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Roxbury

9-Apr-84

Review of Lerman Report
to Judge Serpentelli.

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TO: Joseph J. Vecchio

FROM: Kenneth J. Butko

DATE: April 9, 1984

RE: Review of Lerman Report to Judge Serpentelli

Per your request I have reviewed the compiled work of several planners in the New Brunswick case as presented under the signature of Carla Lerman, PP, for Judge Eugene D. Serpentelli. My comments on that report are as follows:

PREFACE

I am happy to see that our published reports on the vacant land data have prompted planners, and hopefully the Court, to abandon the use of this element as a major element in any allocation process. It is my opinion, moreover, that vacant land should be kept out of formulas as a major element on a permanent basis since it produces a bias of horizontal construction over vertical construction techniques.

On page ii of the Preface, Lerman says that housing units should be assigned to the municipalities and then, and only then, should questions of feasibility be raised. I totally disagree. If there are any long range limiting factors, the least of which are sewer capacities, they should be melded into the allocation formulas prior to developing the final numbers. In addition, my associate Mr. Barry Sullivan questioned officials at DEP on this matter. They fully concurred with our argument that these limiting developmental factors should find a major place in the allocation of future housing units.

The list of planners should also be questioned as to any bias that they might have to develop a region as large as eleven counties. After all, if they represent Middlesex County Municipalities would they not want to spread out that county's need over a wide of a range as possible?

TEXT

1. The large metropolitan region approach is totally unweildy and unrealistic. There appears to be little basis in this eleven county region from the standpoint of a housing market or journey to work approach. A housing region has a market in which, eliminating all exclusionary zoning regulations, individuals in the same economic class are competing for the same house.

According to the report one is supposed to believe that Newton in Sussex and Cranbury in Middlesex are competing for the same purchaser, or at the other extreme, Alpine in Bergen and Milford in Hunterdon. The report also accepts regions designed by the Center for Urban Policy Research. This problem has been outlined in one of my previous reports.

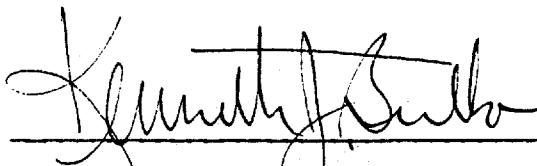
2. Addressing the Justic Pashman concept of a region as one "in which the housing problem can be solved" only reinforces the need for "realistic" single county regions. There is no doubt that the housing problem can be

solved, and realistic allocations made within the confines of a single county. The County as an entity has the resources and management capability of dealing with all aspects of low and moderate income housing, including the people who will live in those units.

3. The use of two distinct methodologies to create a present housing need and a future housing need can only compound solutions to the problem. The "housing problem is not, as the author suggests, "completely different" in the future as compared to the present. The factors that have created overcrowding and dilapidation at present will continue to operate throughout the future, so why define the future differently? This approach is either faulty logic or the inability to understand why housing units become sub-standard.
4. The definition of a "present need region" as a large metropolitan area with older core areas supplying the need and newer suburban communities supplying the resources is not founded in fact. The fact is that the older core areas have had, and continue to have the infrastructure and federally funded social and physical programs necessary to house and maintain low and moderate income people. The suburbs have little of these necessary resources. Does the report imply that a significant change in the way federal funds are allocated is in order? Does Lerman wish to reallocate funds from the core areas to the newer communities?
5. The original Housing Allocation Report, which was the only authorized governmental attempt to respond to the housing problem and allocation of units, defined nine (9) distinct single county regions. The two multi-county regions had more basis in politics than methodology, as does the current attempt to eliminate the single county as a region in favor of only four (4) regions within the state.
6. The journey to work approach to the region should only be used in combination with other factors, especially when a county becomes part of the Lerman region when one drives one inch into it. An illustration is in order: Using the Lerman 30 minute approach a driver from Princeton in Mercer touches Bordentown Township in Burlington County, thereby placing Bass River, another 1 1/2 hours away in a housing region with Princeton. I believe that there may also be a dispute as to whether or not one can drive from Cranbury to Union County on the Turnpike in thirty minutes, yet Union County is not part of the Cranbury housing region according to Lerman.
7. The 20% added to the number of units in the present need allocation is arbitrary and based upon faulty data and should not be used.
8. No Urban Aid municipalities should be excluded from an allocation formula since they receive the resources necessary to deal with the very problems Mount Laurel is trying to ameliorate. This approach doesn't make sense unless there is also a reallocation of the excluded Urban Aid monies to the selected Urban Aid towns, and Lerman doesn't do or suggest that.
9. From a planning standpoint there is really no such thing as -0- vacant developable land within a municipality for Mount Laurel solutions and it should not enter into any formula.
10. There is no Census category for "lacking adequate heating", therefore its'

selection by Lerman appears to be arbitrary and highly subjective in the present need analysis.

11. The use of a pro-rata share of a municipality's "Growth Area" is also a faulty use of data. The growth area is conceptual and contains many areas within it that cannot be developed for environmental reasons or other factors. Since the growth area of the SDGP is not monolithic, any pro-rata share of it produces skewed results.
12. As in the present need formula, the exclusion of Urban Aid cities from the prospective need is not a sound approach unless their monies are reallocated throughout the remainder of the region to solve Mount Laurel problems.
13. Table 8 in the Appendix of the Lerman report is befuddling to me with respect to the prospective Mt. Laurel Households in Essex and Hudson Counties. Using the standard data she has eliminated low and moderate income households from those counties and has actually produced a surplus. Her calculations indicate that because Essex and Hudson have lost some population between 1980 and projected 1990 that there will no longer be any low and moderate income persons therein. I'm sure that is not what she meant, but that is how it reads, and it is certainly a basis for an attack upon the results of using those figures.



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