceed two and a half times your income;
2 or the other way around. If it's rental, that
3 your income shouldn't -- the rental costs, your
4 housing costs monthly should not exceed 25
5 percent of the Income.

6 Q Do you accept those rules of thumb?

7 A They're general guides. They might -- they
8 might vary here and there, but they're reasonable.

9 As an example, I think it should be taken
10 into consideration that as your income increases,
11 you have a greater percent of disposable incom* to
12 spend on other things, and that a person of **lower**
13 income, they're only spending most of their irrome
14 on the necessities, food and clothing and housing,
15 so they are spending a higher percentage of their
16 income on housing than the higher income people.

17 Q When you use the term below the least
18 cost range in L-^, what are you referring to?

19 A Well, it's generally the low and moderate income
20 **families.**

21 Q What is your standard in determining
22 whether or not a family is low or moderate income?

23 A Well --

24 MR. VECCHIO: If I may, just for the
25 record, he can answer the question, but I just

1 want to interpose an objection because I know
2 that the term low and moderate income has
3 been used to a great extent throughout the
4 case. I object to the term even being intro-
5 duced into the case, because I think the
6 concept should be least cost housing as opposed
7 to that type of housing that accommodates
8 low and moderate income persons. Go ahead.

9 A Well, in my housing study I use for low income
10 those families that have income that's 50 percent or
11 below the median for that particular area, or moderate
12 income between 50 and 80 percent of the median income
13 for a particular area.

14 Q What particular area are you referring
15 to? This would be your commuter shed region?

16 A The region. That's, as you know, that is an
17 Hud standard.

18 Q When you say in L-1 that Roxbury
19 could meet much of its fair share needs for family
20 households, with its existing housing stock of
21 housing through resales, what do you mean by that?

22 A What I meant that they should take into con-
23 sideration -- apparently, they have a significant
24 supply of -- you want to call it lease cost housing,
25 and that they should -- they should be a actor.

1 Another community may not have that situation
2 and their needs for low and moderate might have to
3 be met other ways, but Roxbury does have this supply
4 that they should factor into their means of meeting
5 their needs.

6 Q I'm not quite understanding what you're
7 getting at and I'm not sure you intend to say what
8 I think you're saying.

9 Let's say, as a hypothetical, that we agree
10 that Newark has a fair share need for low and moderate
11 income housing through the year 1990 of 30*000 units.
12 Let's say I can show to you that Newark has - presently
13 has 30,000 units that are affordable by low and moderate
14 income, and all of-them, their turnover before 1990.
15 Has Newark met its fair share by not introducing
16 or building another unit?

17 A No. You can't say that because that unit is
18 available to everybody regardless of income.

19 Q Let's say they're all occupied by low
20 and moderate income persons,

21 A If their need is for - if their need is being
22 met every year by the turnover --

23 Q I didn't say that.

24 A Well, I think you have to factor that in.

25 Q Is that what your assumption is?

1 A I haven't made any assumptions. I'm saying
2 that the Township should consider this resource
3 in meeting their fair share.

4 Q I'm saying is it an assumption of
5 yours that if a unit turns over that's affordable
6 by a low and moderate income person and a low and
7 moderate income person occupies that unit, that that
8 municipality in which that event occurred has met
9 its fair share obligations by one for every time
10 that's happened?

11 A Yes.

12 Q So we might meet our fair share obligations
13 in a region simply by that kind of a turn over, by
14 simply adding that low and moderate income to the
15 housing stock?

16 A Unlikely.

17 Q It's possible to do it to some large
18 extent, though?

19 MR. VECCHIO: I object to the question
20 unless it relates to a specific region with a
21 specific foundation, and indicating the number
22 of those types of units that exist and
23 the number that turn over.

24 Q Any region?

25 A All I was saying is that Roxbury should take

1 this into consideration. Obviously, there would have
2 to be further study done by them on this turnover
3 and who is occupying them and incomes, but it's
4 something to be factored in; but I doubt that -- I
5 can't say it wouldn't happen, but I doubt if any
6 municipality has sufficient supply that it would get
7 total need, although it depends on what their need
8 is and whether that need is a growing need or
9 diminishing need.

10 MS. MCDERMOTT: Can I ask a question?

11 I am not familiar with this report and there's
12 something I don't understand.

13 When you say this house is turned over
14 to someone with low and moderate income,
15 was the house originally only affordable by
16 someone of a higher income and now it's changed!,
17 gone down, filtered well down to low and moderate
18 income people or it's just changing hands?

19 Q Is that your assumption?

20 A I haven't made an assumption. That would be a
21 factor, but let's assume that this unit is vacant
22 and low and moderate income families are employed
23 in or near the community and find this home that's
24 available within their price range, then it would be --
25 it would be meeting their low and moderate income housing

1 needs.

2 Q Let me ask you a question.

3 A What's the difference between having the
4 existing unit vacant and available for low and
5 moderate income families or building a new unit?

6 Q Let's say by some incredible happenstance
7 Roxbury were to provide tomorrow 100 Section A
8 subsidized family units, and let's say hypothetically
9 that those units turn over on an average of once
10 a year so that in ten years each unit has turned
11 over 10 times. Has Roxbury provided 100 units
12 or 1,000 units?

13 MR. VECCHIO: I object to the question
14 because I think the question is sort of like
15 on a tree falls down in the woods, is there
16 any noise. It depends on what you're talking
17 about. You can answer that in two fashions.

18 A There's the question here of counting the
19 unit as providing for the fair share needs every
20 time it turns over or not, and I don't think it can
21 be counted every time it turns over, but that's
22 obviously a factor to be considered,

23 Q What is the factor? There's a concrete example
24 for you to deal with, a subsidized housing project.
25 It will only be affordable, provide an opportunity for

1 low and moderate. By Federal regulation, part of
2 the hypothetical is low and moderate income persons
3 we|*# in it before it turned over and each time it
4 turned over a low and moderate income household
5 will be there. Now, is that 100 units of fair
6 share -- of housing meeting fair share needs? Is it
7 200? Is it 500, 1,000? If it turned over ten
8 times in ten years?

9 A As I say, it's a difficult question to answer
10 because I haven't made any study of the situation .
11 I think it could be - I don't know that you **can**
12 make it an accumulative situation.

13 Q Isn't obviously that they've provided
14 100 units of low and moderate income housing, not
15 200 --

16 A Yes, but you just can't take a generalization
17 and apply it to every community.

18 Q What is the difference between that and
19 that example and yours on Page 2 of L-1*?

20 A I'm suggesting that they consider this as
21 **meeting a** part of their fair share. I'm not saying
22 that they counted every time it's turned over.

23 Q Do you have a suggestion of how many
24 times they can count it?

25 A No, that's what I would have to consider.

1 Q What would we have to know in order
2 to make that determination?

3 A Well, you would have to know -- you know, when
4 these turn over, how many of them are turning over
5 to low income or income eligible families. The
6 families that move out, well, what their income is,
7 what they move into, whether it's in the region or
8 out of the region. I think those all would be
9 factors.

10 I agree it's much more simplistic to say
11 this is your need in X number of units. **Provide**
12 those and new units; but it's not that simple. A
13 unit that may be considered, let's say, delapidated
14 and has to be replaced, well, someone may take on
15 the job of rehabilitating that unit to make it
16 feasible to live in, make it liveable; and there
17 you've added a unit, but there was a unit there. You
18 can have an existing unit, for example, in a garden
19 apartment project that may be renting or selling
20 **at market** rates, but that unit could be subsidized
21 **under** Section 8 program, so there's an existing
22 unit that becomes a least cost unit; and are you
23 saying then that that is -- you can't count that unit
24 because it was there?

25 If you take any one of those units and in Roxbury,

1 if the Township takes on a position of, you know,
2 their own subsidy program, are you saying then that
3 you can't count that because of existing housing?

4 What is the difference between that and the
5 fact that that housing is on the private market
6 at least cost housing? Can't the community consider
7 those units as part of their meeting part of their
8 fair share? I think it should be.

9 Q When you use the term least cost
10 housing, you're equating that with housing that's
11 affordable by low and moderate income households;
12 is that right?

13 A Yes. I use it loosely.

14 Q It's all right. I just want to know
15 how you're using it. It may not be how the Court
16 uses it.

17 A Perhaps I should mention on the record that
18 I'm working on a -- what may be published with another
19 consultant. List of definitions for planning, zoning,
20 land **use** and includes a least cost definition that
21 isn't the same as what I've just discussed.

22 Q For purposes of L-4 and your studies
23 for the four municipalities, you're using least cost
24 as equivalent to a unit affordable by a low and moderate
25 income household; is that right?

1 MR. VECCHIO: I object to the question
2 unless there's a definition of what low and
3 moderate income household is. In other words,
4 if you're going to put a specific number on
5 it, I don't think he's put a number on it.
6 I think he gave you a qualified example of
7 50 for low or 50 to 80 for medium of the
8 reginn.

9 A Which may not be the same as DCA uses in
10 their --

11 Q I understand. Let me ask the question
12 again.

13 You're using least cost housing to mean
14 housing affordable by a household which you have
15 defined as low and moderate income within the context
16 of your particular regions as 50 percent below the
17 median for low income household, and 50 to 80 percent
18 for moderate income household?

19 A Bear in mind I'm using it very loosely in
20 this **memo** which was just an informational thing
21 and it's really -- when you say it's related to my
22 definition of low and moderate income, it's very
23 loosely. It could be, you know, could be higher
24 than that definition of moderate income, but within
25 the lower range of the income spectrum.

1 Q -What is the difference between how
2 you define low and moderate and how DCA defined
3 it for purposes of its Pair Share Allocation plan?

4 A Well, they took a specific income as of
5 1970,

6 Q Are you familiar with whether that's
7 roughly equivalent to the 50 percent and 80 percent
8 that you're using, 1970 dollars?

9 A No, I haven't looked into that.

10 Q Now, you say for those families
11 requiring subsidized housing and for certain types
12 of specific households, you're saying that those
13 needs could only be met in multi-family type units
14 as opposed in the Township R-5 zone; is that
15 not correct?

16 A Yes.

17 Q Are you familiar with Roxbury's proposed
18 R-5 zone?

19 A That's the multi-family zone.

20 Q You're familiar with the conditions imposed'

21 A No. I know that's their multi-family zone.

22 I'm generally familiar with it. That's the zone
23 where they allow attached housing.

24 Q That you're not familiar with the condition:
25 for development in that zone other than as permitted

1 use an attached dwelling can be built?

2 A It's the higher density zone in the Township,
3 and it is my contention that that's the area that
4 wuld be - if that's where the multi-family housing
5 would be built, that's where it's likely to be
6 subsidized. That doesn't rule out other areas,
7 but those are the planned areas.

8 MR. BISCAIRE: Off the record.

9 (Whereupon, there is a discussion
10 off the record,)

11 (During the off-the-record discussion,
12 . memo from Mr, Lindbloom to Mr. Dorsey, J;
13 Mr. Lindbloom's resume, and two regional
14 determinations attached to memo marked
15 L-7, t-8, L-9 and L-10, respectively.)

16 Q Mr. Lindbloom, I show you documents
17 that have been previously marked L-7, 8, 9 and 10.
18 Can you briefly identify them for purposes of the
19 record?

20 A L-7 is a memo to Mr. Dorsey summarizing
21 the Hanover Township allocation analysis and it
22 attaches and it refers to the attached analysis,
23 which is L9. L-10 is the regional determination.

24 Q What is L8?

25 A That's my resume.

1 Q If you look at L-8, you will find a
2 page that seems to have been inserted between the
3 page« of your resume. Can you describe what that is?

4 A That's a description of the general description
5 of the allocation study methodology.

6 Q Was that supposed to be in there?

7 A No. I don't know what it's doing in there.

8 Q That's your work product?

9 A It's a description of the fair share. Now,
10 you might take that out and keep it separate. It's
11 not part of my resume.

12 Q Do the documents that have been marked
13 L-7, 8, 9 and 10 represent your entire work product
14 for the Township of Hanover in this case?

15 A Yes. Did you include L-8? I didn't charge
16 them for my producing of my resume.

17 Q L-10, which is the -

18 A Township regional determination.

19 Q Is that essentially identical to the
20 methodology, to the reports we've previously
21 discussed for Roxbury and Rockaway?

22 A Yes.

23 Q Other than plugging in different
24 numbers, different townships based on the commute
25 shed, it's the same report, is it not? r

1 A It's the same methodology, yes. The end result
2 is different, but it's the same methodology.

3 Q The statistical analysis that's
4 been done for these various reports on jobs and
5 income, which you state in L-7, was done by Richard
6 Renning Associates. Is that analysis essentially
7 contained in the reports we have or is there additionally
8 work products that we do not have that would form the
9 background for the work product that we have?

10 A No. It's essentially contained in what you
11 have. The only thing would be worksheets **taken**
12 down, the information from Labor and Industry of **the**
13 data, but you have all - you have the products,
14 yes.

15 Q Is the resume that is contained in L-8
16 an up to date resume of yours? Do you have anything
17 that you might add to it today? It has an April
18 date on it. That's why I'm asking.

19 A Nothing significant.

20 Q Have you ever done a fair share
21 analysis other than the ones that are -
22 that you prepare! for this case?

23 A Yes.

24 Q And for which municipalities have
25 you done such analysis?

1 A The first one I did was for Montgomery Township
2 in Somerset County.

3 Q Why did you do one for Montgomery
4 Township?

5 A At the request of the Township Attorney.
6 They were involved in a court case. It was Tiberna vs.
7 Montgomery Township.

8 Q Did you testify in that case, either
9 deposition or in court?

10 A I testified in court. I don't recall, but
11 I don't think there were any depositions. We took
12 depositions. We, the defendant, took depositions
13 of the plaintiff, but I don't recall that I was
14 deposed.

15 Q Do you recall the methodology you used
16 before that fair share plan was essentially identical
17 to the one that you are using for this case?

18 A No, it was different.

19 Q Do you recall in what ways it was
20 different?

21 A Well, a number of ways.

22 This was done right after the Mt. Laurel
23 decision and it was my first attempt to prepare
24 a fair share methodology and regional determination;
25 and it was different in this respect; the region was

1 determined by looking at the work data from the 1970
2 Census and seeing where -- what areas were covered,
3 a^fjlf found that something like 86 percent of the
4 To%hship residents worked in either Somerset county
5 or Mercer County; and if you're familiar with the
6 road pattern in that area, it!s predominantly north-
7 south; and I concluded that it would - using the
8 two counties, Mercer and Somerset, would be an
9 appropriate region for the Montgomery, which, as
10 it happened is in the southern border with Mercer
11 and is in the middle of the two county area.

12 • . I don't use that methodology any more. I now
13 use the commuter shed.

14 Q The methodology you were using from
15 Montgomery Township was a place of work methodology
16 as opposed to a - to a journey to work?

17 A It was very similar in that it was a journey
18 to work. It was involved in coming up with those
19 two counties, but it wasn't based solely on the travel
20 tfrae, It was based on the fact that the census
21 indicated that a majority of the high percentage of
22 the residents of the Township worked in those
23 two counties.

24 Q Why don't you use that methodology any
25 longer?

1 A Because I think the new methodology is much
2 more accurate.

3 Q Accurate as to what? What does it
4 show more accurately?

5 A Well, I don't recall the figures in the
6 Tiberna case but in reaching the 86 percent, you know,
7 perhaps 80 percent of the residents worked -
8 perhaps 60 percent worked in the Somerset and only
9 an additional 25 percent or so worked in Mercer,
10 and that they may not have gotten all the way down
11 to the lower sections of Mercer county; so I think
12 it's more appropriate to use the travel time w&D
13 ends up with portions of counties, and a little
14 more difficult and time-consuming to gather the
15 data on a municipal basis; but I think it's more
16 accurate than gathering data on a county basis;
17 so that's why I made the change. It was an involving
18 process.

19 Q What was the second one that you did?
20 What are other fair share plans?

21 A^{hsr}: I think the second one was Bridgewater Township.
22 Bridgewater or Bernards. One of the two.

23 Q Was the Bridgewater one done for
24 purposes of litigation?

25 A Yes, it was.

1 Q What was that litigation?

2 A Well, it was a name of a developer. I'm
3 sorry. I have that and can provide you with the name
4 of the case, but I don't -

5 Q Would you do that when you get an
6 opportunity?

7 A Yes.

8 Q And were you working for the municipality
9 or for the developer?

10 A I was hired by the municipality.

11 Q And did you give testimony in that
12 case?

13 A Yes.

14 Q Was it by deposition or in court?

15 A It was all in court.

16 Q Did you use a fair share methodology
17 which is essentially the same as the one you're
18 using in this case?

19 A Yes.

20 Q Was it different in any substantial
21 respect?

22 A Not substantially, no.

23 Q You also mentioned Bernards.

24 A Yes, I think it was the third.

25 Q Was that also for purposes of litigation?

1 A Yes, sir.

2 Q And what was that case? Do you recall?

3 A In that instance it was for a plaintiff - for
4 a developer.

5 Q Who was the developer?

6 A Johns Manville, and Allen Dean Corporation.

7 Q Did you give testimony in that case?

8 A It hasn't come to trial.

9 I know. You look surprised. It's been a
10 long time, but still it's never come up.

11 Q The fair share methodology that you
12 utilized in that instance for Allen Dean, I take it
13 was the same methodology you're using here?

14 A Yes

15 Q It was not different in any substantial
16 respect?

17 A No.

18 Q Are there any other instances where
19 you did a fair share analysis for a planning board?

20 A The fourth one I did was Raritan Township and
21 Hunterdon County, and that was done as part of the
22 preparation of a revision of the Township Master
23 plan and was done in, I think, 1978 and that formed
24 the -- part of the housing element of the new
25 master plan.

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Q Again, it was essentially an identical methodology as the one you're using in this case?

A Yes.

Q Are there any others? I thought I recall in the Passaic Master Plan - did you do the Passaic Master Plan?

A Middletown Township in Monmouth County. I think that might have been the second one.

Q Which county, Mnnmouth? Was that in litigation?

A Yes.

Q Do you recall what the case was? " >-

A No.

Q Do you remember if you gave testimony?

A Yes, I did.

Q Were you working for the Township?

A Township.

Q And was that the same methodology as this one?

A Yes.

Q I recall, I thirk, that the Passaic -- did you do the Passaic Master Plan?

A Yes. I was just going to say that was a different methodology.

In 1972 I did a master plan for Passaic Township

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1 and this was, of course, before the new land use
2 law and before Mt. Laurel; but I did include in
3 the background study for the Master plan a housing -
4 I call it then a housing study and did a determination
5 of the need for low and moderate income housing
6 for the Township for the period of 1972 to 1980,
7 I believe; and came up with something like 225 units
8 of low and moderate income housing we needed for
9 that period.

10 Q What methodology did you use in that
11 instance?

12 A That was a bit simplistic and it was based
13 on the projection -- based on the master plan pro-
14 jection of population growth from the period '72
15 to '80.

16 Q What did you do with that population
17 growth projection to derive a housing need for low--
18 for low and moderate income families?

19 A I determined - the first thing I did was
20 determine a region for the Township. It was rather
21 simplistic just taking the Passaic Township
22 surrounded by five municipalities and three counties
23 and taking those municipalities together with
24 Passaic Township and using the 1970 income for that
25 region and applying those income levels as for low

1 and moderate to the projected housing unit need for
2 the Township for their growth and deriving the low
3 and moderate income needs for that computation,

4 Q You took the regional percentage and
5 you applied it to the population projection?

6 A Yes.

7 Q You say that's a simplistic methodology.
8 Why don't you utilize that methodology generally?

9 A Well, you know, you're projecting population
10 and then translating that population growth
11 into dwelling units and then taking a percentage
12 of that dwelling unit figure as low and moderate*
13 It doesn't really reflect - it's self-fulfilling in a
14 way in that you say this much population, so you need
15 this many dwelling units. I think it's more important
16 to relate the job growth with the dwelling unit need
17 and that's what I do now.

18 For example, we projected by 1990 Passaic
19 would have a population of 9,000. Now, in 1970
20 it had something like roughly 7,000 people. Labor
21 and Industry indicates that the Township now has,
22 and Census also have less population than it did
23 in 1970; and we haven't achieved that population
24 growth; so I think it's more significant to tie that
25 dwelling unit need to job growth.

1 Q Do you see anything wrong as a general
2 proposition for the municipalities within this
3 region that it would be not unreasonable for each
4 municipality to have within it a proportion of
5 low and moderate income houses equivalent to the
6 regional proportion, whatever region your commuted
7 shed region?

8 A I don't think - no, I don't think that's
9 valid at all.

10 Q Why not?

11 A Well, that's something similar to what Judge
12 Furman did in that Middlesex County case. Just
13 an arbitrary allocation with no basis on need, on
14 land use considerations, on all factors that should
15 go into the planning of a community.

16 I contend that as I think I have shown
17 since I did in the 1972 Passaic Plan that, you know,
18 housing need is an important part of the Planning
19 process and it should, all communities should include
20 in their master plans, in their housing element
21 a determination of need, and plan for it accordingly.

22 Q Carl, if the basis of your region is
23 commuter shed, why is it unreasonable that each
24 municipality within the region provide opportunities
25 for low and moderate income households equivalent to

1 the regional proportion of low and moderate income
2 households?

3 A You misunderstood the whole basis of my
4 allocation.

5 My allocation says each community has its
6 own unique region. You and DCA say this is the
7 region. Every town in that region has the same
8 region, and therefore, you allocate them evenly.
9 That's nonsense. That's not a housing region.
10 That's an administrative region.

11 Q Well, let's talk about your region.
12 For the Passaic region or the Harding region* if
13 you do one for Harding region or the Hanover region,
14 or any region that you would do one for. For
15 any municipality, why isn't it reasonable to say
16 that that municipality for which you have ascertained
17 a particular region should have within its borders
18 opportunities for low and moderate income households?
19 Proportion to the region to the percentage of such
20 households?

21 A I'm sorry, I misunderstood. You're saying
22 that that's the methodology I used?

23 I determined what the proportion of low and
24 moderate income housing is in the region and then
25 applied that percentage to the determined total housing

1 need of the municipality, and that is their fair
2 share absolutely.

3 Q You derive household need by using
4 an employment base, but what you do for household
5 need --

6 A I apply the regional percentage of low and
7 moderate income housing absolutely. I think that's
8 very important.

9 Q So assuming we could agree on how
10 to ascertain the regional housing need, you would
11 agree that the way to determine a specific municipality's
12 share of that regional need would be that it should be
13 proportionate to the low and moderate income, proportionate
14 to the total need within the municipality?

15 MR. VECCHIO: I am sorry?

16 Q Do you think it is unreasonable to say
17 that the municipality for which you have determined
18 the region that that municipality should have or should
19 provide an opportunity within the - for the same
20 proportion of low and moderate income households
21 within the municipality as low and moderate income
22 households are to the regional total? Thus, if
23 40 percent of that region's households are low
24 and moderate income, do you think it is unreasonable
25 to say that that municipality for which you defined

1 the region 40 percent of their households should be
2 low and moderate income?

3 A 40 percent of their total housing need as
4 determined by the housing study shall be low and
5 moderate, yes. That's the way I do it. Not 40
6 percent of the region housing need, 40 percent of
7 the total local housing need as determined on a
8 regional basis.

9 Q So that if 40 percent of the regional
10 households are low and moderate income, then
11 it's your position that 40 percent of the local
12 housing need -- of the total local housing need --
13 should be for persons of low and moderate income?

14 A That's the way I do it.

15 Q Why is that reasonable?

16 A Why is that reasonable? Because the Township
17 tie people in the Township -- in the Township's
18 region, you have people living in the region that are
19 commuting to that Township to work and, theoretically,
20 'SMF*' should be provided an opportunity to live in
21 'tftl#*' Township.

22 Q Do you believe that that concept or
23 theory, or whatever, I would call it a notion, but
24 Joe here is going to object to my characterization,
25 would be appropriate in the future as well as today?

1 Do you see any reason why ten years from now you'll
2 disagree with that? Might be too subjective?

3 Am I too subjective? Hypothetical for you?

4 A The only way I can answer that, this methodology
5 that I use now evolved from other studies. Particularly
6 the Montgomery Township study, so I couldn't say that
7 this methodology would change; but I don't see anything
8 right now that would change it.

9 It's a planning tool that the municipality
10 would use in its master planning-land use planning
11 effort; and the important thing is that it involve*
12 what difference from DCA? It involves an overlap.

13 The region for Warren Township on the other
14 side of Passaic is a little different than Passaic,
15 but it's similar; so they have a little different
16 region, but there is that overlap. The people that
17 live in Passaic and work in Warren, their income
18 levels are factored into the overall regional income
19 levels and they are thereby provided an opportunity
20 to participate in the development of Warren.

21
22 Do you have any other recollection of
23 other fair share plans or studies that you've done other
24 than the ones that you've already indicated?

25 A I did make a list. The ones I've given you were
the ones I've done.

1 Q So the resume also indicates publications
2 of yours. Is it complete as to all of your publications?

3 A No. You consider planning reports?

4 Q Planning reports. Have you done any
5 for the municipalities?

6 A For municipalities or for any private plants,
7 anybody would take several pages and it would be repetitive
8 and meaningless; and some I wouldn't want to put
9 flown anyway.

10 Q The housing demand and need study you
11 did for Melville, New Jersey, when was that done?
12 Do you recall? . . .

13 A Forgot about that. That's another one. That
14 was done in early '70s. Must have been '72,

15 Q Was that a fair share plan?

16 A Wasn't a fair share. It didn't consider
17 region. It was just based on replacement of housing
18 and it was - it did include things such as
19 need based on income and that sort of thing, but
20 it wasn't a fair share allocation, no.

21 Q What is housing demand?

22 A Well, that's when a prospective home buyer
23 or renter is looking for a home to buy or rent
24 and has the wherewithal to - can find a unit within
25 his price range.

1 Q Have you done local master plans
2 and development for any other municipality than
3 those listed in your resume?

4 A That's the one change. I'm now working
5 with Princeton Regional Planning Board on a
6 regional master plan for the Borough and Township
7 of Princeton.

8 Q Are there any other additions to this
9 list?

10 MR. VECCHIO: Do you want to look at
11 the list?

12 A Insofar as master plans, I've done a lot more
13 master plans than are on here, but recently, the
14 most recent one was Raritan. I'm not working on
15 the* Princeton one.

16 The Princeton master plan includes a fair
17 share housing -- regional housing allocation that
18 was done by the resident planner.

19 Q Who's that?

20 A He's no longer there. He left. That's why
21 I'm finishing up the master plan.

22 I'm a consultant to the Board where he was
23 the full-time planner.

24 Q Are you changing the fair share
25 analysis?

1 A No.

2 Q Why?

3 A Well, it was accepted and adopted as a document
4 by the Regional Planning Board. It's an element
5 that they've already adopted and incorporated.

6 Q You haven't suggested to them that
7 it should be reviewed or changed?

8 A Well, I worked with Carlton Rifle who is the
9 planner and advised him and helped him develop
10 the plan. It's sort of a composite of other
11 methodologies. You may have seen it.

12 Q Is this composite that's in the :|
13 Princeton - the regional plan is something that
14 you find to be reasonable?

15 A Yes, I think it's reasonable.

16 Q On Page 3 of L-9, you refer to an
17 increasing work force mobility. I was wondering
18 what you mean by that phrase.

19 MR. VECCHIO: Do you have a copy of
20 the document?

21 A: I thought I brought it with me, but I didn't
22 but I do have Roxbury which is very similar.

23 Q Could you follow along with me and
24 see how we do? It will save me the time of doing
25 this later. I intended to do the same thing.

1 Q Hanover Housing Allocation Analysis,
2 Page 3, second sentence on page three, you refer
3 to something called an increasing work force mobility,
4 and I'm curious as to what you mean by that phrase.

5 A Well, the advent of the interstate highway
6 system and additional roads, it's well known and
7 coupled with migration to the suburbs. After
8 World War II, people have become increasingly
9 mobile. We have gone from basically one-car
10 famili\$~to two and three-car families and we're
11 very mobile.

12 This isn't where you live around the corner*;
13 from the factory. We now commute up to a half
14 hour. Most people commute up to a half hour.

15 Q When you refer to the movement out of
16 or into the suburbs*-since World War II, what are you
17 referring to for purposes of this metropolitan area?

18 A Well, the ability - the low cost PHA
19 mortgage had a lot to do with encouraging the movement
20 to the suburbs. The demand for housing after the
21 war wae being met by developers putting up tract
22 housing in the suburb s.

23 Q Suburbs of where?

24 A Suburbs of the metropolitan area.

25 Q Where would that be in this metropolitan

1 area?

2 A Prime example would be Levitt town, Long Islani.
3 That was done in 1947.

4 Q Do you consider the defendant municipalities
5 the suburbs of this metropolitan area?

6 MR. VECCHIO: Objection unless there's
7 some type of definition as to what metropolitan
8 area we are talking about.

9 MR. BISCAIRE: I'm actually referring
10 to this paragraph. I'm trying to understand
11 in the context of this case what Mr. Lindbloom
12 means. You talk about yesterday's suburbs
13 emerge as today's cities and I'm curious
14 as to what that means in the context of this
15 particular defendant municipality and the
16 others in this region,

17 A This is a general discussion describing the
18 regional determination.

19 Q Has that happened in this metropolitan
20 area?

21 k It's a general discussion supporting my method
22 of regional determination. It's not necessarily
23 specific to Hanover Township or its region, but it's
24 a general comment that you know -- we are increasingly
25 mobile. There has been a dispersion to the suburbs.

1 Q Prom where?

2 A Prom the central cities and more built-up
3 areas, and all these factors point up a change in
4 patterns that make., I think, my regional methodology
5 appropriate.

6 Q What do you perceive to be the central
7 cities to which the four defendant municipalities
8 relate to that you're testifying for?

9 MR. VECCHIO: I'm sorry, can you -

10 A You can't really lump them together. When you
11 say central city, that could include - depends on
12 the scale you're talking about. Could include
13 Morristown as a central city.

14 Q Could include any others that you
15 would be able to demonstrate?

16 MR. VECCHIO: Just a second. I object
17 to the question unless it's asked with reference
18 to the specific municipalities.
19 Are you talking about the four municipalities,
20 and I think the witness has already answered
21 that what he would consider to be central
22 cities would be depending upon the particular
23 municipality involved. These four municipalities
24 have great distances, in my opinion, between
25 themselves, and I would prefer if a question is

1 addressed toward Roxbury Township, that that
2 be done.

3 MS. McDERMOTT: I also make the same
4 objection.

5 MR. BISCAIRE: I will withdraw the
6 question,

7 Q Do you see the expansion of the New
8 York City Metropolitan area as impacting on growth
9 as growth trends in Hanover? Has it had any
10 impact on that?

11 A The expansion of growth --

12 Q The expansion of the New York City
13 metropolitan area.

14 Do you see any relationship between growth
15 in Hanover and its geographic location vis-a-vis
16 New York City and Newark?

17 A Sure, but that has nothing to do with housing
18 determination.

19 Q What is the relationship?

20 A Housing regional determination.

21 Q What is the relationship between the
22 growth in Hanover and its proximity to the New
23 York City metropolitan area?

24 A Well, Hanover Township is a part of the New
25 York Metropolitan area.

1 Q What does it mean --

2 A When you say it's a part, how is it a part?

3 Well, you know, it's from a planning standpoint,

4 from a regional planning standpoint, broad regional

5 planning standpoint, it's part of the New York metro-

6 politan planning region. It's part of the tri-state.

7 It's part of the planning association.

8 Q Port Authority?

9 A Is it within 25 miles? I think Port Authority
10 covers only 25 miles from the Statute of Liberty.

11 Q You don't know?

12 A I'm not sure, but it's part of the greater/\

13 New York metropolitan area for many purposes, but

14 that's got nothing to do with the fact that my

15 regional determination from a housing standpoint -

16 Q Don't be defensive, Carl. I'm not
17 asking you that.

18 A I just don't want you to get off on the wrong
19 track.

20 Q I will try.

21 What does it mean to you as a planner to say
22 that Hanover is within the greater New York metropolitan
23 area? Does that mean anything to you?

24 A Yes. From a planning standpoint you have to
25 consider all the regional patterns.

1 Q What's that regional pattern been?

2 MR. VECCHIO: In regard --

3 Q In this metropolitan area, how is it --
4 what does it mean for you to say that Hanover,
5 as a planner, that Hanover is within the greater
6 New York Metropolitan area?

7 A Now you're talking in a planning concept.
8 By planning, I mean doing master planning or revision
9 of the master plan or other planning related planning
10 efforts from the Township, and you have to, in
11 your planning, consider the relationship of the
12 Township with the greater region as well as smaller
13 regions.

14 Q What is the relationship between Hanover
15 and the greater region?

16 A You have to consider the impact of change
17 in the greater region. There's change in population
18 characteristics that are going on in the metropolitan
19 area. There's travel patterns. There's the
20 circulation network. There's changes in job
21 patterns, job locations.

22 Q You wouldn't say, would you, ^{that}
23 Hanover is part of Philadelphia metropolitan area?
24 Would or would you not?

25 A No, but I mean, there's an instance. Hanover

1
2 is part of, you know, it depends on where you stop
3 drawing regions.

4 Q I'm asking about the Philadelphia -

5 A Part of the whole northeastern seaboard
6 region is sometimes called the Megalopolis. It's
7 part of that. It depends on the level of planning
8 that you're doing.

9 Q Why would Hanover be considered part
10 of the New York metropolitan area and not part of
11 the Philadelphia metropolitan area?

12 A Well, if you're considering as a major central
13 city as the focus to the metropolitan area, then
14 you might do the kind of study that the State did
15 some years ago. They did a study on various regions
16 and ->one of the regions was based on the inner
17 dependence and social economic factors; newspaper
18 descriptions, what television station you listen
19 to, things like that. Hanover Township is oriented
20 to New York City, not to Philadelphia.

21 Q You watch the same television
22 shows as the people in Long Island?

23 A And subscribe to the same newspapers.

24 Now, Trenton is in a little unusual situation.
25 They're sort of between the Philadelphia and New

1 York metropolitan area. People get the Philadelphia
2 Bulletin and they get the New York Times. When
3 you get up towards Princeton, it's a little more
4 toifipds New York City, but still you have some
5 people actually that commute by train to Philadelphia.

6 Q Other than the media television,
7 newspapers, how else would you say Hanover relates
8 to New York City as a central city in the metropolitan
9 area?

10 A Prom a planning standpoint?

11 Q Any stnadpoint.

12 A Well, it's influenced by the New York
13 metropolitan area in terms of jobs, housing costs,
14 job location, job availability, recreation facilities.
15 It's oriented to New York even in circulation network.
16 The regional network is like a spider web around
17 New York City.

18 Q Any other ways that you see it as
19 relating to New York City as an urban center?

20 A I'd be happy to do a study for you, tout
21 off the top of my head those are some of the important
22 ones.

23 Q Is that also true, what you've just
24 said about Hanover, is it also true of Passaic?

25 A Yes.

1 Q Is it also true of Roxbury?

2 A Yes.

3 MS. McDERMOTT- I'd like to note,
4 though, he has not done any specific study
5 on how Passaic does relate to NewYork
6 City.

7 Q Is it also true of Rockaway?

8 A Yes. You might say that all four are in the
9 sphere of influence of the New York metropolitan
10 area as against, say Philadelphia or -

11 Q When you say it's within the sphere of
12 influence of New York vis-a-vis Jobs and population
13 growth, what do you mean by that?

14 I believe you said that. Did you say that?

15 A I talked - I just mentioned sphere of influence
16 previously. I talked about jobs and housing and housijng
17 costs.

18 Q What does it mean to be within the
19 sphere of influence of that central city with regard
20 to jobs and population growth and housing? What do
21 you mean?

22 A Well, New York City is the financial, corporate,
23 media, recreational - and did I say financial center
24 of the broad region that it serves and these four
25 townships as well as other townships surrounding that

1 area are within that sphere of influence. Social,
2 economic. There's an inner dependency that decreases
3 as you go further out, and the example I gave with
4 Trenton I think is a good one, whereas you get
5 further out to Trenton and beyond, Philadelphia
6 sphere of influence becomes dominant.

7 Q To what extent, if at all, does the
8 influence of New York City as the central city
9 impacted on your definition of region for any of
10 the four towns?

11 A It has nothing to do with it.

12 Q I'm curious. You use 30 minutes for
13 Hanover. You use it for Rockaway. For Roxbury, I
14 take it. I take it it's your position that the
15 30 minutes would be applicable to any municipality
16 as a basis for establishing a commuter shed region?

17 A I used it also in Baritan, Bernards, Bridgewater,
18 Middletown.

19 Q Have you ever found one where it wasn't
20 appropriate?

21 A Not yet, but I think you asked me earlier
22 if I might change my methodology down the road and
23 it's possible, but I have found this to be appropriate
24 so far in the towns that I've done studies for.

25 Q What percentage of persons who commute

1 would have to commute greater than 30 minutes for you
2 to believe you should expand that?

3 A I thought you asked that question this morning.

4 Q Did I? I forgot already. What ms
5 your answer?

6 A I think my answer was they would have to be
7 significantly greater than the 20 percent that
8 now commute, roughly 20 percent that -- it varies
9 from town to town. It would have to be greater
10 than roughly 20 percent that now commute by other
11 means than the automobile.

12 Q Can you describe how you did your
13 employment projections?

14 A Yes.

15 Q Let me ask you this before you describe
16 it. Do you have your worksheets for the employment
17 projections that you've done?

18 A No.

19 Q You have no worksheets?

20 A I don't have them, no.

21 Q Does anybody have them?

22 A Sure.

23 Q . Who?

24 A Richard Renning has them.

25 Q Richard Renning did those employment

1 projections?

2 A Yes, he did, but I can describe how it was
3 done.

4 Q I'd also like copies of that.

5 A Of his worksheets? I will certainly ask him
6 if he has them.

7 Q That would be for all the municipalities.
8 I believe there¹s three.

9 Can you tell me what methodology is used?

10 A We went to the Department of Labor and Industry
11 and obtained the growth and covered jobs for each
12 municipality in the region for Hanover for the ystars
13 1970 to 1978. Now, this period covered several years
14 of reasonably good economic growth, '70 to ^f'72. A
15 year of moderate growth - these are generalities -
16 from '73. '74 was a year of relative inactivity
17 economically. 1975 was a considerable decline,
18 and then since then you might say we've had three
19 years of recovery, ?76 to ^T'78, We took these -
20 this growth and made straight line projections to
21 1990.

22 Q Basically, averaged out the eight-year
23 growth and multiplied that by what?

24 A To 1990.

25 Q You think that's a reasonable methodology

1 to do an employment projection?

2 A I do, and I don't have any staff. I work by
3 myself and I'm not an economist, and I rely for
4 special projects, particularly economical considerations:
5 I rely on the expertise of experts and I think Mr.
6 Renning is; and have used him for these purposes
7 and he's convinced me that it's a very reasonable
8 approach.

9 Q Why did you start in 1970?

10 A Why didn't we start earlier or later?

11 Q Why did you start in 1970?

12 A If you go back - the problem with going
13 back too far on covered jobs is that the data isn't
14 as reliable, according to Mr. Renning.

15 Q Why not?

16 A Well, the department was not quite as concerned
17 about the reliability of the data they were getting.
18 The covered job data is based upon surveys that
19 they do. They ask you - they get the data from the
20 employers and it's based on where they -- the
21 questionnaire asks where is your facility located,
22 and in the past they've found that some of them
23 didn't realize they are -- they were in Passaic
24 Township. They thought they were in Passaic Township
25 because their post office may have been in Millington,

1 but actually they were across the river in Bernards
2 or something like that.

3 Q So you think these are reasonably
4 reliable?

5 A And recently, the department has made an
6 effort to correct those situations, so the more
7 current data, you can use the more reliable.
8 It should be.

9 Q On Page 6, L-9, you indicate that
10 for Hanover there's a ratio of 2.7 to 1 of employees
11 to households. Is that not correct?

12 A I do recall that.

13 Q Do you recall any conclusions from
14 that ratio at all?

15 A They are presently providing more jobs than
16 they are housing units.

17 Q Why is that?

18 A Well, I really can't say because I'm not
19 the planner for the community. I'm not that familiar
20 with the community.

21 The analysis is not based on knowledge of
22 the community in terms of the land use considerations.
23 I would assume that a high percentage of their land
24 is used for employment, and because there is an --
25 in an area that is desirable for employment. An

1 example, you might look at something like the little
2 Borough of Teterboro, which has, I think, 20 people.
3 The rest of the town is admittedly small, which is
4 all airport and industry. There isn't an equal
5 balance of housing and jobs in Hanover Township.

6 Other communities, it's the other way around.
7 Roxbury, it's the other way around. They have
8 more housing units than jobs.

9 Q Do you know what the ratio is in
10 the various municipalities for low and moderate income
11 households to low and moderate income jobs?

12 A No.

13 Q Do you have an opinion that you can
14 draw as to the reasonableness of such ratios as
15 to when, from a planning point of view, a ratio
16 like that is desirable or not desirable, or is it
17 totally meaningless?

18 A It depends on how you're using it. If you
19 were designing a new town, you would obviously try
20 **to strike** a balance in the relationship between your
21 housing and jobs.

22 When I say new town, I mean a new town separate
23 from other built-up areas. When you're talking about
24 a community that's in the midst of an urban region, a
25 built-up area, it takes on a different significance.

1 The town next to it might be all housing and the
2 land use characteristics of the two communities are
3 such that that's, you know, that's the relationship
4 that makes one "community."

5 Q In any event, your opinion would be that
6 within a context of a given region that should
7 be a balance between jobs and households?

8 A That's the general basis for this type of
9 analysis is to provide a balance, yes.

10 Q Provides a balance for the future?

11 A Future balance.

12 Q Do you know whether a balance exists
13 now?

14 A In Roxbury or in Hanover?

15 Q Hanover region.

16 A I would have to look into it. I'm not sure
17 whether I have that information or not.

18 What we're concerned about here is not creating
19 a regional imbalance so that you're going to cause
20 problems in the future with long range commuting
21 patterns and so forth.

22 Q You say on page 7 that Essex County
23 has experienced a net decrease in employment due
24 primarily to a relocation of jobs outside the county's
25 urban centers. What urban centers were you referring

1 to?

2 A Well, I would assume that'fc the Newark and
3 the Newark related areas, areas related to Newark
4 and the County, East Orange and Orange.

5 Q Do you know where those jobs are
6 relocating to?

7 A No. I mean, I don't know whether Mr. Renning
8 has that data or not, but I don't think so. It's
9 an observation based on this data.

10 Q On page eight you refer to the unabated
11 population and commercial growth which prevailed
12 through the 1960s. What were you referring to?

13 A Well, the economic pattern of the '60s was
14 a lot different than the economic pattern of the
15 '70s and the development that reflected that pattern
16 was quite different. We didn't have in the '60s
17 the kind of decline that we have, you know, in '74
18 and '75. '75 was quite a drop in economic activity
19 and development in this country and in this metro-
20 politan area.

21 Q So it would be true of all the
22 municipalities, the four municipalities?

23 A Yes, and we just didn't have that in the
24 '60s, and you can see that in the population growth,
25 although that's somewhat different because we've

1 had a reduction in the birth rate, but you can see
2 it in the housing and all other economic factors.
3 The two decades were quite different.

4 Q Do you have any figures for the percent
5 of total jobs that are reflected by covered jobs?
6 Do you know how many that would be?

7 A That is a change in my earlier housing
8 allocations. We did convert from covered jobs
9 to total jobs.

10 Q What percentage did you use or what
11 ratio did you use?

12 A It varied, but it was around seven-tenths. ,

13 Q 70 percent of the total jobs were
14 covered jobs?

15 A I think so. I would have to look and you
16 will find that in the Bridgewater -

17 Q Essentially, whatever was in the
18 Bridgewater report is what you used or you would use
19 to do that conversion?

20 A I think Bridgewater and Bernards and Middletown
21 did that conversion which isn't done here. This
22 is a refinement and it's more accurate to do it this
23 way.

24 Q Do you know what percentage-- what
25 the ratio would be between -- what percentage unemploymen

1 there would be? That changes constantly, so you
2 don't use that?

3 A No, I don't know what that would be. That's
4 another refinement here. This new factor takes in
5 unemployment.

6 Q What percentage of retired?

7 A I don't know. Again, this new relationship
8 includes all that.

9 Q What about the percentage of persons
10 not in the labor forces as opposed to those in the
11 labor force?

12 A Yes, it includes that, and I don't know
13 what that would be.

14 Q Would you have any idea, know of any
15 source for the information as to what percentage
16 of uncovered employment would be jobs occupied by
17 persons of low and moderate incomes as you previously
18 defined it?

19 MR. VECCHIO: Could you read that
20 question back?

21 (Whereupon, the reporter reads back
22 the last question.)

23 MS. McDERMOTT: In what area?

24 MR. BISCAIRE: For the particular regions
25 that you have ascertained.

1 A I don't know. No, I don't know.

2 Q Any opinion as a planner as to what
3 percentage of uncovered jobs would be occupied by
4 low and moderate income persons?

5 A I have an opinion that I think it wouldn't be
6 very significant.

7 Q Why?

8 A Well, a covered job is a job that is covered
9 by New Jersey unemployment compensation, and many
10 of those jobs are -- this is just off the top of
11 my head -- I would imagine, are not low and moderate
12 income jobs other than the -- I'm talking full time
13 jobs.

14 MR, VECCHIO: Could you read that
15 back?

16 (Whereupon, the reporter reads back
17 the last question.)

18 A I'm sorry. I meant jobs uncovered, not covered
19 by unemployment compensation would be, I think, most
20 of those, would be -- not be the low and moderate
21 income jobs.

22 Q Why would most noncovered jobs not
23 be low and moderate income persons?

24 A Because I think the other way around most are
25 hourly jobs and jobs and in industry, hourly rate and

1 so forth that would be covered by unemployment
2 compensation.

3 Q Do you know what jobs are not covered?

4 A I don't have the report with me, but in the Labor
5 and Industry report of covered jobs, they list those
6 jobs are not covered. They indicate a definition of
7 covered and uncovered.

8 Q It's your opinion that based on
9 your reading of that report as to what jobs were
10 not covered, that those are jobs which are not
11 low and moderate income jobs?

12 A . . . I would say that's off the top of my head,
13 and I would - I will make a point to check that.

14 Q What about the percentage of retired
15 persons within the particular regions?

16 Would you have an opinion as to what percentage
17 of those households or persons are low and moderate
18 incomes?

19 A No.

20 Q Percentage of unemployed persons?

21 A No.

22 Q You have no opinion whatsoever as
23 to what the proportion would be of low and moderate
24 income?

25 A It's not a factor.

1 Q I'm not asking if it's a factor.
2 I am just asking if you have an opinion or have
3 any knowledge.

4 A How many -- let's say of the retired people
5 are low and moderate -

6 Q What proportion of retired peo&e
7 would be low and moderate income households?

8 A Retired people, you know -- I could do some
9 conjecture based on my knowledge as a planner. You
10 may have eight or nine or ten percent of the populati^on
11 is elderly, and assuming that they are all **retir** ^,
12 well, then you have that -- how many of **those are**
13 low and moderate, I don't know. I would have to,
14 you know, those figures I'm sure are available,
15 but I haven't looked into it because it's not
16 crucial to my methodology.

17 Q Do you have any knowledge or opinion
18 with regard to persons who are unemployed, households
19 headed by unemployed persons as to what percentage
20 of **those** would be low and moderate?

21 A No idea.

22 Q Same question for those not in **the**
23 labor force?

24 A That's correct.

25 Q The methodology that you use for allocatⁱng

1 the housing needs that you ascertain is strictly
2 based on relative employment projections, is that
3 not correct?

4 MR. VECCHIO: I object to the question.

5 I think he's gone through the methodology
6 and explained the basis for his methodology
7 in some detail prior to this time, and you're
8 characterizing it based only upon one item.

9 Q Was I correctly characterizing?

10 A It's based on a relationship between jobs
11 and housing. We protect the total job growth in
12 the region and also the job growth in the municipality,
13 and use that relationship to determine future regional
14 housing need based on converting, of course, a
15 factor for the relationship between housing units
16 and covered jobs. You don't have one covered job
17 to equal one housing unit.

18 Q The only allocation factor you use is a
19 proportion based on covered jobs?

20 A Yes.

21 Q You do not use vacant land?

22 A No.

23 Q You do not use population growth?

24 A No.

25 Q You do not use any other factor. Do you

1 think it would be unreasonable to use available
2 vacant land or available, vacant, developable land
3 as a factor in suballocating regional housing need
4 to the component municipalities of a region?

5 A Well, then I would have the same problem
6 that DCA has in coming up with an accurate figure
7 for vacant developable land for all the municipalities
8 in the region. I can get the data on unemployment,
9 and there is that relationship between jobs and
10 housing; and I have the number for vacant land
11 developable land for Passaic Township because I did
12 a specific study; but to do that same study for
13 every single municipality?

14 Now, I think the DCA study might be more
15 accurate if that vacant land data were available in
16 an accurate form and kept up to date, but counties
17 aren't doing the job. No one is doing the job on a
18 regular basis.

19 Q The reason you don't use vacant
20 developable land as a factor is because you don't
21 have available data?

22 A That's not the reason. I'm just pointing out
23 why I wouldn't use it. That's not the reason I don't
24 use it.

25 As I said earlier, to me, the most important

1 factor in determining housing need is creation of
2 jobs. That's my primary consideration.

3 Q Do you think it would be unreasonable
4 for a planner who had data that he or she felt was
5 reasonable data regarding vacant land to use vacant
6 land as a factor in suballocating regional need?

7 A No, I don't think it's unreasonable for a
8 regional planning agency to do an allocation using
9 vacant land or any of the other factors. Well,
10 I shouldn't say that. Vacant land is not a valid
11 one, and I don't agree with the idea of past job
12 growth, for example, but certainly there are other
13 factors that a regional planning agency can use;
14 but that's their job as a regional agency.

15 My methodology is directed to the municipality
16 itself doing its own determination, not a determination
17 for Harding or Warren or some other town.

18 Q Could a planner using your methodology
19 use other suballocating factors other than employment,
20 and would you accept it as reasonable if the data
21 was reliable? Do you -- can you think of any other
22 factors that you would accept as reasonable, assuming
23 the reliability of the data?

24 MR. VECCHIO: I'm sorry. Start over.

25 MR. BISCAIRE: I'll start over again.

1 Q Do you know of any other factors which
2 you would consider reasonable to use in suballocation
3 of regional need, given the methodology that you use
4 for ascertaining the region?

5 A Not the way I use the methodology.

6 Q Why couldn't you use vacant land as a
7 factor in Hanover's fair share plan in determining
8 what the suballocation should be if you had reliable
9 data?

10 A Because it assumes that - it assumes that
11 if you have a lot of vacant land, you can and **should**
12 accommodate more units. If you have less land,
13 you accommodate fewer units.

14 Q You don't agree with that?

15 A I don't agree with that.

16 Q Let me ask you hypothetically if you
17 have a municipality which showed a substantial job
18 growth between 1970 and 1978, you would then project
19 the year 1990, but which is arguable and it would
20 **convince** you personally that no vacant developable
21 **land left** in the municipality as of 1978, how would
22 that impact on the reasonableness of the fair share
23 allocation that might result as a result of your
24 methodology?

25 A Well, I have to keep going back to the fact that

1 my methodology is a planning tool to be used by
2 the municipality in its planning and in its policy
3 development for its future land use plan.

4 If, let's say, that the job growth is such
5 that it's going to create the housing demand,
6 that it's beyond the capability of land that's
7 allocated to housing, whatever density, to accommodate
8 the housing,, well, then this is a considration for
9 the township in taking anotherlook at its land use
10 plan to see if there shouldn't be some adjustment.

11 If that's not possible, then it should look
12 at its residential density area allocation to see
13 if there aren't some adjustments possible or if there
14 are some other arrangements possible in either
15 subsidies of existing housing.

16 You keep talking about the housing has to be
17 new housing. It doesn't have to be new housing.
18 It can be existing housing.

19 Q I just keep asking questions, Carl.

20 A I just don't want you to get off on the wrong
21 track here. I keep bringing you back.

22 Q Do you have any methodology that you use
23 to double-check the reasonableness of the fair share
24 number that you come out with in any particular --
25 for any of the particular townships? Do you accept it

1 as reasonable on its face because of the methodology
2 that is valid in your opinion?

3 A Well, that infers then maybe you should --
4 gee, if this number is so high, you should make
5 some adjustment. If that's the way it comes out
6 then that's the way it comes out.

7 Q So you don't double-check it against
8 any other information that may be available to you
9 for purposes of the particular municipality?

10 MR VECCHIO: I think there was some
11 previous testimony of the witness indicating
12 he did some gross checking with reference •
13 to the 1970 census.

14 A That was in the regional determination.

15 MR. VECCHIO: I'm sorry. Excuse me,
16 please.

17 A As an example, in my Bridgwater Township housing
18 study that came about as part of a court case and
19 that the Township was ordered to do a new master
20 plan and consider its housing needs. The township
21 hired me to do the housing study, not to defend
22 the Township in the case, to determine their needs
23 to be plugged into the master plan: and they accented
24 those figures, revised the master plan to accommodate
25 the needed units.

1 Q I'm not asking that question.
2 That s good for Bridgewater. What I'm saying
3 is do you use any system to double-check the validity
4 of the number that your plan -- your methodology
5 generates?

6 A The methodology --

7 Q Is it just accepted -

8 A If the methodology is valid, then -

9 Q Are yiu going to check the arithmetic?

10 A No, I don't use any checks.

11 Q Does your Methodology in any of **the**
12 plans account for or attempt to in any way **determine**
13 present low and moderate income housing needs and
14 to allocate present low and moderate income housing
15 needs?

16 A No.

17 Q Why not?

18 A The DCA study does determine housing need,
19 just in need, so-called as of 1970 and - existing
20 **need as** of 1970 and they consider need for, I believe,
21 it was overcrowding, appropriate vacancy rate and
22 delapidated housing. I think if it were - if those
23 three factors were critical in one of the municipalities
24 that perhaps that should be considered: but in
25 the municipalities that -- for example, Passaic.

1 I mean, it's not a factor. Those three factors are
2 not really factors, related factors; and in addition,
3 the basis for this 1970 need was somewhat a problem
4 in that it's not the result of data, hard data
5 from the 1970 census. It's the result of an inter-
6 pretation of data and relating from one area where
7 there's - and relating that to any non-number of
8 low and moderate income housing - moderate
9 income households in that area and applying that
10 relationship to all other communities.

** Q Do you think that was unreasonable?.

12 A So I think it's unreasonable. I think it's -
13 in the first place, we're three months away from the
14 1980 census. That data, if it were accurate,
15 it's ten years old.

16 Q So that for Passaic and Hanover and
17 Roxbury --

18 A There's some question in my mind whether
19 those needs still exist after ten years.

20 Q For Passaic, are you familiar with reha^bnt
21 programs that I'm not? You mean the State's commitme
22 for housing rehabilitation has been such that we've
23 carried the problems?

24 A Are you telling me that there is delapidated
25 housing in Passaic Township?

1 Q No, I didn't say that.

2 A Are you telling me that there's overcrowded
3 housing in Passaic Township?

4 Q Do you think there are present housing
5 needs within the Passaic, Roxbury and Hanover regions
6 as you've defined them, and Rockaway Regions as you
7 have defined them?

8 A There can be - the one existing need that
9 there may exist in some of the towns is one of
10 adequate vacancy rate, provide an opportunity for
11 choice of housing; and I do build in my analysis a
12 percentage for vacancy rate.

13 Q That's for the future?

14 A For future, but obviously, you know, that's
15 going to - that increases the future which is
16 additional housing units.

17 Q But the four percent that you added
18 in was only to insure that of the new housing
19 units that are built, there will be a four-percent
20 vacancy rate? You've done nothing to ascertain or
21 determine or deal with vacancy problem which may
22 exist in either of the four regions or any of
23 the four regions with existing housing; Is that
24 correct?

25 MR. VECCHIO: I object to that question.

1 I think the man has testified that he did a
2 study in Roxbury Township as to sales of
3 existing homes, but that he did investigate
4 that aspect. I don't know what he did for
5 the other towns.

6 Q Is it your testimony that there is no
7 present housing need for low and moderate income
8 households in the four regions that you have identified,
9 one for Rockaway, Roxbury, Hanover and Passaic?

10 A No, I didn't say that. I said I'm talking about
11 there is no existing, no significant existing need
12 in the four municipalities.

13 Q I'm not talking about that, Mr.
14 Lindebloom. I used the term "region," not municipality.

15 Is it your testimony that within the Passaic
16 region, the Hanover region, the Rockaway region
17 and the Roxbury region, there is no existing housing
18 need for low and moderate income households?

19 A I think I said earlier that there may well be
20 a vacatey rate need.

21 Q What about a delapidated unit need?

22 A A delapidated unit need I question, and
23 overcrowding unit need I question. Whether it's
24 as significant as DCA said it was, DCA methodology
25 and data were very suspect.

1 Q So your question whether is any of
2 the four regions that you ascertained that there is
3 existing, delapidated units?

4 A Oh, no. I'm saying to the extent that DCA
5 says there are in their methodology.

6 Q And what about existing overcrowded
7 units?

8 A I'm concerned with -- I'm doing the housing
9 study for Passaic, and you know, I am the planner
10 there and I am, I think, relatively familiar with
11 the town; and although this is not to the basis
12 of any specific study to determine delapidation
13 or overcrowding, from my knowledge of the community,
14 my best estimate is that if there is any, it's
15 significant and the numbers can be accommodated in
16 the future numbers housing need.

17 Don't forget that this is -- this housing
18 allocation study is part of the master plan.

19 It's something that has to be updated every six
20 years as factors change. The study can be updated
21 and if it's determined after the 1980 census that
22 you know, we have this number of units, and if it's
23 significant, it can be plugged in.

24 Putting it in now or later isn't going to
25 increase the number of units that's going to be built.

1 Q Within either of the four regions?

2 A Let me finish my answer.

3 Those future housing units can supply as
4 well the existing housing need, whatever that may
5 be. It's a housing unit whether it's your future
6 need or existing need until it gets built or
7 subsidized from existing unit. It isn't providing
8 either a future or existing need.

9 Q Is it your position that within
10 the four regions that you ascertained that there is
11 no housing need for low and moderate income household[^]
12 where the individuals are paying more than 25 **percent**
13 of their income for rent or a house that's greater
14 than two and a half times their income in value?

15 A Yes, There's a need, but not a need for a
16 new unit. There's no question there's that kind of a
17 need, but that's not a need for new units. That's
18 a need for a subsidy, because they're paying too
19 much rent for the unit doesn't mean that necessarily
20 they have to move out of that unit and into a sub-
21 sidized "unit". They can be subsidized in the unit
22 they're in. There is certainly not an existing
23 need. No, sir.

24 Q So you wouldn't consider that existing
25 need?

1 A Absolutely not. DCA doesn't even consider
2 that, DCA says in their report that that's not
3 an existing need. That's a housing imbalance.
4 That's a need for subsidy.

5 Q Are you sure the reason DCA didn't
6 use that, or do you know if the reason DCA did not
7 use that - do you know why DCA didn't use financial
8 need as a factor for present need?

9 A As far as I can recall, they're reading their
10 study. It's because it doesn't represent the need
11 for a new unit,

12 Q Okay. That's your answer?
13 That's why?

14 A Yes. Whereas, they said, if you recall,
15 in their study, whereas a delapidated "means that
16 unit has to be replaced because it isn't fit to live
17 in and that requires a new unit."

18 Q You agree with that, don't you?

19 A Yes, I do. It depends on your definition of
20 delapidated.

21 Q What about persons who are living in
22 overcrowded units?

23 A Overcrowded units doesn't necessarily -- it's
24 like a unit that's substandard, because it lacks certain
25 plumbing facilities. It can be plumbing facilities

1 can be added. The unit can be rehabilitated. It
2 doesn't necessarily mean --

3 Q More space?

4 A In some instances more space can be added.

5 Q Do you have any idea what percentage
6 of those persons living in overcrowded units can be
7 benefitted from expanding the units?

8 A That's it, and I don't think DCA or anyone
9 else does, and I think it would be invalid for me
10 to suggest something because it would be conjecture.

11 Q What's the vacancy rate from Passaic
12 for low and moderate income households?

13 A I don't know,

14 Q What about Hanover?

15 A I don't know.

16 Q Rockaway?

17 A Don't know.

18 Q Roxbury?

19 A Don't know.

20 Q How many delapidated units are in
21 each of the municipalities?

22 MR. WYSE: I object to the question as
23 to Rockaway.

24 MR. BISCAIRE: He said he didn't know.

25 Q You don't know how many delapidated units

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there are?

MS. McDERMOTT; Presently today?

A To the best of my knowledge, the one community I am most familiar with in that regard, and to the best of my knowledge there are none.

Q Have you ever done a study of the units in Passaic where you have physically looked at each unit?

A I haven¹ done -- I've been the planning consultant since the end of 1971 and I have done innumerable studies, physical surveys of the community for the land use analysis for the '72 master plan, and since then for updating various aspects of it and site inspections, and I'm in the Township quite a bit on those studies and on those surveys and I have done in the last -- in my career, I've done studies, housing studies to determine a little bit for urban renewal projects and this is on the basis of inspecting the exterior of the building, not going inside.

Q It's based on a windshield survey?

A I have not found any delapidated units in Passaic.

Q Do you have any knowledge as to whether, based on interior facilities, any of those units in

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1 Passaic might be considered delapidated?

2 A It's very possible that -- possible that
3 it could.

4 Q But you don't know how many, if any?

5 A No.

6 Q That would be true for the other three
7 towns as well?

8 A That's correct.

9 Q There's no way for you to know
10 either as to how many units in any of those four municipi-
11 palities are occupied in overcrowded conditions?

12 A There's no way for anyone to know unless they
13 do -

14 Q A Census?

15 A Census.

16 Q That's what you utilize in your planning
17 studies, do you?

18 A No. What I have done is to -- I recommended
19 the number of towns that they use.

20 What's done in Middletown Township in that
21 every time in Middletown Township a unit changes hands,
22 changes occupancy a change of renter or owner, that
23 unit has to get a certificate of occupancy of the
24 Building Department of the Township and it's inspected
25 and has to meet all Township housing and building codes

1 before it can be reoccupied; and that's the way to
2 the -- continue to keep a check and keep your units
3 modern and up to date.

4 However, if one person is living in a unit
5 continuously and never moves out, that unit could be
6 delapidated and municipalities wouldn't know about it.
7 Nobody would know other than a Census, because the
8 Census is done on a sample, and it could miss the
9 unit.

10 Q To your knowledge, none of the four
11 municipalities, Hanover, Rockaway, Roxbury or
12 Passaic have such a program?

13 A Right. To my knowledge, they don't, but
14 I don't know.

15 MR. BISCAIRE: Thank you.

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C E R T I F I C A T E

I, DOBDTHT M. FONTS, CS.R.i

a Notary Public and Shorthand Reporter of the State of New jersey, do hereby certify that prior to the commencement of the examination

CARL LINDEBDDOM

was duly sworn by me to testify the truth, the whole truth and nothing but the truth.

I DO FURTHER CERTIFY that the foregoing is a true and accurate transcript of the testimony as taken stenographically by and before me at the time, place and on the date hereinbefore set forth, to the best of my ability.

I DO FURTHER CERTIFY that I am neither a relative nor employee nor attorney nor counsel of any of the parties to this action, and that I am neither a relative nor employee of such attorney or counsel, and that I am not financially interested in the action.



Notary Public of the State of New Jersey