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ML Mem's City v. Boonton → here 5-Jun-84

Copy of supplemental report
of Robert J. O'Grady
concerning the supplemental
Report of Abeles Schwartz.

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LAWRENCE K. EISMEIER
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June 5, 1984

Stephen Eisdorfer, Esq.
Assistant Deputy Public Advocate
Hughes Justice Complex
CN 850
Trenton, N.J. 08625

Re: Morris County Fair Housing Council
v. Boonton Township - Township of
Montville

Dear Mr. Eisdorfer:

Pursuant to the recent procedural order I am enclosing copy
of supplemental report of Robert J. O'Grady concerning the Supple-
mental Report of Abeles Schwartz.

Very truly yours,

EISMEIER & FALCON

By Lawrence K. Eismeier

LKE:jb
Encl.
cc: Hon. Stephen Skillman



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ROBERT T. CATLIN PP AICP
ROBERT O'GRADY PP AICP
RUSSELL MONTNEY PP AICP
JOHN J. RAKOS PP AICP

June 4, 1984

Mr. Lawrence K. Eismeier, Esq.
307 W. Main Street
Boonton, New Jersey 07005

Re: Supplemental Report of Abeles Schwartz in connection with
Lerman Fair Share Methodology, May, 1984

Dear Mr. Eismeier:

Pursuant to your request, I have reviewed the subject report which examines the so-called Lerman Report and suggests modifications to the consensus methodology. My comments concerning the Abeles report follow:

Essentially, the Abeles Schwartz report accepts the Lerman approach but recommends the addition of a fifth factor to the fair share formula for prospective need. The fifth factor is the number of single family building permits issued in the municipality as related to the number of such permits issued in the region for the period 1973 - 1982. The purpose of adding this building permit factor is presumably to compensate for the lack of a vacant developable land factor in the consensus methodology.

Although the amount of developable land in a municipality is a logical factor to include in determining ability to provide low and moderate income housing, the number of building permits for single family homes issued in the past 10 years is not necessarily indicative of the amount of vacant land nor the potential for future housing construction. In my opinion, the building permit factor would be no more reliable than the vacant land data used by DCA.

While adding a fifth factor intended as a vacant land indicator, the Abeles Schwartz report fails to eliminate the 20 percent adjustment already included in the Lerman formula to compensate for municipalities without vacant land. In a sense, this produces a double allocation.

Other problems I find with the Abeles Schwartz report can be summarized as follows:

1. It reveals a preoccupation with upward adjustment in allocation rather than with trying to establish realistic allocations.
2. On the subject of prospective commutershed region, it rejects sub-county areas as not being "worth the added specificity gained" without really knowing what the specificity is. I interpret this statement to mean that establishment of a non-county boundary region would not be worth the extra effort even if that region were more logical and realistic. Professionally, I cannot accept this attitude.
3. The report makes the statement that municipal median household income is a useful indicator of past exclusionary practices. The report does not substantiate this statement and goes on to state that expensive new housing can generate the necessary subsidies to produce low and moderate income housing. I believe there is validity to the contention that the more expensive the housing the more illogical a setaside approach would be since the wide difference in economic status would render expensive units unmarketable or at least very difficult to market.

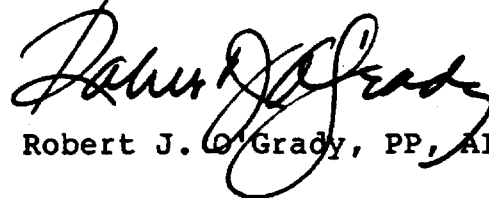
In conclusion, I believe the addition of a fifth factor to increase the allocation of certain municipalities as recommended by Abeles Schwartz will only add to the problem of meeting already unrealistic numbers. For example, Abeles Schwartz would increase the Lerman allocation of 769 units for Montville to 879. Using a setaside of 20 percent, a total of 4,445 housing units presumably should be built by 1990 or within 6 years. At the present time, Montville has about only 4,300 units. The results of doubling of the Township's housing stock in this brief period of time is

likely to be devastating in terms of impacts on available infrastructure, including utilities, roads, and other transportation facilities, schools and other community facilities, not to mention the basic community character.

Plase contact me if you have any questions in regards to this matter.

Very truly yours,

ROBERT CATLIN AND ASSOCIATES



Robert J. O'Grady, PP, AICP

RJO'G/n